

Meeting Minutes
Addison County Regional Planning Commission
Wednesday, June 11, 2014

ACRPC held its monthly meeting at ACRPC's office on 14 Seminary Street in Middlebury with the Chair, Harvey Smith of New Haven, presiding.

ROLL CALL:

Addison:

Bridport:

Andrew Manning

Orwell:

Panton:

Bristol:

Peter Grant
Garland "Chico" Martin

Ripton:

Salisbury: Tom Scanlon
Mary Anne Sullivan

Cornwall:

Jim Duclos
Holly Noordsy
Stan Grzyb
Colin Kriwox

Shoreham: Colin Davis
Nick Causton

Ferrisburgh:

Tim Davis

Starksboro: Richard Warren

Goshen:

Jim Pulver

Vergennes: Mel Hawley

Leicester:

Diane Benware

Waltham:

Lincoln:

Steve Revell

Weybridge: Ron Crawford

Middlebury:

Karl Neuse
Ted Davis
Ross Conrad

Whiting:

Monkton:

Thea Gaudette
Charles Huizenga
Steve Pilcher

New Haven:

Harvey Smith
Rod Case

CITIZEN INTEREST REPRESENTATIVES:

Addison County Farm Bureau:

Kent Wright

Addison County Economic Development Corp:

Harvey Smith

Otter Creek Audubon Society:

Diane Carter

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

Addison County Regional Planning Commission

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

7:30 p.m. Public Program: Harvey Smith, ACRPC's Chair, welcomed the commission's guests for the evening. He introduced Carl Robinson, the Executive Director of Middlebury Area Land Trust ("MALT"). Carl gave a presentation to the Commission regarding the work that MALT has been doing to support extending the North Country Trail, a non-motorized multi-purpose hiking trail that currently extends from North Dakota to New York, across the Champlain Bridge, into and through Addison County, where it will then meet the Appalachian Trail and continue on into Maine. Carl noted that Addison was nearly the last portion of the North Country trail to be authorized. He noted that MALT is working with Vermont's Congressional delegation to approve legislation allowing for the National Park Service to acquire easements. He noted that MALT would receive funding to maintain this section of the trail. He also noted that MALT's current planning for the trail uses existing state or federally controlled land as much as possible to designate the route. He also noted the trail would probably follow as much of the existing trail around Middlebury as feasible. Carl noted that he had already received support for the project from the Towns of Ripton, Middlebury, Weybridge and Addison. When asked if he would like support from the Commission, he indicated that he would and that a letter would be very helpful.

Harvey opened the floor for questions and comments.

After a 20 minute question and answer session, Carl concluded his presentation at 8:00 p.m. and Harvey thanked Carl for joining the Commission.

Business Meeting:

After a short break, Harvey restarted the business meeting at 8:05

- I. Approval of the Minutes:** Thea Gaudette of Monkton moved the May minutes. Peter Grant of Bristol seconded them. Chico Martin of Bristol questioned the rescission notice introduced by Stan Gryzb at the last meeting. He asserted that it was unclear whether was representing the Cornwall Selectboard, since the notice was not on letterhead or signed by the selectboard. After some discussion and affirmation by the Cornwall delegates that they were in fact representing the will of the Cornwall selectboard, the Commission amended the minutes to reflect that, "Stan Gryzb of the Town of Cornwall presented the Commission with a written request that he represented the Cornwall selectboard had requested. The request is that ACRPC rescind its vote on the Phase II Vermont Gas Project that it passed at its April meeting." All agreed to the amendment and the minutes by voice vote.
- II. Executive Board Minutes:** Harvey noted that the Executive Board minutes are in the package for the information of the Commission. He offered to answer any questions regarding the Executive Board minutes. Hearing no questions, he moved on.
- III. Treasurer's Report:** Adam noted that the Treasurer's report dated as of June 11, 2014 (The Balance Sheet listed current balances as of June 11th; the monthly budget reflects activity through the end of April, 2014). Adam noted that this month, expenses had moved back to within \$10,000 of revenues. Adam noted that he and staff really need to focus on collecting

| | | | | | | |
|-----------|------------|------------|-----------|-------------|-----------|-----------|
| Addison | Bridport | Bristol | Cornwall | Ferrisburgh | Goshen | Leicester |
| Lincoln | Middlebury | Monkton | New Haven | Orwell | Panton | Ripton |
| Salisbury | Shoreham | Starksboro | Vergennes | Waltham | Weybridge | Whiting |



receivables. Payables will stay relatively constant. Adam offered to take any questions on the Treasurer's report. **Peter Grant moved to accept the Treasurer's report as presented. Tom Scanlon of Salisbury seconded the motion, which passed with all in favor.**

IV. Committee Reports:

Act 250: Steve Revell gave the ACT 250 report as follows:

New Applications:

1. On May 1, 2014 Hardscrabble solar filed for a CPG for a 500 MG solar electric generating facility group net metering system on Hardscrabble road in Bristol, Vermont.
2. On May 20, 2014 Denecker Chevrolet filed an application to construct a car dealership on Property owned by the town of Ferrisburgh on the corner of Route 7 and 22A. Given the location of this application and the history of the site, the committee may want to review this application.
3. On June 6, 2014 The Middlebury College Snow Bowl filed for a permit amendment to build an additional maintenance building at the Snowbowl in Middlebury.

Approvals or Denials:

1. On May 1, 2014 the District 9 Environmental Commission approved an amendment to an Act 250 permit issued to Liblaze Properties in Middlebury allowing them to construct a single commercial building at 170 Middle Road in Middlebury.
2. On June 4, 2014 District 9 Environmental Commission approved an administrative amendment to an Act 250 permit issued to Raymond Danyow to extend the construction completion date for Booth Woods in Vergennes.
3. On June 6, 2014 the District 9 environmental Commission approved a permit for Community Health Center of Rutland to build a health facility on Route 22A in Shoreham.

Other:

1. On May 1, 2014 Whistlepig, LLC filed a notice of appeal to the Environmental Court of its Act 250 permit and Jurisdictional Opinion.
2. On May 5, Lincoln Renewable Natural Gas, LLC filed a 45 day notice of its intent to construct a renewable Natural Gas plant in Salisbury, Vermont.
3. On May 5, the PSB issued a notice of a pre-hearing conference for Bridport solar farm in Bridport to take place June 5, 2014.
4. On May 24, 2014 neighbors, the Brissons appealed the permit given to Claudia Orlando for a kennel in Monkton.

Transportation Advisory Committee: Thea Gaudette reported that the TAC had devoted its last meeting on understanding the system the state of Vermont and local towns use to keep track of data concerning culvert condition and maintenance.

Energy: Harvey noted the committee did not meet.

Local Government: Thea reported that no new plans had come before the local government Committee.

Natural Resources: Kevin Behm reported that the committee did not meet.

Plan Re-write: Chico Martin that the committee had met and had started its work re-writing specific portions of the plan to address the plan review conducted last summer.

V. Old Business:

Vermont Gas, Phase II Pipeline. Harvey handed the meeting over to Thea to run this segment of the meeting. 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.

At the close of the Roll Call, Steve Revell of Lincoln noted that he felt that he should recuse himself because of work he was doing in professional capacity for several landowners in Cornwall and Shoreham.

Thea accepted Steve's recusal and moved to the question at hand which she read from the notice provided to all commissioners on the agenda. She acknowledged Stan Gryzb of Cornwall.

Chico Martin of Bristol objected. He noted that Dr. Gryzb was an alternate and that the delegates from Cornwall were present and that they should be the ones to make the representations on behalf of Cornwall since they were entitled to vote. After a considerable amount of debate, Thea ruled that the Bylaws of the Addison County Regional Planning Commission and the Commission's practice allow and encourage alternates to participate in discussion and debate and to serve on committees. She therefore ruled it proper for Dr. Grzyb to speak and make his motion. Dr. Gryzb yielded the floor to Holly Noordsy, a delegate representing Cornwall and she made the following motion:

Motion to rescind the previous vote of the Commission passed on April 9, 2014 finding Phase II of the Vermont Gas Pipeline in conformance with the Addison County Regional Plan.

Chico Martin of Bristol immediately rose and moved:

That the Commission vote against considering Cornwall's motion.

He noted that under Robert's Rules his motion had precedent, did not need a second and was not debatable, but needed a 2/3rds majority of delegates present and voting to be sustained.

After several minutes of procedural discussion, the Chair determined that Chico’s motion was in order and instructed the Commission to vote on his motion. A Roll Call of the Vote follows:

| Yes | No |
|---------------------------------|-----------------------------------|
| Garland “Chico” Martin, Bristol | Andrew Manning, Bridport |
| Jim Pulver, Goshen | Peter Grant, Bristol |
| Karl Neuse, Middlebury | Jim Duclos, Cornwall |
| Charlie Huizenga, Monkton | Holly Noordsy, Cornwall |
| Rod Case, New Haven | Tim Davis, Ferrisburgh |
| Tom Scanlon, Salisbury | Diane Benware, Leicester |
| Mel Hawley, Vergennes | Ted Davis, Middlebury |
| Andy Mayer, Addison Chamber | Ross Conrad, Middlebury |
| | Mary Anne Sullivan, Salisbury |
| | Colin Davis, Shoreham |
| | Nick Causton, Shoreham |
| | Richard Warren, Shoreham |
| | Ron Crawford, Weybridge |
| | Diane Carter, Otter Creek Audubon |
| | Kent Wright, Addison Farm Bureau |
| Total: 8 | Total: 15 |

The motion failed.

Thea moved back to Holly Noordsy for the Commission to consider the Motion made by Holly Noordsy of Cornwall and seconded by Ross Conrad of Middlebury as follows:

Motion to rescind the previous vote of the Commission passed on April 9, 2014 finding Phase II of the Vermont Gas Pipeline in conformance with the Addison County Regional Plan.

Thea then opened the floor to discussion.

Holly Noordsy read the statement Stan Gryzb had provided with his notice of the motion to rescind into the record. The statement is attached at the end of the minutes.

Tom Scanlon of Salisbury noted that he would not support the motion because he felt it was bad precedent. The Commission has made its vote and it is time to move forward.

Mary Anne Sullivan of Salisbury noted that she had not seen the April minutes to approve.

Adam Lougee noted that this omission was his. He offered to go copy the minutes immediately for all if necessary.

Karl Neuse of Middlebury stated that the vote in April was very clear and that we should move forward with this vote.

Ross Conrad of Middlebury noted that the new information concerning the committee history regarding the Energy Section of the Addison Regional Plan offered in Stan Gryzb's memo is something that everyone should consider and that he felt it was enough new information that the vote to rescind tonight was appropriate.

Mel Hawley of Vergennes noted that he would oppose the rescission vote. He felt that both Phase I and II would benefit the Region.

Chico Martin of Bristol also spoke against the rescission vote. He noted that the project would also benefit the region and that it was a necessary piece of infrastructure for the Region's businesses to compete and could benefit lower income individuals by helping them with their fuel bills.

Stan Gryzb of Cornwall noted that Phase II of the project must be differentiated from Phase I and that the Public Service Board would require it to stand on its own merits and ACRPC should do the same. He also noted that the distribution systems for Phase II would benefit only a small number of individuals and would not benefit the low income housing that Cornwall had constructed.

Peter Grant of Bristol stated that gas prices are already rising and that the gas pipeline will not serve the poor outside of any villages receiving distribution services.

Mary Ann Sullivan cautioned other delegates not to make assumptions about the economic status of residents who the pipeline could serve.

After further discussion, the commission voted on the Motion by Roll Call vote:

| Yes | No |
|-----------------------------------|---------------------------------|
| Peter Grant, Bristol | Andrew Manning, Bridport |
| Jim Duclos, Cornwall | Garland “Chico” Martin, Bristol |
| Holly Noordsy, Cornwall | Jim Pulver, Goshen |
| Tim Davis, Ferrisburgh | Karl Neuse, Middlebury |
| Diane Benware, Leicester | Ted Davis, Middlebury |
| Ross Conrad, Middlebury | Charlie Huizenga, Monkton |
| Mary Anne Sullivan, Salisbury | Rod Case, New Haven |
| Richard Warren, Starksboro | Tom Scanlon, Salisbury |
| Diane Carter, Otter Creek Audubon | Colin Davis, Shoreham |
| Kent Wright, Farm Bureau | Nick Causton, Shoreham |
| | Mel Hawley, Vergennes |
| | Ron Crawford, Weybridge |
| | Andy Mayer, Addison Chamber |
| Total: 10 | Total: 13 |

Thea reported the motion to rescind failed. She thanked all for their vote.

Holly Noordsy asked Thea if she could make another motion. Thea noted she could not rule on whether it would be in order until she heard the motion. **Holly Noordsy made the following motion:**

Whereas, the Addison County Regional Planning Commission (“ACRPC”) is divided and unable to achieve consensus on whether the Vermont Gas Systems’ proposal for Phase II of the Addison Natural Gas Project is in conformance with all applicable provisions of the duly adopted regional plan; and

Whereas, the ACRPC Energy and 248/250 Committees concluded that the proposal does not comply with the aforementioned provisions on the Regional Plan; therefore

I move the Addison County Regional Planning Commission assume a position of neutrality while adopting conditions protecting its member towns.

Ross Conrad seconded the motion.

After some discussion about the appropriateness of the motion and what it meant to the prior votes, **Karl Neuse moved to table Holly's motion. Chico Martin seconded the motion to table. The Motion to table Holly's motion passed on a voice vote.**

Chico Martin moved to adjourn. Peter Grant seconded the motion. On a voice vote, the motion to adjourn failed.

Thea turned the meeting back over to Harvey to run.

ACRPC 2015 Workplan and Budget. Harvey asked Adam to walk the Commission through next year's workplan and budget. Adam noted that he distributed copies with the agenda prior to the meeting and explained the proposed workplan and budget.

Tom Scanlon moved the commission adopt the workplan and budget as proposed for 2015, its next fiscal year. Thea seconded the motion. During discussion Holly Noordsy asked whether the budget included funds for expert witnesses or attorneys for the project. Adam responded that he had not included funds to cover additional expenses over and above staff time for that. **After further discussion, the motion passed on a voice vote, with Holly Noordsy, Mary Anne Sullivan and Ross Conrad abstaining.**

Town Selection of Delegates and Alternates. Adam noted he would send a note to the delegates representing those towns that had not re-appointed people for next year.

Other: None.

VI. New Business:

Committees: Adam announced that Executive Board would consider interim committee appointments at its next meeting. He also noted that at the Commission's July meeting he would be asking delegates for their committee choices for the following year. The E Board will make those assignments by September.

Programs: Adam noted that the Commission program for July would be training on implementing the Shoreland Protection Act for municipal officials. Beyond that, he invited delegates to share program ideas with him. He also noted that ANR would host a shoreland's training for landowners at Branbury State Park in Salisbury from 11:00 – 1:30 on June 23rd.

VII. Member Concerns and Information: None.

VIII. Adjourn: Tom Scanlon moved to adjourn. Charlie Huizenga seconded the motion. All voted in favor. The Commission adjourned its meeting at 10:15p.m.

Respectfully submitted,

Adam Lougee

May 14, 2014

Addison County Regional Planning Commission Meeting

I believe that we all have obligations to our constituents, to our fellow commissioners and to the integrity of the ACRPC to conduct our proceedings in a civil manner and to assess the factual material presented to us. It is for this reason that I raise concerns regarding our recent vote whether the Phase II pipeline proposal was in conformance with all applicable provisions of our regional plan.

We have discussed Goal D Objective b which states "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." This provision was placed in our plan primarily in response to the VELCO project. However, subsequent to its inclusion in our regional plan attempts to delete it failed. The most remarkable statement in the minutes of a report to the full commission from the Utilities, Facilities and Services Committee from January 12, 2005 is "the committee felt that this statement was the most powerful tool available to the RPC if the future VELCO goes back to the PSB with a plan to upgrade the line from New Haven through Monkton, or if another project, like the gas pipeline is ever proposed." The committee strengthened the provision by substituting the word energy for power. The full commission on October 12, 2005 defeated a motion to delete Goal D Objective b from the regional plan.

Another item we have discussed is the definition of the Addison Region. The Addison Region is clearly defined many times in our regional plan both in narrative and maps. It is defined as 21 municipalities and "the Addison Region, bounded on the west by Lake Champlain and on the east by the Green Mountains..."

As stated before we have a responsibility to represent our constituents. The Cornwall Select Board has reviewed the minutes of our last meeting as well as the video and has identified procedural concerns. They have requested that the Cornwall commissioners request that the motion as passed be rescinded so I give notice today that at the next meeting a motion to rescind will be made.

Stanley Grzyb
Cornwall

Cornwall also requests that ACRPC refrain from filing testimony with the Public Service Board until it has acted on this motion to rescind its vote. *SG*