



NATURAL RESOURCES BOARD

10 Baldwin Street
Montpelier, VT 05633-3201

Natural Resources Board Minutes November 21, 2019

Attendance:

Board Members by Phone:

Marty Illick, Vice Chair
Steve Larrabee, Member
Don Turner, Member
Brad Aldrich, Member

Board Members in Person:

Diane Snelling, Chair

Staff:

Kimberley Lashua, Business Director
Evan Meenan, Associate General Counsel
Greg Boulbol, General Counsel
Aaron Brondyke, State Coordinator
Katie Emerson, Legal Technician
William Burke, D1 and D8 District Coordinator (telephonic)

Meeting Convened

1:02 P.M., Ms. Diane Snelling, NRB Chair, opened the meeting via phone conference, from 10 Baldwin Street, Montpelier, Vermont 05633-3201.

Opportunity for Public comment on non-agenda items.

The Chair invited public comments.

No comments were made, there were no members of the public present.

Minutes of October 08, 2019

The Chair asked if there were any changes or corrections to the minutes of October 08, 2019.

None were offered

Mr. Don Turner made a motion to approve the minutes, Ms. Marty Illick seconded the motion.

The minutes were unanimously approved.

NRB Board meeting frequency

The Chair summarized the current meeting schedule and reminded the Board the next meeting is scheduled for Dec 10, 2019. There was a short discussion and Mr. Don Turner made a motion



to have the Board meetings occur monthly on the second Tuesday of the month at 11:00 A.M. Ms. Marty Illick seconded the motion. The meeting time was unanimously approved.

NRB office and budget updates

Ms. Kimberley Lashua, NRB Business Director presented budget and personnel updates. Since the Board voted on changing the vacant Executive Director position to a second Enforcement and Compliance Officer, she has worked with HR to make that change and will soon be ready to advertise and move forward with recruitment. The first set of interviews for the Rutland NRB technician position happened yesterday; they were positive.

The Chair and Ms. Kimberley Lashua, met with the Department of Finance and Management regarding the preliminary FY 21 Budget. They received updated information regarding Internal Service Funds and benefits. Ms. Kimberley Lashua will have an update at the next meeting.

Records Management Policy

1:11pm– Associate General Counsel Mr. Evan Meenan presented the proposed Records Management Policy. There was a brief discussion regarding the driving force behind developing the policy and how the document would be revised. Ms. Marty Illick asked if the Records Management Manual was referenced in the policy. Mr. Evan Meenan confirmed that it is.

Mr. Don Turner made a motion to accept Phase 1 of the Records Management Policy, Ms. Marty Illick seconded the motion. The Records Management Policy was accepted unanimously.

Legislative Update

1:20 pm General Counsel Mr. Greg Boulbol and Associate General Counsel Mr. Evan Meenan walked through two bills presented last legislative session that have proposed changes to Act 250. Mr. Don Turner stated that he wants to determine the Board's position with respect to supporting various parts of each bill.

Unique Resource Areas:

In order to address issues like forest fragmentation there is a proposal to create unique resource areas with set geographic boundaries. All development within the boundary would be jurisdictional. Mr. Don Turner expressed concern with the additional regulation. Greg Boulbol suggested an alternative would be to incorporate forest fragmentation into criteria 8.

2:00 pm: the discussion on Legislative updates paused to hear recommendations for updates to the Commercial Building Energy Standards

2:05 pm Mr. Barry Murphy, Energy Program Specialist with the Public Utility Commission presented recommendations for a new Commercial Stretch Energy Code Guidelines. General Counsel Mr. Greg Boulbol provided the background information that a previous iteration of the Board worked with the Department of Public Service to develop the current stretch guideline to

the commercial code under 9(F). The language in statute includes the term “best available technology” for efficient use or recovery of energy. Without a guideline, district commissions will have to make decisions regarding “best available technology” on a case by case basis. The current CBES Stretch Guidelines provide consistency and predictability for the commissions and developers alike rather than relying solely on the term “best available technology.” Because the base commercial code is now being updated, the Board will have to decide soon whether to update the CBES Stretch Guidelines, and if so, to what extent.

Mr. Barry Murphy presented three areas for strengthening the CBES Stretch Guidelines.

The first is to increase electric vehicle (EV) charging requirements based on building type or to increase the EV charging spaces but decrease the number of chargers that must be installed immediately. Mr. Don Turner had questions about the current code and if it requires EV charging stations in new parking lots at the cost of the developer. He also raised concerns about who pays for the electricity. Mr. Barry Murphy responded that there is currently a requirement for EV charging stations, and that only utilities are allowed to sell the power. There are other ways the developers might capture that cost or pass it on to their customers. For example, a developer might charge for the parking space. Mr. Barry Murphy presented another alternative, which would be to keep requirements the same for the number of spaces but upgrade from level 1 to level 2 charging stations.

The second recommendation was to increase the points requirement for the additional efficiency package options. Mr. Barry Murphy suggested increasing the current requirement of six points to nine points. One of the benefits of the points system is that it offers flexibility to meet the code requirements. He also suggested increasing the air tightness requirements of a building envelope 10-12% and having those points count towards the required nine.

The third recommendation was to require buildings with a footprint greater than 15,000 square feet to design the roof structure to maximize future PV installations. The Solar Ready Zone tool can be used to demonstrate if the site is not suitable for solar.

Mr. Greg Boulbol restated the question in front of the Board – Whether, or not we want to have a stretch guideline for commercial projects? If yes, what do we want the standards to be?

Mr. Brad Aldrich asked about the process Vermont has regarding the International Energy Conservation Code (IECC). Mr. Barry Murphy provided background. Vermont adopts the IECC code after going through a stakeholder process. It is a long process, typically the code is adopted about a year after it has been finalized. The 2021 code is being voted on now.

Mr. Brad Aldrich expressed concern with the “best available technology” language. Ms. Marty Illick said that she thought the intent of the “best available technology” requirement was right but that the language needs to be improved. Mr. Brad Aldrich suggested tabling this discussion until Dec 10th meeting. It was agreed to do so

Legislative initiatives

2:42pm General Counsel Mr. Greg Boulbol and Associate General Counsel Mr. Evan Meenan resumed going through the two bills.

Capabilities and Development Plan:

There are proposals to update the Capabilities and Development Plan to help guide development. Mr. Brad Aldrich asked if there was a need for the capabilities and development plan. Mr. Evan Meenan explained that it is not currently used, or updated, but that some would like it used more in statewide planning. The NRB staff will send the Board a link to the plan.

Structural Changes to the NRB:

Mr. Greg Boulbol gave an overview of proposed structural changes to the Board. Ms. Marty Illick asked if there had been any feasibility or research on cost done on the effect of these proposed changes. She also asked what the objective of these proposed changes was. The Chair replied that the idea is based loosely on the PUC but it is still in the beginning discussion stage. Mr. Greg Boulbol addressed the motivation for the proposed changes.

Action Item #1 Board members agreed to makes notes on the various subjects addressed by the two bills to direct the conversation at the next meeting.

Mr. Brad Aldrich made a motion to adjourn the meeting, Mr. Don Turner seconded the motion. The meeting was unanimously adjourned.

3:09 p.m. Adjourn