

Purpose of the Meeting Is to Get Feedback on the Conceptual Framework Document

It was noted that the document is a starting point—no consensus—not recommendations.

Temperature Check on Possible Recommendations and Emerging Areas of Agreement

- Tier 1 Yes, some consensus around changing NRB structure and governance.
- Tier 2 More discussion needed, no consensus.
- Tier 3 Recognition that so much of this is so politically charged, this is the harder discussion. Nothing on the road rule yet.

Comments:

- Tier 1—need guard rails—having a level of governmental review removed would make things go a lot quicker.
- Communities, whether large or small, should have the opportunity to meet the Tier 1 criteria.
- Consider if the process should be same for all the tiers in terms of designation process.
- Concern from some that can't map Tier 3—natural resources change—wetlands dry up, i.e.
- If there is a proposal to shifting the decision/authority to the RPC's, RPC's will need more resources.
- Designation process needs "one-stop" process like determinations for energy compliance before PUC. See section of Title 24 below. Need an administrative process with deadlines.

§ 4352. Optional determination of energy compliance; enhanced energy planning

(a) Regional plan. A regional planning commission may submit its adopted regional plan to the Commissioner of Public Service appointed under 30 V.S.A. § 1 for a determination of energy compliance. The Commissioner shall issue an affirmative determination on finding that the regional plan meets the requirements of subsection (c) of this section and allows for the siting in the region of all types of renewable generation technologies.

(b) Municipal plan. If the Commissioner of Public Service has issued an affirmative determination of energy compliance for a regional plan that is in effect, a municipal legislative body within the region may submit its adopted municipal plan to the regional planning commission for issuance of a determination of energy compliance. The regional planning commission shall issue an affirmative determination, signed by the chair of the regional planning commission, on finding that the municipal plan meets the requirements of subsection (c) of this section and is consistent with the regional plan.

Tier 2 and 3 Comments

- Concern: Reducing 5-mile law to .5 mile—what is policy behind 5 miles? It's segmenting to avoid jurisdiction. It is regulating the developer not the development.
- Should we distinguish between housing and other development in 5-mile rule.
- How do we treat the Tier 3 resources?
- Difference of opinions: Tier 3 makes local zoning meaningless vs. Tiered approach to Act 250 adds value that local zoning doesn't.
- What is in this proposal that would benefit rural Vermont knowing most towns won't be eligible for exemptions?

Further discussion:

1. Designations—NRB as approving authority vs. state-wide body? Could NRB, if it became a professional board with expertise, be the approving body, potentially taking it away from the downtown board?
 - NRB's interest is Act 250 jurisdiction, is not cross disciplinary, how about a board made up of representatives of RPC's? ANR?
2. Appeals: agreement by group that we don't go back to original Environmental Board.
 - E Ct vs. PUC type board, vs. hybrid—still no consensus here.
 - Consider if all real estate issues related to project should be added to Environmental Court's jurisdiction—like a land court as MA has.