

VERMONT ENVIRONMENTAL REPORT

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Interim Land Use Plan Readied For Governor

Vermont's Interim Land Capability Plan, the first of three foundation blocks in the state's ambitious land use regulation program, has been revised by the Environmental Board and resubmitted to Governor Davis. The plan, prepared in conformity with Section 18 of Act 250, is designed to furnish guidelines for the District Environmental Commissions and Environmental Board "in making decision on land use applications under the Land Use and Development Act." The revisions also stipulate that inventory, maps and text incorporated in the original plan "should be used as supplementary information to identify constraints and present land use for information purposes only." The policy segment of the Interim Plan is now reflected in 11 statements which will serve as the document's centerpiece. They are designed to strengthen the positions of the board and district commissions particularly as they evaluate the potential impact of developments on highways, educational systems, and municipal services. While the policy proposals are general, it is the Environmental Board's intent that prospective developments conform to all of them. In addition to touching on such problems as sub-surface sewage disposal, open space preservation, recycling and natural areas, the statements declare that . . . "development shall be located in areas where activities as may be related or attributable thereto will be reasonably consistent and harmonious with existing land uses and/or natural conditions," and states that industrial development should be encouraged "provided it controls adequately its wastes, satisfactorily relates to existing land uses and aesthetic qualities and accounts to the community for indirect costs to the community for essential services." The statements are designed to determine the future use of lands and guide patterns of growth until the Land Capability and Development Plan is prepared and adopted.

Failure To Regionalize Blamed For Ripton Woes

The director of environmental programs for the New England Regional Commission says the Ripton Environmental Center's failure to embark on a region-wide educational program forced NERC to curtail the Center's funding. Richard Weston said the original grant to the Center was made on the basis that funds would be used to "develop and test innovative regional techniques for environmental education." Weston said NERC is a federally-funded regional agency "and if Ripton wasn't designed originally as a regional resource we wouldn't have gotten involved." Weston said the Center's directors failed to fulfill three stipulations made by NERC as a result of a 1971 evaluation: That the Center appoint an Advisory Council from the remaining New England states; that it make an assessment of New England's environmental education needs and that it conduct a region-wide educational program. Weston said directors of the Center told NERC that these directives were beyond the capacity of Ripton's financial resources. "It was the board of director's desire to close the Center, not ours," Weston insisted, "and I'm sorry to see it go." Shaun Bennett, a Ripton staff member said future funding possibilities for the educational facility are uncertain. "I think our biggest problem," he said, "was getting people to know what is going on at the Center." The Center has an annual budget of between \$150,000 and \$180,000, 90 percent of which was furnished by NERC. The latter source of support terminates this Fall.

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Editor: Arthur Ristau

Stowe Voters Endorse Farm Tax Stabilization

Stowe selectmen have been authorized to contract with ten local farmers to freeze the assessments on their land at \$200 per acre. The 154 to 20 special town meeting vote last month affects farm proprietors deriving two-thirds of their gross income from agriculture and stipulates that tree farming and maple sugaring are also within the realm of farming. If all Stowe farmers eligible for relief under the agreement obtain it, the community's tax rate is expected to be increased by two percent. The stabilization agreements would be in effect for ten years but subject to readjustment in 1977. The agreements would include a roll-back provision whereby a farmer who sells all or part of his agricultural holdings would be liable for that portion of the tax deferred during the three years preceding the sale. This will require that local listers set two values on the land, one for taxation and the second to determine liability to the community in the event the farm land is sold. The assessment freeze would apply only to lands held for agriculture. Farm buildings would not be eligible. Farmer Merton Pike told the special town meeting: "We realize this does not meet all the needs we have for open spaces but we feel it is a starting point." A similar stabilization agreement was voted a year ago at the Shelburne town meeting.

Land Use Taxation

Legislation creating a state board to appraise but not list all taxable property, impose a capital gains tax on land transfers and set up a sliding scale for land tax valuation was expected to be introduced in the Senate early this month. The proposal was drafted by Rep. Peter Giuliani and former Deputy Tax Commissioner Norris Hoyt and will be attached to H-139, a House-passed bill aimed at encouraging open space preservation, which will not be considered in its original form. The Giuliani-Hoyt plan would give the proposed assessment board authority to appraise all taxable property in Vermont and subject local listers to the board's jurisdiction. It calls for the assessment of farm and forest lands as well as uncultivated open land at 25 percent of fair market value; residential property would be assessed at 40 percent and lands of non-governmental, tax exempt organizations at 10 percent. All other taxable property would be listed at 50 percent of fair market value. The bill would impose a capital gains tax ranging from three to 60 percent when tax favored lands are transferred depending upon the length of time the land had been held. It also provides that property tax appeals be made directly to the proposed state board of appraisers or to chancery court, eliminating appeals to boards of civil authority.

Dartmouth Economist Probes Pay to Pollute

The cost of cleaning up Vermont's waters depends almost as much on what happens in other states and at the federal level as on what happens here. This is one observation made by a Dartmouth economics professor following a four month study of the impact of the Pay to Pollute law on the state's labor force and business community. Professor Ben S. Branch, in the cost analysis commissioned by EPIC, points out that if most other states or the federal government follow Vermont's lead in cleaning up its waters the long run dollar impact of 252 will be "negligible." This, Branch says, is because competing industries in neighboring states will lose whatever temporary advantage that may accrue as a result of additional anti-pollution costs assessed against Vermont firms. "There are advantages and disadvantages," Branch points out, "in being a pioneer in pollution abatement legislation." One of the latter, Branch notes, is the possibility that firms threatening to close as a result of the imposition of pollution fee schedules could result in the loss of between 300 and 1,200 jobs. But Branch estimates the impact is apt to be closer to 300. Branch translates the potential economic loss as being the equivalent to between six weeks and five and a half months of annual growth. He says the primary impact of the law will be on industries which are in decline such as textiles, paper, cheese and, to a lesser extent, granite. "There is no assurance," Branch says, "that firms with inferior managements will quickly learn that it is in their own interest to pollute less." He says that Act 252 will directly affect workers in industries with employment just under 40,000 and that companies such as mechanical and electrical manufacturing firms which are growing more vigorously do not contribute substantially to the state's water pollution problem.

Pomfret Weighing Purchase Of Local Quechee Property

Pomfret selectmen are attempting to purchase 550 acres within their town now owned by... Quechee Lakes and which the Hartford-based resort plans to use as part of an expansion program. The Pomfret property coupled with 5,450 acres in Hartford is the prospective site of a contemplated 2,000 single family lots and 500 condominium units. Conceptual approval for the Hartford segment of the expansion has been approved by District Environmental Commission #3 but it has temporarily eliminated from consideration that portion of the development which would be sited in Pomfret. Selectman Peter Gratiot feels it would be to Quechee's advantage to confine all of its development to the Town of Hartford. "We would like to buy the Quechee land in Pomfret," Gratiot said. But Al Moulton of Quechee indicated he's not interested in selling his Pomfret holdings and feels the neighboring community "should consider the benefits which will come to Pomfret as a result of a development of such stature." The DEC has deferred consideration of the Pomfret portion of the application because of the absence of specific information from the Quechee Corp. and because the proposal is not in conformity with the Pomfret town plan. Pomfret selectmen say the proposed development would double the number of dwellings in their community on only two percent of Pomfret's land. They also claim Quechee failed to consider possible social and economic effects of the Pomfret phase of the development, noting the "inward focus" of the proposal, caused by the Quechee Landowners Association would, in effect, divide the community into two groups "with different aims and objectives."

Observers point out however that when Quechee does reapply for an Act 250 permit with specific information regarding the Pomfret development, local officials may have difficulty in making a case against the application. Pomfret does not have permanent zoning and subdivision regulations.

Vermont . . . A Special World

A Greater Boston resident, having recently acquired ten and a half acres (more or less) in Sheffield, wrote the V. N. R. C. last month wanting to know what he could do with the seven acres he would have left over after constructing a cabin. "I would like to continue to keep the balance under hay," he wrote. "What type of federal, local or state funding are available for this type of project?"

Heah Come De Sludge?

The United States Supreme Court is expected to rule soon concerning its jurisdiction in the dispute between Vermont and New York over the Lake Champlain sludge beds. Vermont argued late last month that only the high court could resolve the dispute since neither New York nor Vermont can legislate beyond its borders and that the sludge built up as a result of deposits from an International Paper Co. mill at Ticonderoga, N. Y. has cast doubt on the actual boundary between the two states. Vermont wants the sludge dredged, New York wants it left alone. Commissioner Henry Diamond of New York's Environmental Conservation Department says his studies indicate the sludge beds are beginning to stabilize and will one day no longer constitute a pollution hazard. He argues that disrupting the beds would release organic carbon, nitrogen and phosphorous, increasing pollution indefinitely. Reactions to Diamond's contentions in Vermont are generally negative although one University of Vermont professor, William Jewell, concurs with Diamond's findings. Jewell, a civil engineer, contends that dredging would not hasten the growth of aquatic life and that the oxygen levels in the beds are sufficiently above both New York and Vermont water quality standards. He says the \$2.2 million expense of dredging the beds would be prohibitive. The Lake Champlain Committee has not completed its study of Diamond's report but a committee spokeswoman, Emma Lou Gale, says she feels the sludge should be removed by vacuum pump with the residue from the deposits used as land fill for pollution damaged marshland on the New York shore.

This view is shared by UVM botanist Hub Vogelmann who feels the sludge would raise the life supporting capabilities of the marshland and make the area biologically productive. Diamond says placing the sludge on the land would cause irreparable damage.

Manchester Meeting Explores Land Use Planning Problems

For the first time since the formation of the Act 250 planning task forces six months ago, an effort has been made to elicit public reaction to some of the concepts one of the task forces is exploring. More than 75 Bennington County residents attended a late February meeting of the Bennington Regional Planning Commission during which four members of the Bennington-Rutland Task Force discussed some of the problems being explored in the preparation of the Capability and Development Plan and the Land Use Plan. Some of the issues ventilated during the discussion included electrical rate structures, taxation policies, the vulnerability of Route 7 to strip development and open space preservation. John G. Simson, executive director of the Bennington R. P. C. pointed out during the discussion period that a policy decision already has been made by state government, through Act 250, to impose restrictions on the use of land. "The question becomes," Simson said, "how do we arrange compensation for the individuals most affected by these restrictions?" Simson went on to say that, in his view, the people who live in the valleys are going to have to pay for the esthetic enjoyment of the mountains. "If mountain hillsides and upland pastures are valuable to a motel owner, for example," Simson pointed out, "then it is not reasonable to ask the farmer or landowner who makes these views available to be taxed at the same rate as the man who is benefiting from the views."

Pay To Pollute . . . Phase II, or is it III?

Vermont's "first-in-the-nation" pollution charge system, now approaching its second birthday will probably never be tried in its highly praised original form. No matter which amendment now before the Senate is approved, the law is certain to be modified. The innovative measure, passed as a feature of Act 252, attempts to equalize the costs of those who are now treating their wastes so that they do not reduce the quality of water into which they are discharged (discharge permit holders) and those who are not treating their wastes enough to avoid degrading the water (temporary pollution permit holders). Under the charge plan, those who are not paying treatment costs would pay use charges according to the impact of their wastes on the water. An amendment in 1971 delayed assessment of the charges until July 1, 1972. The renewed debate this year centers on how to distribute waste disposal costs fairly. Proposed amendments range from several which would change the purpose of the charges to one which would clarify how the money collected through the charges would be used. The 1970 law states the purpose of the charge as an incentive for temporary pollution permit holders to take interim measures to reduce the amount and degrading quality of their discharges during the limited time of the pollution permit. Rather than waiting to make any improvement until completing the lengthy process of building a treatment plant, the polluter is encouraged to replace straight pipes with septic tanks or to temporarily chlorinate his wastes. Several of the proposed amendments see the charge instead as a fine if a temporary permit holder fails to adopt and adhere to a schedule to build a treatment plant. Governor Deane Davis proposes to exempt from the charges municipalities which are on schedule. He feels it is not fair for them to pay the charges when it is lack of state and federal funds which prevents them from going ahead. Roland Loveless, Secretary of Development and Community Affairs, has offered an amendment which would give industries on schedule the same treatment. Assistant Attorney General John Hansen contends these amendments would give the municipalities and industries exempted free waste disposal which would put them in an economically advantageous position compared to those who are paying large amounts for waste treatment now. Turning the charges into fines would, among other things, raise a question of double jeopardy since temporary permit holders who violate conditions in their permits are already subject to a fine of up to \$10,000. If the towns cannot afford to pay the charges, the solution is not exemptions but lower charges, Hansen says. The draft regulations for the charges prepared by Hansen and Water Commissioner Martin Johnson set the highest possible annual charge per polluter at \$88.60 and the lowest at \$8.46. They could be lowered to perhaps \$3.75 minimum and \$50 maximum limits and still be effective. If the towns still cannot afford these charges, Hansen suggests the answer may be an equalized sewerage charge. Attorney General James Jeffords supports the charge as an interim incentive rather than a fine. His amendment would clarify the use of the money collected through the charges. He concedes a need to help those particularly hard hit by water quality enforcement and believes the money collected from those who would otherwise be polluting for free should be used to aid, among others, towns with high clean-up costs because of low population density, marginal industries in towns dependent on them, and elderly people with low incomes. The Senate Natural Resources Committee has held several hearings on the proposed amendments and proponents of the various amendments presented their cases before a special Committee of the Whole Senate session March 1. The Board of Water Resources is waiting to act on regulations implementing the charges until the legislature acts on the amendments.

The Legislative Ledger

With the Vermont General Assembly nearing the homestretch in its deliberations an estimated half dozen significant pieces of environmentally related legislation now appear to have a better than even chance of being enacted. They are:

H-80: Amendments to the Municipal and Regional Planning and Development Act of 1967 which significantly strengthen the law, particularly in the area of planned unit developments. It would require that local zoning ordinances containing provisions for P. U. D.'s describe standards by which they are evaluated. It also revises the make-up of planning commissions and the regulations under which they function.

H-100: This House-passed bill relating to the disposal of non-returnable containers has been re-written in the Senate Finance Committee. It now prohibits the sale of both beer and soda in non-returnable containers and creates a one mil tax on each four ounces of beer and soda. Seventy-five percent of the receipts of this tax would be earmarked for use by recycling centers. It is estimated that the tax would generate between \$800,000 and \$1.5 million annually.

H-447: Flood Plain Zoning. The bill quickly cleared the House Natural Resources Committee but has been in Appropriations since January 28. Sponsors remain optimistic, however.

H-460: This administration bill which would limit highway curb breaks to curtail strip development along roads owned by the state or for which state maintenance assistance is provided, passed the House February 25.

H-491: Legislation requiring the approval of the Governor and the General Assembly for state flood control impoundment projects passed the House last month. Favorable Senate action is anticipated soon.

S-63: Another holdover from 1971, this bill would regulate the operation and registration of snowmobiles.

Governor Creates New Environmental District

Governor Davis has signed an executive order splitting the Rutland-Bennington Environmental District. The decree setting up the eighth district rescinds an earlier decision which amalgamated Rutland and Bennington counties into a single unit for the administration of Act 250. The Bennington-Rutland merger went into effect last July. The executive order dissolving that merger becomes effective when the legislature adjourns.

Nutrient Stripping In Newport

A Water Resources Department experiment now being conducted in Newport offers hope that some small Vermont communities may be able to efficiently and inexpensively reduce the phosphate contents of their waste effluent. A chemical nutrient removal process is being attempted near the southern tip of algae-plagued Lake Memphremagog in an effort to determine the potential for attaining a secondary level of water quality at a primary treatment plant. The process involves the introduction of a chemical into the raw sewage prior to its entry into the plant's settling tank. Three chemicals which had demonstrated superior results in laboratory experiments were utilized in the Newport plant — lime, ferric chloride and alum. Of these alum was found to be the most effective and economical. The alum caused the phosphates in the effluent to become insoluble and coalesces the dispersed particles into a settleable consistency which can later be drawn away as sludge. The experiment indicates that the phosphate level of the waste effluent could be reduced from 20 to 30 milligrams per liter to just two milligrams. The process being attempted in Newport is encouraging Water Resources officials because it requires less modification of a sewage treatment plant than is required in other post-primary treatment processes, is economically feasible for small Vermont towns and is proving to be efficient. The department hopes to continue this process on a permanent basis in Newport and conduct additional experiments in Stowe, St. Albans and Alburg. The cost is substantially less than that of secondary treatment. The Newport experiment was underwritten by Water Resources and The Environmental Protection Administration.

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Windham Coordinator Named

Arthur Menut of Essex Junction has been appointed environmental district coordinator for Windham County. Menut, who is a native of St. Johnsbury, succeeds Ken Senecal who replaced Robert Babcock Jr. as executive officer of the Environmental Board. Menut is a graduate of the University of Vermont and is an MA candidate in planning at UVM.

A Farmer On Farming

"It is not taxes alone that have doomed so many Vermont farms. Fair market value is really a measure of the open lands used in farming. If it is a profitable, stable enterprise, the taxes will be a good indication of this. Brush and woodlot should not be taxed at the same ratio—but I don't believe in giving anyone a subsidy or a free ride. Farmers should pay their way as well as all other property owners in the community. The problem comes when farm land is taxed as developable land while the farmer is still using it as productive farm land. The problem with local property taxes is a clear issue and can be readily seen." (From a paper written by Earl Howe, Wilmington farmer for the Environmental District II Act 250 planning task force of which Mr. Howe is a member).

Ripton Schedules

VNRC Eco Weekend

VNRC members interested in learning the fundamentals of ecology are invited to participate in a weekend workshop at the Vermont Environmental Center May 5 through 7. The program will begin at 5 p. m. on the 5th and continue through lunch on the 7th. It will include films, field trips and discussion periods. Accommodations for 20 persons are available at the Center and the total cost of the two-day program is \$25 per person. Registrations will be honored on a first-come-first-served basis if accompanied by a \$10 deposit. Interested persons should write the VNRC.