



## NATURAL RESOURCES BOARD

Dewey Building  
National Life Drive  
Montpelier, VT 05620-3201

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### NATURAL RESOURCES BOARD MEETING TUESDAY, JANUARY 12, 2016

#### PRESENT

Jon Groveman, Esq., Chair  
Dominic Cloud, Member  
William Boyd Davies, Esq., Member  
Martha (Marty) Illick, Member  
Don Sargent, Member (by teleconference)

#### ABSENT

#### STAFF

Greg Boulbol, General Counsel  
Kimberley Lashua, Administration Manager  
Lou Borie, Executive Director  
Peter Gill, Associate General Counsel  
Aaron Brondyke, Enforcement Officer  
Alexandra Pastor, Program Technician

#### Public Meeting

The Vermont Natural Resources Board convened at 9:10 am at the Dewey Building Conference Room R206, National Life Drive, Montpelier, Vermont, Chair Jon Groveman presiding.

#### **1. Approval of the Minutes**

A motion to approve the minutes of the November 10, 2015 meeting, as provided, was made by Bill Davies, seconded by Marty Illick, and unanimously approved by the Board in a 5-0 roll call vote:

Jon Groveman – Yes  
Bill Davies – Yes  
Marty Illick – Yes  
Dominic Cloud – Yes  
Don Sargent – Yes



## 2. Office and Budget Updates

Jon Groveman gave a brief update on retirements and refilling positions in the central and district offices. Due to loss in positions because of retirements, two of the positions are being reclassified. The Montpelier position will likely require a paralegal-type skills and financial background. The Springfield position will be reconfigured as a combination between a district coordinator and a program technician with backup support being provided by Rutland on an as-needed basis. This position will focus on jurisdictional opinions, administrative amendments, and minor applications and will see the permit process through from the beginning to the end. The St. Johnsbury vacancy has been filled by Gina St. Sauveur.

Jon confirmed that there have been no cuts to our FY17 budget. Lou reported that fees are strong and that even though fees were slow in December, they should pick up again in the spring. Lou also added that the FY17 budget is 2% lower than FY16 as a result of a position lost to retirement. Lou stated that he and Jon will likely be called to the State House to testify on the budget over the next few weeks.

Jon provided a brief update on the LEAN event held in December, which he, Kimberley, Greg and Lou attended along with staff from the District Commissions. A summary of the event will be presented to the Board at a future meeting.

Two internal staff meetings were held since the Board's last meeting. Jon summarized the following:

- a. Chairs training: The basics of the process, the quasi-judicial role, and gathering and assessing of evidence were covered. Others were in attendance, such as the commissioners and some coordinators. Session was fruitful as it helps break down silos in otherwise independent operations in each district. Agenda items for future training sessions have also been identified, in addition to the already established spring meeting.
- b. District 5 and Agency of Natural Resources: Commissioners from District 5 met with Department of Environmental Conservation staff to discuss interactions between Act 250 and DEC permits. Jon believed that the Commission benefitted from the training about specific DEC permit programs (stormwater, rivers, wetlands). Jon will work with the District Commission and ANR to determine how best to follow up on the meeting.

In terms of legislative update, Jon stated that he is working with Commissioner Snyder of the Department of Forests, Parks and Recreation on the forest fragmentation report. Jon also reported that he is working on getting a bill introduced that would remove the Board from the JO Reconsideration hearing process. The JOs have added considerably to the workload of the Board's two staff

attorneys, and has been a strain on NRB resources since the Board lost one attorney position and one support staff position last year.

### **3. Discussion of Litigation and Attorney – Client and Work Product Memoranda (Executive Session)**

Bill Davies made a motion to go into executive session in accordance with 1 V.S.A. Section 313(a)(1) and (6) to discuss attorney-client privileged documents and civil actions by the State where premature public knowledge would clearly place the Board at a substantial disadvantage. Marty Illick seconded the motion, and it was unanimously approved by the Board in a 5-0 roll call vote:

Jon Groveman – Yes  
Bill Davies – Yes  
Marty Illick – Yes  
Dominic Cloud – Yes  
Don Sargent – Yes

### **4. Action on Pending Appeals**

The Board came out of executive session at 10:00 am and took action as follows:

**RE: Villeneuve, David & Villejo Ventures, LLC  
(aka Jericho Country Market), Docket No. 1-1-16**

Bill Davies made the motion to ratify the Chair's decision to participate in the above appeal. Marty Illick seconded this motion and it was unanimously approved by the Board in a 5-0 roll call vote:

Jon Groveman – Yes  
Bill Davies – Yes  
Marty Illick – Yes  
Dominic Cloud – Yes  
Don Sargent – Yes

A discussion ensued about a possible conflict of interest for Dominic Cloud if specific developers are associated with the above appeal. Peter will follow up with Dominic to verify the names of the developers involved.

### **5. Update on 9L Guidance**

Jon walked the Board through the seven sections of the 9L guidance document, which was drafted by the Agency of Commerce and Community Development in conjunction with the NRB and ANR.

The Board had several questions about technical aspects of the guidance. Jon will reach out to ACCD regarding these questions, and provide additional information to the Board about the Guidance before the Board is asked to formally adopt it.

**6. NRB Review of Act 250 Process Issues**

Jon determined that due to time constraints and the detailed and lengthy presentation of the 9L guidance document, that this topic would be addressed at a future Board meeting.

At approximately 11:40 am, Bill Davies made a motion to adjourn, seconded by Marty Illick, and unanimously approved by the Board in a 5-0 roll call vote:

Jon Groveman – Yes  
Bill Davies – Yes  
Marty Illick – Yes  
Dominic Cloud – Yes  
Don Sargent – Yes

Respectfully submitted,

  
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Jon M. Groveman, Chair

Approved by the Board at its 2/19/16 meeting.

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