

Addison County Regional Planning Commission

Full Commission Meeting

Wednesday, June 8, 2005

The Addison County Regional Planning Commission's Full Commission Meeting was held on June 8, 2005, at the Vergennes Opera House, with Donald Shall presiding.

ROLL CALL:

<i>Addison:</i>		<i>Orwell:</i>	David King
<i>Bridport:</i>	Andrew Manning Edward Payne	<i>Panton:</i>	Mike Hermann
<i>Bristol:</i>	William Sayre Jim Peabody	<i>Ripton:</i>	Judy Kowalczyk
<i>Cornwall:</i>	Donald Shall Laurel Kritkauskay	<i>Salisbury:</i>	Brennan Michaels
<i>Ferrisburgh:</i>	Bob McNary Steve Gutowski	<i>Shoreham:</i>	Jeremiah Parker Elizabeth Golden
<i>Goshen:</i>		<i>Starksboro:</i>	Elissa Close
<i>Leicester:</i>	Kathleen Ramsay	<i>Vergennes:</i>	Neil Kamman Renny Perry
<i>Lincoln:</i>	Jason Oleet	<i>Waltham:</i>	Thomas Yager
<i>Middlebury:</i>	Fred Dunnington	<i>Weybridge:</i>	
<i>Monkton:</i>	Thea Gaudette Charles Huizenga	<i>Whiting:</i>	
<i>New Haven:</i>	Harvey Smith Milo Schaefer		

CITIZEN INTEREST REPRESENTATIVES:

AC Chamber of Commerce:

AC Community Action Group:

AC Economic Development Corp:

Otter Creek Audubon Society:

ADDISON COUNTY REGIONAL PLANNING COMMISSION

ACRPC EXECUTIVE BOARD

CHAIR: Donald Shall

VICE-CHAIR: Tom Yager

SECRETARY: Thea Gaudette

TREASURER: Karl Neuse
Andrea Ochs
Renny Perry
William Sayre

STAFF:

EXECUTIVE DIRECTOR: Adam Lougee

ASSISTANT DIRECTOR/GIS DATA MANAGER: Kevin Behm

EMERGENCY MGT PLANNER/SENIOR PLANNER: Tim Bouton

SENIOR/TRANSPORTATION PLANNER: Richard Kehne

PLANNER/GRANT WRITER: Brandy Saxton

WATERSHED PLANNER: Neil Fraser

OFFICE MANAGER/BOOKKEEPER: Pauline Cousino

TELEPHONE: 388-3141

FAX: 388-0038

Public Program

The public program began at 7:40 p.m., and featured a presentation by representatives of the National Forest Service. Forest planner Melissa Reichert was joined by forest ecologist Diane Burbank, Partnership Coordinator Kathleen Diehl, and silvaculturist Bob Burt. The Forest Service has conducted an extensive public process over the past two years -- including over 70 public meetings, 5 local planning groups, and 4 educational forums -- in its effort to create a comprehensive plan for the Green Mountain National Forest (GMNF). The GMNF plan revision includes 400,000 acres in 6 counties with a combined population of 296,000, and receives up to 3.4 million visitors per year. Melissa narrated a slide presentation that included the following key issues that the preferred Alternative Plan E will address:

- ✓ Congressionally Designated and Special Areas
- ✓ Ecosystem Management and Biological Diversity
- ✓ Recreation Management
- ✓ Timber Management
- ✓ Social and Economic Concerns

David King asked what types of recreation are allowed in the permitted areas versus restricted areas.

Melissa explained that hunting, hiking and fishing were permitted in all areas. Motorized recreation, timber harvesting, communication sites, and developed recreation were restricted to specific areas. The area designated as Diverse Backcountry allows for motorized recreation but no developed recreation areas (campgrounds). In the Remote Backcountry, neither motorized recreation nor timber harvesting is permitted.

Harvey Smith asked how the existing road structures are removed. He also asked how the Forest Service works to promote greater harmony between the various uses of the forest and wildlife/vegetation.

Melissa responded that the Forest Service generally does not remove roads. Instead, it puts a road "to bed" by pulling up culverts and limiting the use of the roads for timber harvest only.

Bob Burt cited the recent gypsy moth infestation as an example of incorporating private landowners in addressing the problem through chemical sprays. Currently, the forest tent caterpillar poses a threat and is being closely monitored, and he anticipates that some suppression activity may be necessary next year.

Milo Schaefer inquired what the future would bring should a plan not be put in place.

Diane Burbank explained that since the majority of the forest consists of mature trees, under natural disturbance regimes, 80-90% of the forest would be designated "old age class" within 100-150 years. By aging simultaneously, and without management, the result would have an adverse effect on certain species that rely on younger age classes of vegetation and trees.

Melissa highlighted the percentage of forest which would allow various uses under the preferred Alternative Plan E for different categories of Recreation Management: 93% - hiking; 69% - mountain biking; 60% snowmobiling; and 47% for off road vehicles (ORV's). The percentage increase over current figures are due to the newly acquired land that is being allocated into Recreation Management.

Judy Kowalczyk asked how the projected figures compare with the current numbers.

Melissa offered the following current figures for comparison: 77% - hiking; 58% - mountain biking; 55% snowmobiling; and 49% for ORV's.

Elissa Close asked what level of control the Forest Service had over the use of off-road vehicles, and Jeremy Parker inquired what criteria was used for their designation.

Admittedly, law enforcement efforts have been inadequate; however, Melissa explained that in addition to the posting of signs, the Forest Service relies on partner groups as part of a larger system to monitor the use of off-road vehicles. She added that UVM recently conducted a socio-economical assessment that produced some recommendations on how to better deal with ORV's, and the Forest Service continues to welcome any additional suggestions from commission members and the general public.

In terms of accessibility, Tom Yager asked what steps the Forest Service intends to take to ensure greater access to the Green National Forest by seniors and the disabled.

Melissa noted that the Forest Service employs an Accessibility Coordinator, and is required to comply with federal law. She also added that senior citizens may legally use handicapped facilities if qualified to do so.

Ed Payne asked if the proposed plan will realize the timber harvest target.

Bob Burt explained that the allowable sale quantity of timber is at a maximum. However, since a market for pulp and firewood is minimal, the Forest Service would expect the target to be less than maximum. He added that it would not be economical to maximize timber production for a particular area, and that allowable sale quantity determines the maximum.

Melissa noted that the plan's public comment period ends July 5th, and the final impact statement and record of decision for the Green Mountain National Forest is scheduled for February 2006. She encouraged members to submit written, substantive comments to: Plan Revision Team, GMNF, 231 N. Main St., Rutland, VT 05701. Email: gmflplanreision@fs.fed.us

The public program concluded at 9:00 p.m.

Business Meeting

The business meeting began at 9:07 p.m.

Approval of Minutes: May 11, 2005

Michael Herman moved to approve the minutes for May 11, 2005. Elizabeth Golden seconded the motion.

Ed Payne requested that the minutes should reflect that he had voted "No" on the adoption of the Utilities, Facilities and Services portion of the Regional Plan and the readoption of the entire plan.

Motion passed unanimously by voice vote. Minutes approved as amended.

Treasurer's Report

Adam distributed an updated version of the Treasurer's Report (copy attached), and invited members to contact him with any questions or concerns.

Thea Gaudette moved to approve the Treasurer's Report as presented. Bob McNary seconded the motion. Motion passed unanimously by voice vote.

Committee Reports

Local Government

No report.

Act 250 Committee

Fred Dunnington reported that the Act 250 Committee had received the following applications from: 1) MALT for the Otter Creek Park and 3-lot subdivision proposed on the corner of Weybridge Street and Pulp Mill Bridge; 2) the Bridge School for approval of playing fields on Exchange Street; 3) Foster Real Estate Development/Retail Vision for an expansion to the existing building on Exchange Street; 4) William Hutchins for a 2-lot subdivision in New Haven; 5) Middlebury South Village and Middlebury College for the Middlebury South Village Development proposal consisting of 5 commercial buildings, 30 apartments, and 56 single family residences to be located at the former Maple Manor site on Middle Road; and from 6) Hannaford Career Center for construction of its Auto Diesel Campus on Exchange Street.

Regarding the Ochs v. Trickett dispute, Adam reported that he presented the Commission's resolution to the Environmental Board this morning. Adam guessed that the Board would issue a decision within a month and that the packing operation associated with the orchard will be exempt from Act 250.

Natural Resources Committee

No meeting held.

TAC Transportation Committee

Adam reported that a preliminary review of \$50,000 in grants has been conducted, and a priority list of transportation projects for Addison County will be the focus of next week's meeting.

Economic Development Committee

Committee has been suspended.

Utilities, Facilities & Services Committee

No meeting held.

Joint Partners Report:

None.

Delegates/Staff Recognition:

Harvey Smith noted that long-time Addison County resident George Foster and the most recent representative of the Economic Development Corporation on the Regional Planning Commission recently passed away.

Old Business

Review of Vote on Utilities, Facilities & Services Section of the Regional Plan at the Annual Meeting

Adam began the discussion by noting that several Commissioners had questioned the validity of the vote on the proposed Utilities and Facilities Section of the Regional Plan. The Executive Board acknowledged their complaints

at its last meeting and made several recommendations. He referred members to the May 25th meeting minutes of the Executive Board.

Adam noted that the first recommendation by the Executive Board would be for the Commission to change its practice to require all votes that require a 60% super majority to pass (votes on amendments to the Regional Plan and votes on amendments to Bylaws) be conducted by a role call vote.

Andrew Manning moved to require a role call vote on items of business requiring a super majority voting. Judy Kowalczyk seconded the motion, which passed unanimously.

Next, Adam referred the body to the Executive Board's discussion of the so called "60% rule". Asked another way - 60% of what number of delegates need to vote in favor of a plan for the plan to pass? Is it 60% of all seats available, or 60% of appointed delegates?

Adam cited the Executive Board's recommendation regarding the 60% rule: That it should be interpreted to refer to actual number of delegates actively representing their town at the time of the vote, and not the total number of seats available.

Fred Dunnington moved to accept the recommendation put forth by the Executive Board; Judy Kowalczyk seconded the motion.

Judy suggested that the vote should take place at regular meetings rather than at the annual meeting.

Adam noted a second point of discussion as recommended by the Executive Board regarding the 60% super majority rule: That the Bylaws clearly state that an alternate can only vote in the place of a delegate. Hence, only delegates that are actively representing their municipality at the time of the vote should be included for the purpose of determining the total number of delegates used to calculate the 60% rule. Adam pointed out that if a town appoints a delegate, whether or not the delegate is present, that seat is counted.

Harvey Smith noted that the recommendation is consistent with the past practice of the commission.

Jim Peabody moved to amend motion to include the words, "delegates currently appointed by the towns to represent those towns at the time of the vote." Tom Yager seconded the motion. Milo Shaefer moved to further amend the motion to include the words, "delegates of record."

Jim Peabody withdrew his motion and substitute with a motion to refer the matter back to the Executive Board for further clarification. Fred Dunnington seconded the motion. Motion passed unanimously by voice vote. Judy Kowalczyk abstained.

Don Shall invited discussion regarding the Executive Board's definition of an Alternate, as stated in Section 503.1 of ACRPC's Bylaws: "The body that appoints a delegate or Citizen Interest Group delegate may annually appoint an alternative to serve in the absence of the delegate. The alternate shall have voting privileges only when serving in place of an appointed voting member." Accordingly, the Commission agreed that alternates were not pertinent to calculating the 60% rule.

Jim Peabody suggested that the Executive Board examine more closely the words "annually appointed."

Thea Gaudette moved that the bylaws be reviewed by a committee to allow for any statutory changes to be incorporated; Elizabeth Golden seconded the motion. Motion passed unanimously by voice vote.

Fred Dunnington noted that the minutes of the May 11th Annual Meeting reflect that the motion to approve the Utilities, Facilities and Services Section of the Regional plan passed, and, as a point of order, should not be revisited. Don Shall explained, however, that the Executive Board took further action on the legitimacy of the vote, which will become null and void if members vote on the pending motion to ratify the recommendation of the Executive Board.

Harvey Smith moved to ratify Executive Board's recommendation that, after evaluating the delegates voting in favor of the motion to pass the Utilities, Facilities and Services section of the Plan, it has been determined that not enough eligible votes were cast in favor of this section of the plan and therefore, the Section of the plan failed. Renny Perry seconded the motion, which passed unanimously by voice vote. (2 members abstained)

Don Shall read a letter from Ellen Kurrelmeyer, chairperson of the Utilities, Facilities and Services Committee, in which she states that a roll call should have taken place at the Annual Meeting. However, Ellen asks that members of the committee meet again before resubmitting the section of the Plan to the full commission.

Judy suggested that opponents of the Utilities, Facilities and Services section of the plan submit their comments to the committee in writing for reconsideration.

Velco Update

Adam reported that landscape architect Jean Vissering met with landowners along the corridor in an effort to compile a list of recommendations submitted to VELCO for consideration as mitigation items.

Joint Partners Workplan 2004

No report.

Member's Concerns/Information

Jason Oleet noted that 40% of the Town of Lincoln is included in the plan presented earlier by the Forest Service, which represents more land than any other town. Many Lincoln residents have voiced their concerns with a significant area of land being shifted to a more restrictive designation. He asked that the Regional Planning Commission be prepared to support Lincoln's comments regarding the Green Mountain National Forest's plan and volunteered to coordinate with Harvey Smith, Chair of the Natural Resources Committee and with the Executive Board to submit comments by July 5th, if necessary.

Adjournment

Thea Gaudette moved to adjourn; Jeremy Parker seconded the motion. The meeting was adjourned at 10:20 p.m.

Submitted by Peggy Connor