



NATURAL RESOURCES BOARD

10 Baldwin Street
Montpelier, VT 05633-3201

NATURAL RESOURCES BOARD MEETING **Tuesday, March 14, 2023, at 11:00 am**

Board Members present in person or by Microsoft Teams:

Sabina Haskell, Chair
Brad Aldrich, Vice Chair
Steve Larrabee, Member
Don Turner, Member

Board Members not present:

Andrew Collier, Member

Staff present in person or by Microsoft Teams:

Peter Gill, Executive Director
Alison Stone, General Counsel
Jenny Ronis, Associate General Counsel
Aaron Brondyke, State Coordinator
Christopher Kinnick, Enforcement and Compliance Officer
Rachel Lomonaco, Business Director

Members of the Public:

None

The Vermont Natural Resources Board convened at 11:01 a.m. via Microsoft Teams, Chair Sabina Haskell presiding.

I. 11:01 a.m. Welcome and Introductions

Chair Haskell welcomed those in attendance.

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

Chair Haskell offered the public the opportunity to comment. No members of the public were present.

III. 11:03 a.m. Review and action on minutes of February 14, 2023

A motion to approve the minutes of the Tuesday, February 14, 2023 meeting was made by Mr. Aldrich, seconded by Mr. Turner and approved as follows.

Sabina Haskell - Yes
Brad Aldrich - Yes
Steve Larrabee - Yes
Don Turner - Yes



Andrew Collier – Not present

IV. 11:04 a.m. NRB office and budget updates

No Natural Resources Board office or budget updates were made at this time, but the topic was revisited later in the meeting.

V. 11:06 a.m. Discussion regarding Act 250 legislative initiatives

Chair Haskell provided a legislative update on S.100 an act relating to housing opportunities made for everyone. S.100 proposes changes on how residential projects would be treated in Act 250 including new proposed exemptions for residential projects. Chair Haskell indicated that this bill is currently in the Senate Natural Resources and Energy committee but is likely going to cross over to the House.

Executive Director, Peter Gill provided an overview of the interagency environmental justice meetings the Natural Resources Board has participated in. The interagency panel is tasked with collectively developing guiding principles and each agency will be required to create its own engagement plan to incorporate those guiding principles. Mr. Turner and Mr. Larabee expressed that the board members should know what the Natural Resources Board is agreeing to before any agreements are made. Mr. Turner and Mr. Larabee expressed concern that this may result in additional Act 250 criteria which they would not be in favor of. Executive Director, Gill indicated that at this point it is not clear if this process would result in rule making or legislative changes. Chair Haskell indicated that as a first step, an introductory powerpoint and the minutes for the first interagency meeting will be circulated to the board members.

VI. 11:22 a.m. Discussion of appeals, enforcement, and attorney-client memoranda.

General Counsel, Alison Stone and Associate General Counsel, Jenny Ronis provided updates on several pending appeal cases including scheduling updates for the Victory Hill Trails case, the Peacefield Farm case, the Sugar Mountain Holdings case, and the Burton case. In addition, Ms. Stone noted that a jurisdictional opinion for a case in Hartland, Vermont was recently appealed and the NRB filed a response to the appeal. Mr. Ronis noted that a jurisdictional opinion for the Cortina Inn in Rutland, Vermont was also recently appealed.

Ms. Stone also briefed the board on the O'Brien Farm Road appeal where an application fee waiver was appealed by the applicant. The Superior court ruled in the NRB's favor that the application fee cap of \$165,000.00 applies on a per-application basis rather than on a per-project basis.

Ms. Stone and Ms. Ronis also briefed the board that Costco recently opened their gasoline pumping station on a full-time basis and the opponent to the project is seeking an injunction. This injunction is in addition to an appeal for a recent jurisdictional opinion and the appeal of the 4C0288-19F permit which are pending with the court.

Ms. Ronis included that the Town of Morrisville gravel pit permit was appealed and the NRB is in communication with the Town about that appeal.

No enforcement updates were made.

VII. 11:38 a.m. NRB office and budget updates

Chair Haskell requested that the board revisit the topic of the schedule of the board meetings. The board members discussed the topic and resolved that the board should meet every other month with a start time of 9:00am.

A motion to convene the board meetings every other month with a start time of 9:00am was made by Mr. Aldrich, seconded by Mr. Larrabee and approved as follows.

Sabina Haskell - Yes
Brad Aldrich - Yes
Steve Larrabee - Yes
Don Turner - Yes
Andrew Collier – Not present

VIII. 11:45 a.m. Adjourn

At 11:45 p.m. a motion to adjourn was made by Mr. Larrabee, seconded by Mr. Aldrich and approved as follows.

Sabina Haskell - Yes
Brad Aldrich - Yes
Steve Larrabee - Yes
Don Turner – Yes
Andrew Collier - Not present