



STATE OF VERMONT
General Assembly
Commission on Act 250:
the Next 50 Years

MINUTES – DEC. 13, 2017

Pursuant to 2017 Acts and Resolves No. 47 (Act 47), the Commission on Act 250: the Next 50 Years (Commission) convened on Wednesday, December 13, 2017, at 10:00 A.M. in Room 11 of the State House in Montpelier.

Commission members present

Rep. Amy Sheldon, Chair
Rep. David Deen

Sen. Christopher A. Pearson, Vice Chair
Sen. Brian Campion
Sen. Dick McCormack

Advisors to the Commission or designees of advisors present

Elizabeth Courtney
Peter Gregory, Two Rivers
Karen Horn, VLCT
Tom Little, Chair, District No. 4 Commission
Julie Moore, Secretary, ANR
Sharon Murray, VPA

Ernest Pomerleau, Pomerleau Real Estate
Brian Shupe, VNRC
Diane Snelling, Chair, NRB
Gerry Tarrant, VBA
Anson Tebbets, Secretary, AAFM

Staff present

Aaron Adler
Faith Brown

Legislative Counsel
Committee Assistant

Continuing the opportunity for the advisors to be heard pursuant to Sec. 2(d)(1)(B)(v) of Act 47, the Commission began with testimony from Ms. Courtney, who had not been able to testify at the meeting of November 15, 2017.

In preparation for the second phase of its charge (public engagement), the Commission then heard from witnesses on conduct public engagement processes. Susan Clark testified on the subject generally. Chair Snelling testified on the public outreach conducted with respect to legislation on shorelands permitting. Louis Porter, Commissioner, and Mark Scott, Director of Wildlife, both of the Department of Fish and Wildlife, testified on public processes conducted by that Department.

The Commission discussed how to conduct the public engagement process required by Act 47. On motion of Vice-Chair Pearson, the Commission unanimously voted to request,

pursuant to Sec. 3 of Act 47, to request that the Office of Legislative Council retain professional assistance. The Chair and Vice-Chair will work with the Office to create a scope of work for review by the Commission.

The Commission heard testimony from State agencies in response to questions from the Commission at its prior meetings. Witnesses included:

- Chris Cochran and Dale Azaria of the Agency of Commerce and Community Development on state designation programs under 24 V.S.A. chapter 76A
- Billy Coster of the Agency of Natural Resources on the concept of resource-based jurisdiction, the relationship between Act 250 and other State permits, and the issue of moving jurisdiction over wind turbine siting from the Public Utility Commission to Act 250.
- Peter Walke of the Agency of Natural Resources on the Governor’s Climate Action Commission.
- Secretary Tebbets and Stephanie Smith of the Agency of Agriculture, Food and Markets on the agricultural exemption from Act 250. Ms. Smith also testified on accessory agricultural enterprises.
- Commissioner Michael Snyder and Deputy Commissioner Sam Lincoln of the Department of Forests, Parks and Recreation on issues relating to Act 250, forest products, and rural economic development.
- Peter Gill of the Natural Resources Board on Act 250 appeals and the issue of “tactical” appeals.

The Commission provided an opportunity for the advisors to respond to the agencies and heard testimony from Ms. Horn, Mr. Little, Mr. Pomerleau, and Mr. Shupe.

The Commission heard public comment from the following witnesses: Justina Gregory and Susan Kelly.

The Commission adjourned at approximately 4 p.m.

Respectfully submitted,

Aaron Adler, Legislative Counsel