



## NATURAL RESOURCES BOARD

Dewey Building  
National Life Drive  
Montpelier, VT 05620-3201

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### NATURAL RESOURCES BOARD MEETING TUESDAY, JULY 14, 2015

#### PRESENT

Jon Groveman, Esq., Chair  
William Boyd Davies, Esq., Member  
Martha (Marty) Illick, Member

#### ABSENT

Dominic Cloud, Member  
Don Sargent, Member

#### STAFF

Greg Boulbol, General Counsel  
Lou Borie, Executive Director  
Peter Gill, Associate General Counsel  
Aaron Brondyke, Permit Compliance Officer  
Kimberley Lashua, Administration Manager  
Donna Seckington, Administrative Secretary

#### ALSO ATTENDING

Suzanne Smith  
Pamela Austin  
Marc Bernier  
Ed Stanak  
Melyssa Danilowicz  
Denise Viens-KirkPatrick  
Kate McCarthy, Vermont Natural Resources Council

The Vermont Natural Resources Board convened at approximately 9:00 a.m. at the Dewey Building Conference Room, National Life Drive, Montpelier, Vermont, Chair Jon Groveman presiding.

Chair Groveman gave the following updates:

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



Bill Davies moved to approve the minutes of the June 9, 2015 meeting with corrections as noted. The Motion was seconded by Marty Illick and approved by the Board with 3-0 vote.

**2. Presentation of Comments Regarding the North East Materials Group (NEMG) (formerly Rock of Ages).**

Neighbors for Healthy Communities from Graniteville presented concerns to the Board regarding odors from an asphalt plant operated by the Northeast Materials Group (NEMG). Neighbors for Healthy Communities alleged that NEMG is violating condition 5 of its Act 250 permit. This condition addresses nuisance odors from the plant. Chair Groveman indicated that the NRB would investigate the complaint.

**3. Office and Budget Update**

Jon Groveman informed the board that continued progress was being made with regard to development of the 9L procedure and guidance. Jon indicated he would have an in-depth update for the Board at the next meeting. Jon also indicated that he is working with ANR on developing policy options to address forest fragmentation as required by H.5

Lou Borie indicated that new Act 250 fees went into effect on 7/1/15. Updates to the application and fee schedule have been made. Fiscal year 2015 ended with a surplus of approximately \$390,000. The NRB plans to use these funds to create a public SharePoint database among other technology initiatives and will seek spending authority approval to do so. The NRB also plans to request permission to retain this surplus to utilize in case there is a budget shortfall in Fiscal Year 2016.

Chair Groveman reported work on procedures for work sharing between District Commissions. Some details need to be worked out and an update on progress would be given at the next meeting. Chair Groveman described work that the legal team is conducting as part of site visits in each District Office. New protocols for legal services are currently being developed under the direction of General Counsel Boulbol.

Jon Groveman indicated work is being done to design a new NRB website consistent with state templates.

**4. Action on Pending Appeals and Enforcement Matters (Executive Session)**

Bill Davies made a motion to go into executive session in accordance with 1 V.S.A. Sec. 313 (a)(1) and (6) for discussion of privileged documents and civil actions by the State where premature public knowledge would clearly place the Board at a substantial disadvantage, and invited its legal, Administration Manager, and administrative staff into the executive session. Marty Illick seconded the motion, which was approved by unanimously by the Board. The Board went into executive session at 9:34 a.m.

**5. Action on Pending Appeals**

The Board came out of executive session at 9:46 a.m.

Bill Davies made the motion to participate in the *Steven DePalma* (5L1564) Docket No. 59-5-15 Vtec appeal. The motion was seconded by Marty Illick, which was approved unanimously by the Board.

**6. Act 250 Rules**

**Rule 21 – Master Plan and Partial Review**

The Board continued to discuss comments received on proposed changes to the Act 250 rules. The Board unanimously agreed to the following change to this proposed rule:

- 1) The District Commission may require a master plan application that contains such information as the Commission requires for review if:

**Rule 3 Jurisdictional Opinions**

The Board reviewed the rule and authorized its attorneys to draft changes based on discussion.

**34 (A)**

The Board unanimously agreed to delete the following proposed change to this rule:

Continuing jurisdiction to amend ~~over all~~ development and subdivision permits is vested in the ~~d~~District ~~e~~Commissions.

Bill Davies made a motion to authorize the Chair to finalize the Proposed Rules contingent on any Board members objection to any drafting changes to Rule 3 after circulation. The Motion was seconded by Marty Illick and unanimously approved by the Board.

At approximately 11:42 a.m., Marty Illick made a motion to adjourn, seconded by Bill Davies, and unanimously approved by the Board.

Respectfully submitted,

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Jon M. Groveman, Chair

Approved by the Board at its \_\_\_\_\_ meeting.

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