

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

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

ROLL CALL:

<i>Addison:</i>		<i>Orwell:</i>	
<i>Bridport:</i>	Edward Payne Mark Pumiglia	<i>Panton:</i>	James Dayton
<i>Bristol:</i>	William Sayre Peter Grant Garland "Chico" Martin	<i>Ripton:</i>	Jeremy Grip
<i>Cornwall:</i>	Stan Grzyb Colin Kriwox	<i>Salisbury:</i>	Tom Scanlon Mary Anne Sullivan
<i>Ferrisburgh:</i>	Tim Davis Arabella Holzafel	<i>Shoreham:</i>	Nick Causton
<i>Goshen:</i>	Jim Pulver	<i>Starksboro:</i>	Richard Warren
<i>Leicester:</i>	Diane Benware	<i>Vergennes:</i>	Shannon Haggett
<i>Lincoln:</i>	Steve Revell	<i>Waltham:</i>	
<i>Middlebury:</i>	David Hamilton Ross Conrad	<i>Weybridge:</i>	Ron Crawford
<i>Monkton:</i>	Thea Gaudette Wendy Sue Harper Steve Pilcher	<i>Whiting:</i>	Ellen Kurrelmeyer
<i>New Haven:</i>	Harvey Smith		

CITIZEN INTEREST REPRESENTATIVES:

<i>Addison County Farm Bureau:</i>	Kent Wright
<i>Addison County Economic Development Corp:</i>	Harvey Smith
<i>Otter Creek Audubon Society:</i>	Diane Carter
<i>Otter Creek Natural Resources:</i>	
<i>Addison County Chamber of Commerce:</i>	

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

7:30 p.m. Public Program: Thea Gaudette, ACRPC's Chair, called the meeting to order at 7:30 p.m. She asked Adam to welcome the commission's guests for the evening. Adam introduced Dan Homier and Susan Warren from the Agency of Natural Resources Lakes and Ponds Program, and Deb Markowitz, the Secretary of the Agency of Natural Resources and turned the presentation over to Secretary Markowitz. Secretary Markowitz polled the room to learn who was interested in this topic and then began to speak regarding the background of the Shoreland Protection Act. She noted that the bill had its origins in the 1970s to protect shoreline habitat. Secretary Markowitz noted that the foliage around the water provided a number of benefits to both the near shore habitat for fish spawning and feeding and the shoreland habitat benefiting the creatures that visit the lake. She noted that the Act creates bright rules, but also allows for flexibility in design. It grandfathers all existing development and allows for local control. Secretary Markowitz then turned the meeting over to Susan Warren to explain the details of the standards. A link to the Agencies' PowerPoint presentation is [here](#).

Thea opened the floor for questions and comments.

Diane Carter, representative from the Otter Creek Audubon Society, asked how many lakes and ponds in Addison County the legislation impacted?

Dan Homier replied about 30 lakes and ponds in the Addison Region would be impacted.

Diane Carter also asked about homeowner education programs.

Susan Warren explained that ANR's "Lakewise" program was primarily a homeowner education program.

Rich Warren asked whether the Agency needed to create rules to administer the program.

Secretary Markowitz responded that the legislation contained the design of the program and rulemaking was not necessary.

Rich then asked for specific board spacing requirements necessary to make a wooden deck permeable vs. impermeable.

Susan Warren responded that decks and patios are assumed to be impermeable surfaces unless the landowner can demonstrate why they are not.

Secretary Markowitz stated the goal of the program was to be flexible, but also noted that her staff were not carpenters and therefore did not know a lot about decks.

Chico Martin noted that he felt the legislation was offensive. He believes that local planning and zoning bodies would be much better able to create effective and enforceable regulations. He noted he would support the repeal of the legislation.

Ellen Kurrelmeyer asked what the difference is between “registration” under the new law and a “permit”.

Susan Warren responded that registration is a streamlining mechanism for minor projects (decks, small clearings). The registration process allows ANR to track the changes made and proposed, but allows the small ones to move through more quickly for less of a fee.

Ross Conrad asked whether different types of trees had different values for the purposes of the act.

Secretary Markowitz responded that size of the tree will matter, but not the type.

Ross also asked whether a living roof would be considered impervious.

Dan Homier responded that the homeowner would receive some type of partial credit for the roof.

Mary Anne Sullivan asked if Salisbury could retain its zoning around Lake Dunmore.

Secretary Markowitz responded, yes. If the Salisbury selectboard applied for local designation, the Salisbury zoning bylaws could stay in place as long as they are at least as strict as the State regulations.

Mary Anne asked if Salisbury could still apply its bylaws if it did not opt for local delegation?

Susan Warren replied that if the town regulations are more strict, they will still apply.

Mark Pumiglia asked if the State regulation’s jurisdiction extends beyond 250 feet.

Secretary Markowitz stated it did not.

Mark Pumiglia asked about measures, like rock lining a ditch to stop erosion.

Susan Warren noted it sounded “OK” if it could be considered a best management practice.

Mark Pumiglia also asked if all maintenance is grandfathered?

Secretary Markowitz stated it was.

Colin Kriwox asked how the legislation would be enforced?

Susan Warren noted that they use the word suggestion within the context of the legislation, because property owners have some flexibility to determine the type of mitigation that they adopt. The legislation wants to allow for the reasonable use of property. However, it will also be enforced through ANR's regional offices responding to complaints.

Ed Payne noted that when Bridport had floodplain violations that they needed help enforcing, ANR did not help.

Steve Revell noted that the Wastewater regulations also provided for local delegation, but to date, only two towns in the entire state had opted to take over that responsibility. He also noted that the town that tried to be more restrictive than the state had been sued on that approach and lost.

Secretary Markowitz noted that the structure of this legislation was different and that it allowed towns to be more strict.

Bill Sayre asked the Secretary whether delegation could take place if a town had regulation that was partially more strict and partially less strict. She responded it could as long as the town amended the less strict portion of the regulation to be at least as strict.

Peter Grant noted that streams also carried eroded soils and contributed to the problems in the lake. Does this bill address streams?

Secretary Markowitz responded that it did not.

Jeremy Grip asked how a town might achieve delegation?

Susan Warren responded that the town would apply to ANR. A group of ANR staff would review the town regulations versus the content of the State legislation and determine what changes if any a town might need to make to comply with the State regulations.

Jeremy asked whether a town could appeal that determination.

Secretary Markowitz noted that the appeal would be to either the Commissioner or Secretary at ANR.

Rich Warren commented that delegation would be less expensive for citizens.

Thea thanked the Secretary for visiting Addison Regional Planning Commission and all of the delegates for their comments and closed the public meeting.

Business Meeting:

After a 5 minute break Thea re-opened the business meeting at 9:00 p.m.

- I. **Approval of the April 9, 2014 minutes: Steve Revell of Lincoln moved approval of the April minutes. Peter Grant of Bristol seconded them.** Adam noted that Holly Noordsy, a delegate from Cornwall had requested that he introduce proposed amendments to the minutes on her behalf. Adam noted the amendments included noting that Middlebury TV was present for the meeting and that the meeting was available for viewing. Ross Conrad also asked Adam to correct some typographical errors within the minutes. **All agreed to the amendments and the minutes passed by voice vote with one voting against and 7 abstentions.**

Approval of the June 11, 2014 minutes: Ross Conrad moved the adoption of the June 11, 2014 minutes. Peter Grant seconded the motion.

Stan Grzyb raised a question regarding whether the minutes properly reflected the tone of the meeting. Stan noted that he thought several of the delegates had not respected the opinions of other delegates and had attacked them personally. **Colin Kriwox moved that the minutes be amended to include a verbatim quote of the delegate from Bristol. Stan Grzyb seconded the motion.**

Adam explained that when he took the minutes, he had an obligation under state law to accurately record the people in attendance and the votes of the Commission. He does not need to and does not in practice quote every one verbatim. Instead, he tries to capture the substance of the discussion. Adam objected to the idea of verbatim minutes every time. He stated he believed it would bog the meetings down in minutia.

Harvey Smith also noted that he felt it would set a bad precedent. Tom Scanlon, Jeremy Grip and Ellen Kurrelmeyer also spoke against requiring verbatim minutes, noting that they felt it would stifle debate. Thea noted she would like to address the tone of the Commission's discussions later in the meeting and thanked the delegation for bringing the matter up.

Colin withdrew his motion. Stan agreed to the withdrawal and the motion was withdrawn.

Adam again offered several amendments from Holly Noordsy, including the exact quote of her motion and the statement that she had added to the Notice that Cornwall had forwarded to the Commission stating it would request rescission at the next meeting. Adam noted that he did believe it was appropriate for him to accurately capture Holly's motion.

Ross Conrad moved to include the amendments offered by Holly Noordsy in the minutes. Steve Pilcher seconded the motion. The motion passed on a voice vote with 4 abstentions.

II. Executive Board Minutes: Thea noted that the Executive Board minutes are in the package for the information of the Commission. She noted that the Executive Board had granted the interim requests for Committee Assignments contained in the minutes. Mary Anne Sullivan noted that she had requested to be on the Act 250 Committee, not her sister Martha as reflected in the minutes. Thea offered to answer any other 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 June 11, 2014 (The Balance Sheet listed current balances as of July 9th; the monthly budget reflects activity through the end of May, 2014). Adam noted that this month, expenses had moved back ahead of revenues. Adam explained that he hoped the quarterly billings at the end of the year would make up for most of that deficit. He stated 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. **Tom Scanlon of Salisbury moved to accept the Treasurer's Report as presented. Peter Grant of Bristol seconded the motion, which passed by a voice vote with 3 abstentions.**

IV. Committee Reports:

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

New Applications:

1. 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.
2. On July 7, 2014 Retrovest Company filed an application to construct 12 townhouses in a portion of the Middlebury South Village property in Middlebury, Vermont.

Approvals or Denials:

1. On July 9, 2014 Middlebury College received a permit amendment granting it the ability to construct an additional maintenance garage at the Snowbowl in Hancock/Ripton, Vermont.

Other:

1. On June 9, 2014 Vt Gas received its individual wetland permit for its construction on Phase I of the Addison Pipeline.
2. On June 11, 2014 Vt Gas received its 401 water quality permit for its construction on Phase I of the Addison Pipeline.

Ellen also noted that the Act 250 Committee had met to discuss an MOU with Vermont Gas and would need to meet again and that the Committee should meet to discuss the Denecker Chevrolet application.

Transportation Advisory Committee: Thea Gaudette reported that the TAC had devoted its last meeting to a report on the Ferrisburgh Hollow study that it had commissioned.

Energy: Jeremy noted the committee did not meet. He stated he had sent a Doodle poll, but had received a poor response. He asked the members of the committee to speak with him after the meeting to set a date.

Local Government: Thea reported that Monkton had requested regional approval of its town plan and that the Committee would review the Monkton Plan on September 4th.

Natural Resources: David Hamilton noted that the Committee had not met, but that he would like to convene something shortly.

Plan Re-write: Chico Martin reported that the Committee had met this evening before the full Commission meeting. He noted they finished their work on the introduction section and started work on the substantial regional impact section. At the next meeting on September 10th at 6:30p.m. the Committee would review the land use section.

- V. **Delegate/Staff Recognition/ Project Highlights:** During this portion of the meeting, Thea, as the new Chair, took the opportunity to speak to the Commission regarding her expectations of them and about her goals for running thoughtful, civil and efficient meetings. She stated that all of us are adults, that adults can and do disagree regularly and reasonably with one another. Every Commissioner is a volunteer representing the interests of their municipalities and we all have a duty to treat each other and our guests with respect. She noted that tone matters and we all must endeavor to speak to each other respectfully.

VI. **Old Business:**

Vermont Gas, Phase II Pipeline: Adam distributed the testimony that he had filed on behalf of the Commission with the Public Service Board. Adam noted that he had tried to keep the testimony factual and rely on the minutes of the discussion and the votes of the Commission for the substance of the filing. He expects that the Committees will keep moving forward with their work on creating a proposed MOU. He hopes to create a final MOU to bring to the Commission for a vote before filing the second round of testimony in September.

Other: None.

VII. New Business:

Committee Selections: Adam noted that forms for each delegate to choose a committee were contained in each information packet for the meeting. He requested that each delegate complete the Committee request form and return them to him. The Executive Board would use the Forms to appoint Committees for September's meeting.

Richard Warren asked to be put on the list for the Act 250 Committee.

Meeting Calendar: Adam noted that the Commission's meeting calendar was in the informational package. He highlighted that the Commission would not meet in August.

Other. None.

VIII. Member Concerns and Information: Thea asked new delegates to ACRPC to introduce themselves. Arabella Holzapfel a new delegate from Ferrisburgh and Shannon Haggett, a new delegate from Vergennes introduced themselves to the Commission. Thea welcomed them.

IX. Adjourn: Peter Grant moved to adjourn. Tom Scanlon seconded the motion. All voted in favor. The Commission adjourned its meeting at 9:45p.m.

Respectfully submitted,

Adam Lougee