



NATURAL RESOURCES BOARD

10 Baldwin Street
Montpelier, VT 05633-3201

NATURAL RESOURCES BOARD MEETING TUESDAY, November 10, 2020 11:00 am

Board Members Present by Microsoft Teams:

Diane B. Snelling, Chair; Brad Aldrich, Member; Steve Larrabee, Member; Don Turner, Member; Andrew Collier, Member

ABSENT

Staff Present by Microsoft Teams:

Gregory Boulbol, General Counsel; Kimberley Lashua, Business Director; Evan Meenan, Associate General Counsel; Aaron Brondyke, State Coordinator; Katie Emerson, Legal Technician

Public present by Microsoft Teams:

Parker Riehle (District 4 Commissioner) & Jamie Fidel from the Vermont Natural Resources Council

I. 11:00 a.m. Welcome and Introductions

The Vermont Natural Resources Board convened at 11:00 a.m. via Microsoft Teams, Chair Diane B. Snelling presiding.

II. 11:02 a.m. Opportunity for public to comment and agenda and non-agenda items.

Chair Snelling offered the public the opportunity to comment. No comments were made.

III. 11:05 a.m. Review and action on Minutes of October 13, 2020

A motion to approve the minutes of the Tuesday, October 13, 2020 meeting was made by Mr. Brad Aldrich and seconded by Mr. Don Turner and approved unanimously.

IV. 11:05 a.m. NRB office and budget updates

Ms. Kimberley Lashua, gave the office and budget updates. We have received budget instructions and have been asked to draft a budget for FY22 based on FY21 budgets as passed appropriation. We have also been asked to submit contingent proposals for 1%, 2%, and 3% higher general fund. The first draft is due next Friday to Finance and Management and Ms. Lashua and Chair Snelling are scheduled to meet with Finance and Management in the first week of December.



Ms. Lashua will send out an overview of the budget process that was shared last year. We plan to see some savings from the administrative fee we pay to ANR. Increases to General Fund could result in opportunities to move enforcement/legal matters into the database project or move forward on the long-term scanning project as an example.

Staff continue to make progress on major initiatives including the COVID-19 Relief Fund scanning project and the online application and database project. We are still working from home, except for limited tasks that must be done in the office. The telework directive has been extended through March 2021.

V. 11:08 Vice Chair Election

Chair Snelling asked for nominations for the position of Vice Chair. The previous Vice Chair was Martha Illick whose term ended recently. Mr. Don Turner nominated Brad Aldrich, for the position of Vice Chair. Mr. Steve Larrabee seconded the nomination, and the motion was approved unanimously. Mr. Aldrich is the new Vice Chair of the Natural Resources Board.

VI. 11:15 a.m. Discussion regarding Act 250 legislative initiatives

Mr. Greg Boulbol reported that there is nothing specific regarding proposed legislation at this time. We should expect to see legislative proposals in next couple of months. He said that staff are working on rule changes to the Act 250 rules. The impetus for the rule changes comes from the Governor's Executive Order last month to clarify how regulations work with regard to recreational trails. We've started an internal review, and are using this opportunity to take a more robust look at all Act 250 rules to see if they need to be updated. If any Board members would like to discuss any rules or proposed changes, now is a good time to reach out to the legal team.

Chair Snelling added that there is an initiative across state government for better permitting coordination. The NRB has been asked to look at our work and make it easier for applicants to be aware of, and apply for Act 20 and other permits in a more streamlined manner. For example, applicants will often be required to get several ANR permits in addition to an Act 250 permit.

VII. 11:20 a.m. Discussion of appeals, enforcement, and attorney-client memoranda

Mr. Evan Meenan updated the Board about the two Vermont Supreme Court cases he introduced at the last meeting. The Supreme Court issued decisions in both matters upholding the District Commission's decisions. In the St. Michael's College matter, no party status was granted to a Massachusetts alumna who objected to the demolishing of a historic building. In the Diverging Diamond Interchange case, the Supreme Court affirmed the District Commission's decision to issue the permit.

Related to the Diverging Diamond Interchange Appeal the Costco gas pump appeal is still pending in the Environmental Court with a trial to be scheduled as early as February.



Mr. Greg Boulbol gave an update on the Snowstone appeal, which involves a stone extraction pit in southern Vermont. The question at issue concerns involved land/jurisdiction. Briefing was just completed. Now the parties are waiting for oral arguments to be scheduled in near future.

Chair Snelling concluded by saying that all of the districts remain very busy. It is difficult to predict whether application volume will slow down or not. She encouraged Board members to reach out to NRB staff directly if they are contacted by the public about specific projects and want more details.

VIII. 11:27 p.m. Adjourn

At 11:27 a.m., Mr. Brad Aldrich made a motion to adjourn, seconded by Mr. Andrew Collier, and unanimously approved by the Board.

