

Addison County Regional Planning Commission

Full Commission Meeting

Wednesday, October 12, 2005

The Addison County Regional Planning Commission's Full Commission Meeting was held on October 12, 2005, at Middlebury College's Kirk Alumni Center, with Donald Shall presiding.

ROLL CALL:

<i>Addison:</i>		<i>Orwell:</i>	Andrea Ochs
<i>Bridport:</i>	Andrew Manning	<i>Panton:</i>	
<i>Bristol:</i>	William Sayre Jim Peabody Peter Grant	<i>Ripton:</i>	Judy Kowalczyk
<i>Cornwall:</i>	Donald Shall Harvey Huetter	<i>Salisbury:</i>	Breannan Michaels
<i>Ferrisburgh:</i>	Bob McNary Stephen Gutkowski	<i>Shoreham:</i>	
<i>Goshen:</i>		<i>Starksboro:</i>	Elissa Close
<i>Leicester:</i>	Thomas Drew	<i>Vergennes:</i>	Neil Kamman
<i>Lincoln:</i>	Jason Oleet Steve Revell	<i>Waltham:</i>	
<i>Middlebury:</i>	Fred Dunnington	<i>Weybridge:</i>	
<i>Monkton:</i>	Thea Gaudette Charles Huizenga	<i>Whiting:</i>	Ellen Kurrelmeyer
<i>New Haven:</i>	Milo Schaefer		

CITIZEN INTEREST REPRESENTATIVES:

AC Chamber of Commerce:

AC Economic Development Corp:

AC Community Action Group:

Otter Creek Audubon Society:

ADDISON COUNTY REGIONAL PLANNING COMMISSION

ACRPC EXECUTIVE BOARD

CHAIR: Donald Shall

VICE-CHAIR: Renny Perry

SECRETARY: Andrea Ochs

TREASURER: Karl Neuse
Andrew Manning
Elissa Close
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 second of two public hearings commenced at 7:35 p.m. to consider the proposed Utilities and Facilities section of the regional plan. Chairman Don Shall opened the floor to comments from the public and delegates, with focus on the list of 11 proposed amendments submitted to the committee following the first public hearing September 14th.

In reference to #3 of the proposed amendments, Breannan Michaels asked for a clear definition of “undue adverse impact” as it relates to health, safety and environmental quality.

Don Shall offered that an undue adverse impact translates to an analysis of magnitude, with the understanding that any action will inevitably have some level of impact.

Fred Dunnington added that a body of law exists on how to apply the term. The definition of “undue adverse impact” was tested in a 1992 case before the Vermont Environmental Board case, commonly known as the Quechee decision.

Milo Schaeffer supported the language in the proposed amendment in terms of reasonableness, noting that it is impossible to eliminate risk altogether.

Jim Peabody pointed out that #4 of the proposed amendments addresses two issues: 1) concern with any generating facility fueled by nuclear reaction or fossil fuel; and 2) that either facility should be subject to a countywide vote.

Bob McNary asked if the commission had the authority to dictate a voting process to towns.

Jim stressed that the commission was not dictating but rather establishing a procedure, one that towns may or may not choose to employ.

Don Shall noted that, should the amendment be adopted, it would give authority not legislated to the commission. Fred Dunnington advised that utilities and facilities are not subject to Act 250, but rather Act 248, which does not require conformation with regional plan standards.

Bill Sayre noted that town select boards are not statutorily obliged to comply with the regional plan; however, it does carry weight. He added that the legislature has considered incorporating Act 248 into the Act 250 process, which would subsequently result in the plan playing a significant role in Act 248/250 reviews. Bill supported the amendment, but was not opposed to nuclear power and felt that the plan should not prejudice the process against it.

Judy Kowalczyk stressed that nuclear power is not a viable solution to our energy needs, and strongly advocates clean power close to the source.

Regarding proposed amendment #7, Neil Kamman asked why it was suggested to eliminate the phrase “free internet access at libraries.” Jim Peabody had submitted the amendment, but after further consideration, Jim decided to support the original wording, with the exception of the word “free.”

No further comments being offered regarding any amendments, Don Shall moved the meeting to deliberations and votes on each proposed amendment. Don noted that we were still in the public meeting phase of the agenda and that if delegates so desired, they could offer alternatives, should any proposals fail.

Proposed Amendments 1 and 2.

Fred Dunnington moved to adopt proposed amendments #1 and #2, reflecting clerical changes to read as follows:

Page 1-7¹, Goal B, Objective 3f: To no longer use state or local wastewater regulations as a substitute for land use plans and regulations in guiding future growth and

¹ Adam noted that because of the automatic formatting contained in Microsoft word, changes are currently referenced as pages “1-__” when inserted in the plan, all will read “7-___.”

development.

Page 1-8, Goal C, Objective 2b: To identify, evaluate, monitor and properly clean up, if necessary, former waste sites to prevent adverse impacts on human health or the environment.

Andrea Ochs seconded the motion. Motion passed unanimously by voice vote.

Proposed Amendment 3.

Bill Sayre moved to adopt proposed amendment #3 to substitute language on page 7-28 Goal D generally deleting the existing goal and adding an “undue adverse impact” criteria to evaluations of infrastructure, the amendment to read as follows:

Page 1-28, Goal D: That energy infrastructure and services do not cause undue adverse impact to the health and safety of residents or on the environmental quality of the Addison Region.

Andrea Ochs seconded the motion. Jim Peabody requested a roll call vote.

Andrew Manning	yes	Jason Oleet	yes
Bill Sayre	yes	Fred Dunnington	yes
Jim Peabody	yes	Thea Gaudette	yes
Peter Grant	yes	Charles Huizenga	yes
Don Shall	yes	Milo Schaefer	yes
Harvey Huetter	abstain	Andrea Ochs	yes
Bob McNary	yes	Judy Kowalczyk	abstain
Stephen Gutowski	yes	Breannan Michaels	no
Tom Drew	yes	Elissa Close	yes
Steve Revell	yes	Neil Kamman	yes
		Ellen Kurrelmeyer	yes

Motion passed: 18-in favor; 1-opposed; 2-abstaining.

Don Shall suggested that action be taken on proposed amendment #5 before proceeding to #4,

Proposed Amendment #5.

Don Shall moved to proposed amendment #5, whether to delete Page 7-28, Goal D, Objective b which reads:

Page 1-28, Goal D, Objective b: For no large scale energy generation or transmission facilities, which have as their primary purpose providing energy to markets outside the Addison Region, to be constructed or expanded in the region.

Neil Kamman seconded the motion. Jim Peabody requested a roll call vote.

Andrew Manning	yes	Jason Oleet	yes
Bill Sayre	yes	Fred Dunnington	no
Jim Peabody	yes	Thea Gaudette	no
Peter Grant	no	Charles Huizenga	yes
Don Shall	no	Milo Schaefer	yes
Harvey Huetter	yes	Andrea Ochs	no
Bob McNary	no	Judy Kowalczyk	no
Stephen Gutowski	no	Breannan Michaels	no
Tom Drew	yes	Elissa Close	no
Steve Revell	yes	Neil Kamman	no
		Ellen Kurrelmeyer	yes

Motion to delete the objective failed: 10-in favor; 11-opposed.

Proposed Amendment #4.

**Jim Peabody moved to adopt proposed amendment #4, to delete the existing objective on page 7-28, Goal D, objective b and substitute the following language:
to read as follows:**

Page 1-28, Goal D, Objective b: That no electrical power-generating facility fueled by nuclear-reaction or fossil fuel will be permitted in the region without a positive vote of the citizens of Addison County. Procedure for the vote to be developed by the ACRPC. The cost of the vote to be borne by the applicant for the permit.

Steve Gutowski recommended substituting “electrical power” to “energy-generating facility.” Chairman Shall noted approval by both the maker and seconder of the proposal no objection from the floor. Accordingly, the proposed amendment for a vote was amended on the floor to read as follows:

Page 1-28, Goal D, Objective b: That no energy generating facility fueled by nuclear-reaction or fossil fuel will be permitted in the region without a positive vote of the citizens of Addison County. Procedure for the vote to be developed by the ACRPC. The cost of the vote to be borne by the applicant for the permit.

Andrea Ochs seconded the motion. Jim Peabody requested a voice vote.

Andrew Manning	no	Jason Oleet	no
Bill Sayre	no	Fred Dunnington	no
Jim Peabody	yes	Thea Gaudette	no
Peter Grant	no	Charles Huizenga	no
Don Shall	no	Milo Schaefer	yes
Harvey Huetter	no	Andrea Ochs	no
Bob McNary	no	Judy Kowalczyk	no
Stephen Gutowski	no	Breannan Michaels	abstain
Tom Drew	no	Elissa Close	no
Steve Revell	no	Neil Kamman	no
		Ellen Kurrelmeyer	yes

Motion to amend failed: 17-opposed; 3-in favor; 1-abstaining.

Proposed Amendment #6.

Bill Sayre moved that the commission vote on proposed amendment #6, whether or not to delete 7-28, objective g. Andrea Ochs seconded the motion. Don Shall asked for a show of hands in support of proposed amendment #6 that reads:

Page 1-28, Goal D, Objective g: For undergrounding of transmission and distribution lines, and if relevant, other service lines in or around the proposed corridor to be considered in the planning and siting of the line to reduce aesthetic impacts of the lines.

Motion failed: 9-in favor; 10-opposed; 2-abstaining.

Proposed Amendment #7.

Jim Peabody moved for a vote on proposed amendment #7, whether to delete the word “free” from page 7-46, Goal A, Objective 2c. Andrea Ochs seconded the motion. Don Shall asked for a show of hands on proposed amendment #7 that reads:

Page 1-46, Goal A, Objective 2c: To continue to have public access to telecommunications services, such as conveniently located payphones throughout the Addison Region.

Motion passed: 13-in favor; 7-opposed; 1-abstaining.

Proposed Amendment #8.

Jim Peabody moved for a vote on proposed amendment #8, page 7-57, whether to add "or adjacent to" after the word "within", in the second line of Goal A, objective j. Andrea Ochs seconded the motion. Don Shall asked for a show of hands on proposed amendment #8 that reads:

Page 1-57, Goal A, Objective j: To encourage the location of new healthcare facilities and other community service facilities within, or adjacent to, existing settlement areas so as to maximize their accessibility and contribute to the vitality of the region's communities.

Motion passed unanimously.

Proposed Amendment #9.

Jim Peabody moved for a vote on proposed amendment #9, page 7-59, whether to add "and use" after the word "access", in the second line of Goal D, objective F. Andrea Ochs seconded the motion. Don Shall asked for a show of hands on proposed amendment #9 that reads:

Page 1-59, Goal D, Objective f: To construct and maintain all driveways and roadways in the region to allow for emergency vehicle access, and use, while remaining appropriate in scale and character to their surroundings.

Motion passed unanimously.

Proposed Amendment #10.

Jim Peabody moved for a vote on proposed amendment #10, page 7-59, whether to delete the phrase " and that enhances the scenic character of the region's roads" from the second line of Goal E, objective h. Andrea Ochs seconded the motion. Don Shall asked for a show of hands on proposed amendment #10 that reads:

Page 1-59, Goal E, Objective h: For roadside vegetation to be maintained in a manner that reduces the likelihood of property damage or injury as a result of high winds or erosion.

Motion failed: 9-in favor; 12-opposed.

Proposed Amendment #11.

Jim Peabody moved for a vote on proposed amendment #11, page 7-93, whether to substitute the word "use" for the word "access" in the second line of Goal C, objective c. Andrea Ochs seconded the motion. Don Shall asked for a show of hands on proposed amendment #11 that reads:

Page 1-93, Goal C, Objective c: For future improvements to main local roads and state highways to provide for safe bicycle and pedestrian use.

Motion passed unanimously.

Proposed Amendment 12.

Fred Dunnington moved to request that the Commission consider a substitute to amendment #4 above that had failed earlier. The motion would be for an additional recommendation to be added as Recommendation 1, to the list of Recommended Actions on page 7-29 to read as follows:

Page 1-28, Goal D, Objective b: Encourage communities countywide to hold advisory votes on issues of large-scale or nuclear energy generating and/or transmission facilities proposed within the region.

Jim Peabody seconded the motion.

Motion passed unanimously by voice vote.

Substantive Changes.

Chairman Don Shall asked for consensus among delegates to determine whether any changes adopted for inclusion into the plan were substantive.

Regarding adopted amendments #1 and #2, the Chair ruled changes as non-substantive. No objection.

A voice vote determined that changes to amendment #3 were non-substantive.

A voice vote determined that changes to amendments #7, 8, 9, and 11 were non-substantive.

A show of hands (10-yes; 6-no) determined that that proposed amendment 12, was non-substantive.

Based on the votes and findings noted above, Chairman **Don Shall announced a vote on the Utilities Facilities and Services section of the regional plan will be take place at the November full commission meeting on November 9th at 7:30.**

The public hearing was closed at 9:25 p.m.

Business Meeting

The business meeting began at 9:35 p.m.

Approval of Minutes: September 14, 2005

Andrea Ochs moved to approve the minutes for September 14, 2005. Thea Gaudette seconded the motion. Motion passed unanimously by voice vote. Minutes approved as presented.

Executive Board Minutes

The minutes of the Executive Board meeting held September 28, 2005 were previously distributed via first class mail to commission delegates. (copy attached)

Treasurer's Report

Adam reported that the updated Treasurer's report (copy attached) reflects strong account balances for the first quarter of the fiscal year. Adam explained that \$28,000 for Emergency Management is in the process of being collected, which has resulted in a significantly high figure under "Accounts Receivable (as billed)".

Jim Peabody moved to accept the Treasurer's Report; Bob McNary seconded the motion. Motion passed unanimously by voice vote.

Committee Reports

Local Government

Thea Gaudette noted that the committee is scheduled to meet in Cornwall on Wednesday, October 19th at 7 p.m.

Natural Resources Committee

No meeting held. Kevin Behm noted that the Agency of Natural Resources has recently made available a planning manual and ground surface water monitoring guide, both of which can be obtained at the regional planning office. Kevin also advised commission members that International Paper has received a draft permit from the State of New York to conduct a pilot burn.

Adam noted that the Vermont Town Forest Project will hold a seminar at Blueberry Hill from 9 to 3 on Saturday, October 29th.

Act 250 Committee

Fred Dunnington referred members to Adam's October 12th memo (copy attached) outlining the most recent Act 250 applications and decisions.

TAC Transportation Committee

State Secretary of Transportation Dawn Terrill is scheduled to meet with the TAC committee on November 16th at the ACRPC office.

Utilities, Facilities & Services Committee

No additional report.

Joint Partners Report:

None.

Delegates/Staff Recognition:

The Commission recognized Jeremiah Parker for recently being named as one of America's top ten building professionals in the magazine, "This Old House."

Adam noted that he was sorry to report that Planner and Grant Writer Brandy Saxton will leave ACRPC to start her own planning and consulting business in Vermont and New York. He noted that Brandy has worked for regional planning for the past five years and will be missed by the commission. Don Shall noted that Brandy had done excellent work and felt that the Commission should acknowledge that accordingly.

OLD BUSINESS

VELCO Update

Adam reported that the VELCO matter is back in the Supreme Court following the Public Service Board's denial for remand. Fred Dunnington added that work continues regarding mitigation details, and condemnation proceedings have begun against Harley and Marion Grice.

New Business

Adam reminded delegates of the upcoming 2005 planning celebration, and a series of local housing action workshops scheduled in the coming weeks. Information on both events is included in this month's mailing to commission members. ACRPC also assisted in the publication of a pamphlet entitled, "Lake Champlain Bikeways,"

distributed to delegates prior to the meeting.

Member's Concerns/Information

Don Shall noted last week's reopening ceremony with Governor Douglas commemorating the rehabilitation of Frog Hollow Alley. Adam noted that next month's full commission meeting is tentatively planned to be held at the Great Falls Club.

Adjournment

Neil Kamman moved to adjourn; Andrea Ochs seconded the motion. Motion passed unanimously by voice vote. The meeting adjourned at 9:50 p.m.

Submitted by Peggy Connor