



NATURAL RESOURCES BOARD
Dewey Building
National Life Drive
Montpelier, VT 05620-3201

NATURAL RESOURCES BOARD MEETING
TUESDAY, FEBRUARY 9, 2016

PRESENT

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

ABSENT

Peter Gill, Associate General Counsel
Kimberley Lashua, Administration Manager

STAFF

Greg Boulbol, General Counsel
Lou Borie, Executive Director
Aaron Brondyke, Enforcement Officer
Alexandra Pastor, Program Technician

ALSO PRESENT

Clancy DeSmet, District 5 Environmental Coordinator
Peter Keibel, District 4 Environmental Coordinator
Lauren Masseria, Agricultural Development, Agency of Agriculture, Food and Markets
Jennifer Mojo, Regulatory Policy Analyst, ANR's Secretary's Office
Stephanie Smith, Chief Policy Enforcement Officer
Chris Cochran, Director, HCD, ACCD
Kate McCarthy, Sustainable Communities Program Director, Vermont Natural Resources Council

Public Meeting

The Vermont Natural Resources Board convened at 9:10 am at the Davis Building Calvin Coolidge Conference Room on the 6th floor, National Life Drive, Montpelier, Vermont, Chair Jon Groveman presiding.

1. Approval of the Minutes

A motion to approve the minutes of the January 12, 2016 meeting, with the following amendments, was made by Bill Davies



- A. On page 2, paragraph 3, sentence 2, remove the text “and requirement for future events.”
- B. On page 2, very last sentence on the page, change “Boards” to “Board’s.”
- C. On page 3, item 3, sentence 2, change “and unanimously approved” to “and it was unanimously approved.”
- D. On page 3, item 4, sentence 2, change “it unanimously” to “it was unanimously.”

Said motion was 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 the open positions in Montpelier and Springfield. The recruitment period for the Montpelier Program Technician has now ended and 55 applications were received. Kimberley Lashua is currently reviewing the applications. The position in Springfield has been redescribed and is currently being reviewed. Once approval is received, the NRB will be able to advertise the position.

Lou Borie updated the Board on the status of this year’s budget. There was a 2% decline directly related to the loss of a position as a result of the retirement incentive program. This percentage translates to a 5% decrease in our general fund and a 1.3% decrease in our special fund. As it currently stands our budget is composed of 80% special funds and only 20% general funds. Also noteworthy, applications received in CY14 and CY15 have been about the same (8 more in 2015 over 2014). Over the last few years, in fact, we have noticed that the number of applications submitted are steady.

In a future meeting we will address the LEAN process completed in December, an initiative sponsored by the Agency of Natural Resources. We are considering the addition of a temporary/limited service position to help us on IT projects that mirror ANR’s: specifically finishing the Act 250 public database and creating an application process entirely online that transfers completed applications directly to our database.

Once we wrap up the 9L guidance, topics for discussion for future meetings include the LEAN process and any potential for the aforementioned IT position.

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. Don Sargent 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 10:02 am. No actions were taken by the Board.

5. 9L Guidance PowerPoint Presentation by ACCD

John Adams, Planning Coordinator for the Department of Housing and Community Development at the Agency of Commerce and Community Development gave a 30-minute presentation on the 9L guidance. As a brief overview, the genesis of the 9L guidance was the result of the Legislature's request for ANR and ACCD in collaboration with NRB to align the existing 9L process more closely with the state statute. Subsequently ACCD drafted a first version, presented it to stakeholders for input, drafted a second version, presented it to ANR and NRB for input, and then produced a third version. During the presentation, several Board members made suggestions that were noted by the ACCD staff for consideration. These suggestions included consistency in concept and clarity in presentation of the guidance language.

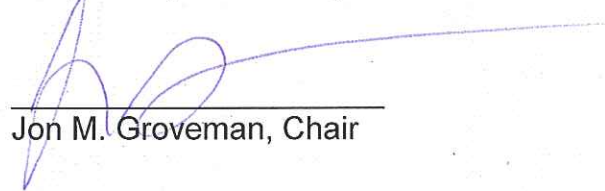
Jon Groveman was contacted by several stakeholders who would like to participate in public comment. While procedurally a comment period is not required, Jon agreed that it would be appropriate to have one. Depending on the number of comments received, the final 9L guidance would be presented to the Board for approval as early as the March 8 meeting (if few comments received) or the April 12 meeting (if a significant number of comments are received).

There was general consensus that the involvement of all interested parties and stakeholders considerably improved the 9L guidance, resulting in a well-considered and superior product.

At approximately 11:10 am, Bill Davies made a motion to adjourn, seconded by Don Sargent, 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

Respectfully submitted,



Jon M. Groveman, Chair

Approved by the Board at its March 7, 2016 meeting.

y:\nrb\nrb - shared\minutes\nrb2016\02-09-16 nrb minutes final.docx