

Meeting Minutes
Addison County Regional Planning Commission
Wednesday, April 9, 2014

ACRPC held its monthly meeting at ACRPC's office on 14 Seminary Street in Middlebury with vice Chair, Thea Gaudette of Monkton, presiding.

ROLL CALL:

Addison:

Bridport: Ed Payne
Andrew Manning

Orwell:

Panton: James Dayton

Bristol: William Sayre
Peter Grant
Garland "Chico" Martin

Ripton: Jeremy Grip

Cornwall: Jim Duclos
Holly Noordsy
Stan Grzyb
Colin Kriwox

Salisbury: Mary Anne Sullivan

Shoreham: Colin Davis

Ferrisburgh:

Vergennes: Mel Hawley

Goshen: Jim Pulver

Waltham:

Leicester: Diane Benware
Randy Bisbee

Weybridge: Ron Crawford

Lincoln:

Whiting: Ellen Kurrelmeyer

Middlebury: David Hamilton
Ted Davis
Ross Conrad

Monkton: Thea Gaudette
Charles Huizenga

New Haven: Jim Walsh
Rod Case

CITIZEN INTEREST REPRESENTATIVES:

Addison County Farm Bureau:

Kent Wright

Addison County Economic Development Corp:

Otter Creek Audubon Society:

John Meakin

Otter Creek Natural Resources:

Paul Wagner

Addison County Chamber of Commerce:

Andy Mayer

ACRPC EXECUTIVE BOARD

Chair: Harvey Smith

Vice-Chair: Thea Gaudette

Secretary: William Sayre

Treasurer: David Hamilton

At Large: Steve Revell

Andrew Manning

Chico Martin

STAFF

Executive Director: Adam Lougee

Assistant Director/GIS Manager: Kevin Behm

EM/Senior Planner: Tim Bouton

Transportation/Senior Planner: Daryl Benoit

Land use Planner: Claire Tebbs

Office Manager/Bookkeeper: Pauline Cousino

Middlebury Community Television recorded this meeting and has the meeting available for viewing.

7:30 p.m. Public Program: Thea Gaudette, ACRPC's Vice Chair, welcomed the commission's guests for the evening. She introduced herself and Adam Lougee, The Executive Director, and asked Adam to introduce the Commission's first speaker. Adam introduced Mike Winslow, a staff scientist with the Lake Champlain Committee. Mike gave a presentation to the Commission regarding lessons learned from Irene. What are the practical things individuals and communities should take away from the results of Hurricane Irene to better prepare their community for flooding in the future. A PowerPoint of Mike's presentation is available at: [www. Lakechamplaincommittee.org](http://www.Lakechamplaincommittee.org)

Major themes included:

1. Wide floodplains protect infrastructure;
2. Berms create a false sense of security;
3. Floodplain development puts communities at risk;
4. Advanced planning pays off;
5. When Emergency measures create future dangers, go back and fix them.
6. Questions whether you need to rebuild all infrastructure;

Thea then opened the floor for questions and comments.

After a 20 minute question and answer session, Mike concluded his presentation at 8:10 p.m. and Thea thanked Mike Winslow for joining the Commission.

Business Meeting:

After a short break, Thea restarted the business meeting at 8:15

- I. **Approval of the Minutes:** Chico Martin of Bristol moved the minutes. Peter Grant, also of Bristol seconded them. The Commission passed the minutes by voice vote, with Mel Hawley abstaining.
- II. **Executive Board Minutes:** Thea noted that the Executive Board minutes are in the package for the information of the Commission. She offered to answer any questions regarding the Executive Board minutes. Hearing no questions, she moved on.
- III. **Treasurer's Report:** Adam noted that the Treasurer's report dated as of March 26, 2014 (The balance Sheets listed current balances as of March 26th; the monthly budget reflects activity through the end of February, 2014). Adam noted that this month, expenses had moved back ahead of revenues, by about \$10,000. Adam noted that He and staff really need to focus on collecting receivables. Payables will stay relatively constant. Adam offered to take any questions on the Treasurer's report. **Ellen Kurrelmeyer of Whiting moved to accept the Treasurer's report as presented. David Hamilton of Middlebury seconded the motion, which passed with all in favor except for one abstention by Martha Sullivan.**
- IV. **Committee Reports:**

Act 250: Ellen gave the ACT 250 report as follows:

New Applications:

1. On February 10, 2014 ACRPC received a notice from Champlain Valley Solar Farm, LLC that it intends to apply for a permit from the Public Service Board pursuant to Title 30, Section 248 for a solar facility with a capacity of 2.2 Megawatts to be located on land to the west of properties located at 2242-2428 Route 7 in Middlebury.
2. On February 18 and February 26th ACRPC received notice from VTel Wireless that it plans to erect a wireless telecommunications facility at 24 Gibeault Road in Whiting consisting of a 140 ft monopole tower and 12 antennas.
3. On February 26, 2014 ACRPC received notice from All Earth renewable that it intends to apply for a permit to install a 500 kW solar facility at 1531 Hardscrabble Road in Bristol.
4. On March 10, 2014 Verizon Wireless filed an application for a certificate of Public Good for wireless telecommunications facility accessed from Shackett Road in Leicester, including a 1,200 foot access road to a top of a ridgeline west of Lake Dunmore where it will locate a 100 foot monopole tower supporting 12 antennas.
5. On March 27, 2014 Simmonds Precision Products, Inc. filed for an amendment to its existing Act 250 permit to allow it to construct a new boiler room at its existing facility on Pantan Road in Vergennes to allow it to convert to natural gas.
6. On March 31, 2014 Verizon Wireless filed an application for a certificate of Public Good for wireless telecommunications facility accessed from Schoolhouse Road in Ferrisburgh on top of an existing silo extending the silo height to 63 feet above the ground.

Approvals or Denials:

1. On April 7, 2014 the District 9 environmental Commission issued a Land Use Permit to Whistlepig, LLC approving the construction of a bottling room, office and whiskey keg storage facility on Quiet Valley Road in Shoreham, Vermont.

Other:

1. The City of Vergennes has submitted an application to the Agency of Natural Resources to re-certify its solid waste management plan for disposal of treated sewage sludge on an agricultural site in Vergennes. The Department will accept comment on the application until April 16, 2014. I have spoken with the Addison County Solid Waste District and they support the application.
2. The Agency of Natural Resources announced that it had received an application for a 401 Water Quality Permit from Vermont Gas for Phase I of the Addison Natural Gas Project. A public meeting is scheduled for April 29, 2014 at 6:00 p.m. at the Champlain Valley Union High School in Hinesburg, Vermont. Written Comments on the proposed draft order can be made until 4:30 on May 2, 2014.

Transportation Advisory Committee: Andrew Manning reported that the TAC had devoted its last meeting toward prioritizing roadway projects. The TAC also heard from Millie Archer, who discussed the ERAF reimbursement programs for towns in case of a disaster.

V. **Old Business:**

Thea recognized that the next item on the agenda for this evening involved the topic that most in the room cared passionately about. She asked Adam to explain the process by which ACRPC would move toward a vote. Adam referenced a roadmap that he had handed out earlier in the evening outlining how ACRPC would progress. A copy of the outline is attached as Exhibit 1.

First, Adam went through a roll call of the members to sort out those present and able to vote on the issue to be discussed. He then noted that ACRPC would provide the public an opportunity to speak after committee reports and before the full commission would deliberate and vote. Adam asked every member of the public to identify themselves by name and to speak civilly, thoughtfully and concisely in their comments so everyone would have a chance to speak. He turned the meeting back to Thea who proceeded to committee reports.

Vermont Gas Phase II pipeline: Report of Committees and Vote. Act 250/Section 248:

Act 250/Section 248: Ellen reported that the Act 250/248 Committee had met and discussed whether they felt the pipeline could support the orderly development of the region as defined by the Addison County Regional Plan. Ellen noted they had a civil meeting and a thoughtful discussion. She noted that at the end of the meeting the committee voted 6-4 to recommend against the pipeline.

Local Emergency Management Committee: Tim Bouton reported for the LEPC. He noted that it is not a sub-committee of ACRPC but that the Committee was responsible for addressing and coordinating emergency management in the region. Tim reported that, much like Phase I, the LEPC had created a list of conditions that it felt would be necessary for Vermont Gas to follow in order to render the operation of the pipeline safe.

Natural Resources Committee: David Hamilton reported on behalf of the natural resources committee. He noted that the Committee had a good discussion and that it had chosen to limit its examination of the pipeline purely to the Natural Resources section of the plan. Much like in Phase I, the Natural Resources Committee came up with a list of recommendations. The Committee voted to unanimously support the pipeline, assuming Vt Gas adopts the committee's recommendations.

Energy Committee: Jeremy Grip, the Chair of the Energy Committee, reported that his committee had examined the Energy section of the Plan. After lengthy discussion and soul searching, Jeremy noted the Committee voted 4-1 to recommend to the full commission to find that the pipeline project could not conform to the language of the Plan.

Thea Thanked the Committee chairs for their summaries and opened the floor to new comments from the public:

Bill Fiefield opened up the public comments. He noted that the IPCC had recently released its latest study noting the correlation between burning fossil fuels and global warming. Given the implications of global warming he questioned the wisdom of investing in infrastructure for fossil fuels.

Bill Grinnell, the Supervisor of the Town of Ticonderoga spoke next. He noted that natural gas was better than all current alternatives, would improve air quality and would help keep the major employer in that portion of the region in business. He asked for Vermont's cooperation in making that happen.

Paul Wagner, a landowner in Shoreham spoke next. He noted he was trying to put together a group of landowners to negotiate with Vermont gas on its easements.

Johnathan Chapin spoke next. He questioned whether Mr. Wagner, as a landowner along the line, had a conflict of interest and whether or not he would be voting. Thea noted that the bylaws provided for delegates to recuse themselves if they had a conflict, if a delegate chose not to recuse themselves, others could do it. She noted ACRPC would address Mr. Chapin's question prior to the vote.

Barb Wilson of Shoreham spoke next. She noted that there were at least 5 property owners in Shoreham that were intervening in the process in opposition to Vt Gas.

Norton Latourelle of Orwell spoke next. He noted that while the region should want to help the Ti Mill, Cornwall and Shoreham also need the Region's help and they did not ask for this pipeline and have come out opposed to it.

Bobbi Cornwath of Cornwall noted that the Ti mill should be getting access to gas through New York State, not looking to Vermont to provide it to them.

Charlie Harrington, the Town supervisor of the Town of Crown Point, New York, asked the commission to consider whether the new Mill had been a good neighbor to Vermont. He noted the mill had been working diligently to become cleaner and that Natural Gas would make it cleaner still.

Margaret Klohck of Middlebury noted that she thought the risks of having fracked natural gas under the lake were too much to ask and felt the consequences of a leak could be devastating.

Nate Palmer of Monkton noted that he was concerned about fracked gas under the lake. He noted that a bay in Texas had just caught fire because of a fractured natural gas pipeline.

Dale Birdsell of Shoreham expressed concern about the safety of the pipeline years into the future. He felt that too few Vermonters would benefit from the Phase II project to justify it.

Jane Palmer of Monkton noted that she and her husband had intervened in Phase I of the line through Monkton. She noted that the Board had ordered Vermont gas to drill by horizontal boring under their entire property to protect their soils for organic farming. She noted that

Cornwall and Shoreham had lots of beautiful farmland that should also be protected and drilling the entire line would be prohibitively expensive.

Jason Kaye of Middlebury noted that in its decision on Phase I of the pipeline, the Board noted that Phase I would still be beneficial to Vermont even if Phase II was never built.

Tom Scazafaza, the Supervisor of Moria, noted that the mine that served as the main employer in town closed in the 1970s and the town had never recovered. He noted IP's closure would be devastating to all of Essex County and to Vermont. He noted that in his town 300-400 of his constituents come to work in Vermont every day. He asked for the same spirit of cooperation Vermont and New York showed on the Champlain Bridge.

Renee McGuiness of Monkton noted that the pipeline was not the only option the mill had to improve its energy costs.

Randy Douglas, the Town supervisor in Jay, New York noted that their town had lost its main mill and the town had never recovered from its closure. He noted that New York needs the Region's help. He also requested that the Commission postpone its vote to review this request.

Thea thanked the public for their comments and moved to a deliberative discussion amongst commission members.

Jim Duclos of Cornwall noted that we should be focusing on the language of the regional plan and that the plain language of the plan did not allow a project like this to conform.

Ed Payne of Bridport noted that he served on the natural resources committee and agreed with that committee's finding that this project would not have negative impacts on most natural resources and in fact would improve air quality.

John Meakin of the Otter Creek Audubon society noted that methane had the same make up as marsh gas and that he did not believe the project threatened agricultural soils or was comparable to the accident in Texas referred to earlier in the meeting. He noted that accident had occurred as the result of a boat anchor striking the pipeline because the pipeline was lying on the ocean floor. Here it would be buried under the surface of the lake.

Ross Conrad reviewed the Plan, specifically; he read three goals within the energy section of the Plan that he did not believe the pipeline could comply with. These included Goals A, C and D, and specifically subsection b of goal D. Ross urged the Commission to follow the language of the plan so the commission could consistently interpret its Plan and therefore consistently stand by that Plan.

David Hamilton expressed the view that the commission needs to review the Plan more globally and reconcile its sections with one another. He then asked Adam Lougee, the Executive Director, for his opinion on whether this proposal could comply with the Plan.

Adam Lougee responded to David that to date he had tried to keep silent about his interpretation of the Plan; largely because he wanted all of the commissioners to believe that ACRPC ran a fair, open and civil process. He wanted all to feel welcome to speak. Adam stated that he recognized the Commission needed to go on after this vote. He wanted everyone to know that he felt his primary duty was to preserve the commission's unity. Within that context, Adam decided to answer David's question. He noted he asked each commissioner to stick their neck out and take a position, so the least he could do was to share his opinion also. Adam stated that he believed that while the pipeline would have some adverse impacts, especially to individual landowners, and while he recognized and was sympathetic to the votes in Cornwall and Shoreham, he felt that the impacts of the pipeline would not be "undue" for the Region and could be mitigated. He also felt that the Region would receive significant environmental and economic benefits, as would the neighboring regions, which he felt the Plan required us to consider. Overall, Adam stated he believed the project could comply with the Plan.

Colin Kriwox noted that he appreciated IP and Rutland's needs. However, he felt that the Regional Plan defined the Region precisely and while others could review more global impacts, ACRPC should focus strictly on impacts and benefits directly affecting Addison County.

Stan Grzyb of Cornwall stated that he believed that ACRPC should respect the desires of the Towns of Cornwall and Shoreham on this issue. He noted that the State should encourage participation and decision making at the most local level. He noted that our fellow Vermonters do not want the burden of financing Vermont Gas and IP. He also stated that he believes this is an economic development issue and that by Vermont law takings cannot be used to support a private economic development project.

Holly Noordsy of Cornwall noted that the Addison County Regional Plan stressed the importance of water quality in Lake Champlain and cited the extreme amount of tourism related to the health of the lake. Holly also noted that she was very concerned about creating a new energy corridor through Cornwall and Shoreham and stated that the project challenges Cornwall's Plan by destroying farmland. Lastly, she noted that both Cornwall and Shoreham's citizens had opposed this pipeline at their town meeting. She requested that ACRPC also support its member municipalities.

Jeremy Grip also recognized that economic development as the driver for this project. He noted that if we use a relatively close time horizon, (10 -20 years) the project will benefit manufacturing. Jeremy also noted that a longer timeframe might be the best way to measure the benefit of the pipeline. If we use a longer timeframe, we must consider climate change. If this prohibits us from getting to 90% renewable by 2050, this investment in fossil fuel infrastructure should not be built.

Chico Martin noted that economic development is important to New York, Addison and Rutland. Natural Gas is used in many other areas of the country, others benefit, our Region's businesses should benefit also.

Thea requested that a commissioner to make a motion so the Commission could move to vote. After some concern over the content of the motion, Ron Crawford made the following motion, “**Does the Vermont Gas Systems Phase II application conform to the applicable provisions of the Addison County Regional Plan.**” Peter Grant of Bristol seconded the motion. After some further discussion, the commission voted on the Motion by Roll Call vote:

Yes	No
Ed Payne, Bridport	Peter Grant, Bristol
Andrew Manning, Bridport	Jim Duclos, Cornwall
Garland “Chico” Martin, Bristol	Holly Noordsy, Cornwall
Jim Pulver, Goshen	Randy Bisbee, Leicester
Ted Davis, Middlebury	Diane Benware, Leicester
Thea Gaudette, Monkton	David Hamilton, Middlebury
Charlie Huizenga, Monkton	Ross Conrad, Middlebury
Jim Walsh, New Haven	Jeremy Grip, Ripton
Rod Case, New Haven	Mary Anne Sullivan, Salisbury
James Dayton, Panton	Colin Davis, Shoreham
Mel Hawley, Vergennes	Kent Wright, Addison Farm Bureau
Ron Crawford, Weybridge	
Ellen Kurrelmeyer, Whiting	
Andy Mayer, Addison Chamber	
John Meakin, Otter Creek Audubon	
Total: 15	Total: 11

Thea Thanked all for their good manners and for their vote.

Other: None.

VI. New Business:

Report of the Nominating Committee: Jim Pulver read the slate of officers proposed by the Nominating Committee as follows:

Thea Gaudette, Chair
Jeremy Grip, Vice Chair
Bill Sayre, Secretary
David Hamilton, Treasurer
At Large:
Andrew Manning
Chico Martin
Ted Davis

Thea asked if there were any other nominations from the floor. Hearing none she noted that the Commission would also entertain nominations from the floor at the annual meeting.

Annual Meeting Topic and location: Adam noted that the Annual meeting this year would be at the Red Mill at the Basin Harbor Club and that he was still working with the Maritime museum on putting together a program that celebrated the 200th anniversary of the Battle of Plattsburgh and Commodore Macdonough building the American fleet in Vergennes.

Bertha Hanson Award: Thea noted that the Executive Board had chosen its candidate for the award.

VII. Member Concerns and Information: David Hamilton thanked Thea for doing an excellent job running the meeting.

VIII. Adjourn: Charlie Huizenga moved adjournment. All voted in favor. The Commission adjourned its meeting at 10:15p.m.

Respectfully Submitted:

Adam Lougee, Director