



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

NATURAL RESOURCES BOARD
Minutes of the Monthly Meeting of the Board
TUESDAY, October 11, 2016
9:00 am

Location of Meeting:

NRB – Dewey Building
1 National Life Drive
Montpelier, Vermont 05620-3201

Present at Meeting:

Board Members

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

Staff

Lou Borie, Executive Director
Gregory Boulbol, General Counsel
Aaron Brondyke, Enforcement Officer
Peter Gill, Associate General Counsel
Kimberley Lashua, Administration Manager
Alexandra Pastor, Program Manager
Dillon Spiess, Legal Intern

Absent from Meeting:

Jessie Davignon, Legal Technician
Diane B. Snelling, Chair

The regular meeting of the Natural Resources Board was called to order at 9:02 AM on October 11, 2016 at NRB – Dewey Building by Bill Davies.

I. Approval of the Minutes

Marty Illick made a motion to approve the minutes of the Tuesday, July 12, 2016 meeting with the following correction:

- On page 2, last sentence, add a period between “agreed” and “Mack” so that two sentences result, as below:

“Bill Davies asked to have the memorandum available for use at future meetings, and the Board agreed. Mack will update the memo and send the revised version to the Board.”



The next committee meeting is scheduled for Tuesday, October 18, 2016. If the Board has suggestions on how Act 250 can be improved to more effectively preserve forest integrity, please forward them to Peter or Diane.

V. Act 250 Rule 51 Procedure

NRB proposes minor changes in the existing rule to provide consistency across District Commissions. One such request is that a maximum of 20 calendar days be set for the notice of permit. Before only a 7 business day minimum was stated. Bill added that there should be consistency in the presentation of the dates of computation (outlined in Rule 6, which Peter will verify) and asks that the 7 business day minimum language be edited to follow Rule 6.

It was also noted that all NRB rules should be reviewed. When the Environmental Board became the NRB, the NRB adopted all Environmental Board rules without modification.

A motion was made by Dominic Cloud to approve the changes to Rule 51 with the corrections noted above. Don seconded the motion and the Board unanimously approved the motion.

VI. Appeals and Enforcement Updates

Greg and Peter updated the Board on active enforcement and appellate matters as follows:

Saxon/BJ's – The positive findings for 9L were appealed to the Superior Court. The trial was scheduled to take place this fall, however, Diamond Mall (appellant) and the developer came to an agreement and the appellant initiated the dismissal of their appeal. All parties agreed to the dismissal.

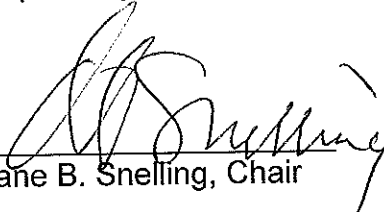
Mountain View/Shires – A permit had been approved for the building of 20 units of affordable housing in Bennington. A neighbor appealed the permit to the Supreme Court for lack of notice. A separate municipal appeal has also been filed. The trial is set to begin in November.

Fecteau – This is an appeal of a JO Reconsideration by the Board, where “remainder lots” were at issue.

Marty made a motion to ratify the Chair’s decision to participate in this appeal. Don seconded the motion and the Board unanimously approved the motion.

Leverenz – The Board received a decision from the Environmental Court on this matter. The Board chair, in consultation with staff, will determine whether to appeal the decision.

Respectfully submitted,



Diane B. Snelling, Chair

Approved by the Board at its February, 14th meeting.

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