

VERMONT ENVIRONMENTAL REPORT

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Partridge Sketches Planning Scenario

Ben Partridge, chairman of the Environmental Board and director of the State Planning Office, has outlined a tentative schedule for the completion of the State's Capability and Development and Land Use plans. Partridge has notified each of the seven planning task forces that they should have completed, by May 1, individual reports on "problems and issues and desired solutions and answers, including alternative solutions and answers where applicable." Partridge said the Environmental Board will then prepare drafts of both plans, integrating the task force material with data and information compiled by his staff in the Planning Office. Between May 10 and June 15 the Environmental Board will conduct seven informal public meetings—one in each of the planning task force districts—during which the general public and interest groups will be exposed to work in progress and invited to react to it. Beginning in July the Board will conduct a round of hearings seeking reactions to the draft of the two plans with revisions made as a result of the Spring meetings. The Environmental Board now hopes to adopt the two plans by September 1 after which they will be printed and bound preparatory to their submission to the Governor and the General Assembly. Partridge also said the Interim Land Capability Plan, signed by the Governor last month, will remain in effect at least until July 1 but it is not certain whether the life of this document can be extended beyond that point until the permanent plans are adopted. Here is the tentative schedule of the first round of public meetings on the Act 250 plans as they will have been developed by the task forces and Partridge's planning staff: May 10, Bellows Falls; May 11th, Bennington; May 17th, Washington County; May 23rd, St. Albans; May 24th Chittenden County; June 13th, St. Johnsbury; June 14th, Woodstock.

Property Tax Reform Study Curtailed by Adjournment

A proposal to initiate a \$250,000 study and test of alternatives to the existing property tax system died in the waning hours of the 1972 legislative session. A resolution proposing \$50,000 as the state's share of the analysis, passed the House but did not reach the Senate in time to be considered. The resolution would have extended the so-called "Rockingham Model" for property tax reform to 24 other towns in an attempt to thoroughly evaluate a dramatically revised formula for assessing and taxing property. The system's primary goals are tax relief for the working poor and elderly, an equitable tax system for working farmers based on current, rather than potential use, open space preservation including the identification of speculative activity and concomitant tax assessment and a more equitable distribution of educational costs among property owners. The Rockingham study was triggered, in part, by recent court decisions challenging the property tax as the primary source of local educational support. Critical elements in the Rockingham Model include the classification of all real property according to existing use and a taxing concept based on the principle that all real property cannot be taxed uniformly. It would eliminate the personal property tax, the business inventory tax and the tax on structures and substitute a graduated "cost of government tax" based on the owner's declared land use and the size of his holdings; a graduated "education tax" based on the individual's state income tax liability and a graduated "real property transfer tax." The classified land use system examined in the Rockingham Model is designed to spread the cost of government, based on land use and the quantity of land owned, on a graduated scale for all landowners except the elderly, working poor and special educational and service-oriented institutions.

The Vermont Environmental Report is a monthly newsletter published by the Environmental Planning Information Center (EPIC), a project of the Vermont Natural Resources Council, 97 State Street, Montpelier, Vt., 05602.

Editor: Arthur Ristau

Council Intervenes in Water Quality Disputes

The VNRC has intervened in two legal controversies now pending before the Water Resources Board which relate to the potential degradation of the state's waters. Vice Chairman Jonathan N. Brownell has joined attorneys for the Conservation Society of Southern Vermont, a VNRC affiliate, in a pristine stream dispute involving a Londonderry resort and in a challenge to the use of salt on Vermont highways. In the Londonderry controversy the Water Resources Board has adjourned until mid-April its hearing on an appeal filed by Dostal's Lodge which was denied permission to discharge into a pristine stream which empties into the West River. The lodge claims a permit is necessary since the soil in its vicinity couldn't accommodate leeching fields. Commissioner Martin Johnson says the dispute is critical to the state's efforts to implement pristine stream regulations. The intervention by the VNRC and the CSSV assures that an avenue of appeal will be available should the Water Resources Board overturn Johnson's decision. In the highway controversy, Brownell joined Harvey Carter of Pownal, who represents the CSSV and the Vermont Roadside Council, as an intervenor. Brownell pointed out that the attorney general has notified Johnson that the Water Resource Department may not appeal a Board decision which sets aside a staff ruling. Brownell said it therefore becomes essential that "responsible and competent citizens groups" be allowed to initiate appeals from Water Resources Board decisions which might tend to lower the quality of Vermont waters.

Landless Developer Discusses Proposal

A Long Island businessman who has yet to acquire any of the 2,000 Randolph acres he hopes to convert into a vacation home complex, has nonetheless begun to discuss some of his concepts with local land-owners and state officials. Clinton Draper of Facilities Development Corporation, taking an approach alternately viewed as either honest or naive, says he plans to spend \$25 million in the next ten years constructing 100 condominium units of 14 families each, 200 to 250 individual homes and a 700 acre lake in the Ayres Brook region north of Randolph. Draper doesn't own any of the land as yet but has outlined his contemplated development before 30 Randolph residents and also has communicated with officials of the Agency of Environmental Conservation. "You might say," one local official observed, "that Mr. Draper is taking a completely different approach."

Nature Conservancy Acquires Key Greensboro Site

A 256-acre natural area near Greensboro was given recently to The Nature Conservancy. Known as The Barr Hill Nature Preserve, this area is "to be forever maintained in its natural state for inspirational, educational and scientific purposes."

This nature preserve, its summit over 2,100 feet, provides views of four mountain ranges: the White Mountains of New Hampshire, the Green Mountains of Vermont, the Adirondacks of New York, and Mont Tremblant in Canada's Laurentians, as well as a view of nearby Caspian Lake, known to early settlers as "Beautiful Lake." Surrounded by far-reaching stretches of relatively wild wooded country and some farmlands, Barr Hill Preserve, with valuable plant and animal life, includes solid coniferous woodland, mixed hardwoods, open fields, and a small "hoch-bog" of northern species.

As described by the Nature Conservancy: "The establishment of Barr Hill illustrates how the Conservancy works to maintain land in its natural state. Except for a portion of the Preserve which will be open to picnicking, the land will be kept as a protected wild area, closed to hunting, trapping, and camping, with motorized traffic, including snowmobiles, confined to one access field road near the picnic site."

What makes the gift of the Barr Hill Preserve of such significance is the fact that some Vermonters understand the vital need to preserve the healthful conditions of our natural environment and are willing to do something effective to protect these necessary resources for the benefit of all of us.

The decision of the donor family to give this land was born out of years of concern for conservation and family consultations covering a considerable period of time. The decision to preserve forever this valuable land through The Nature Conservancy was made because of the operating policy of the Conservancy, which is closest to the intent and desires of the donor family. The spirit behind the gift of Barr Hill was summed up by a member of the family who wrote: "We feel it should belong to all the people."

J. C. S.

Massive Campsite Development Worries State Park Officials

A Massachusetts developer has outlined preliminary plans for what could ultimately become the largest public or private campsite facility in Vermont. And state officials are worried about it. Jon Ericson, an officer of Chomonix Chalet Properties, Inc., has discussed his proposals for 1,000 permanent campsites in a contemplated recreational complex encompassing 2,400 acres in the towns of Plainfield, Orange and Groton. Chomonix recently acquired the tract from the Indianhead Plywood Corporation for \$235,000. The huge development would be much larger than any facility of its type now existing in Vermont. Rodney A. Barber, Vermont's director of parks, said total state owned camps have a capacity of only 2,100 and that 300 campsites represent, in his view, an optimum size for such a facility. "Any more than this", Barber said, "detracts from the quality of a camping experience almost regardless of the number of acres involved." Barber went on to say that it is his understanding that the Chomonix proposal would involve permanently rented campsites. "The experience in other states has not been encouraging as regards these sites," Barber said, noting that they frequently become permanent settlements "which often resemble shack-towns." Barber said the State of Connecticut has had difficulty with state campsites of this nature and has now taken steps to prohibit them. The Chomonix development envisions four campsite lots per acre and recreational facilities would include a clubhouse, swimming pool and tennis and basketball courts "for the use and benefit of the people who invest in the property," according to the developer.

Henry Bissex, chairman of the Plainfield Planning Commission said there is clearly "no mandate from Plainfield residents" for a development of this nature and "there is no way that this development will not effect the environment of the town." Bissex views potential access problems as significant since the main road to the development would pass through the village of Plainfield. Although Ericson claims the development would increase tax revenues, one planning commission member suggested it might cause an increase in the fair market valuation of the remaining open land in the community thus intensifying tax pressures on farmers and encouraging even more development. The situation is further complicated by the fact that the proposed development is in three towns. Both Plainfield and Groton have adopted interim zoning but only Groton has a town plan. If an Act 250 proceeding is forthcoming Barber's agency would be involved since the Chomonix holdings extend over Spruce Mountain to the state's prized Seyon Ranch fishing preserve.

Plans Seen As Critical To Act 250's Success

"Despite its problems, the administration of the law (Act 250) seems to be progressing well. The critical process, however, is the preparation of state plans that can provide both flexible guides for developers and standards for the regulators. The presentation of these plans in 1973 will provide the real test of Vermont's land regulatory system." **Concluding paragraph of Vermont segment of "The Quiet Revolution in Land Use Control," published in January by the President's Council on Environmental Quality.**

VNRC Named "Affiliate of the Year"

The National Wildlife Federation has conferred its annual "Affiliate of the Year" award for 1971 on the Vermont Natural Resources Council. The VNRC, one of 50 federation affiliates, was cited at ceremonies in Mexico City last month for its work in obtaining environmental and health standards incorporated in an agreement between Vermont Yankee and the State of Vermont as a condition for the nuclear plant's licensing, for creation of the EPIC program, for its help in forming the Northern New England Environmental Coalition and for its work in helping to create the Vermont Environmental Center and the Vermont Air Coalition. Chairman Peg Garland and Counsel/Vice Chairman Jonathan N. Brownell attended the presentation ceremonies along with Warner Shedd of East Calais, Northeastern field representative for the N. W. F.

Federal Judge Upholds Zoning Out Subdivision

A U. S. district court judge has ruled that a New Hampshire town acted legally in revising its zoning laws to prevent a Connecticut development firm from cutting up segments of the community into small vacation home lots. Judge Hugh Bownes held last month that the town of Sanbornton, a community of 1,000 on Lake Winnisquam, was justified in altering its zoning codes for minimum lot sizes in an attempt to shut out a subdivision contemplated by the Steel Hill Development Corp. of Bridgeport. Steel Hill sued the town claiming its property rights were being denied under the 14th Amendment to the U. S. Constitution. Not so, ruled Bownes, who said the impact of the dispute, "reflects the current clash between those interested in opening up new and hitherto undeveloped land for sale and profit and those wishing to preserve the character of Northern New England and shield it from the relentless pressure of an affluent segment of our society seeking new areas for rest, recreation and year-round living." Bownes noted there was no evidence of population pressures which would make the Sanbornton ordinance unreasonable. "The people of Sanbornton have a right to try to protect themselves against the ugly urban sprawl that has become part of the great megalopolis running from Washington to Portland, Maine," Bownes said.

March Meeting Memo

Several of Vermont's smaller communities took critical votes last month on issues relating to land use management and environmental safeguards. Here are the results of some of those votes:

RUPERT—Approved a permanent zoning ordinance by 100 to 88. It establishes one, two, three and five acre lot size minimums and includes a provision for 25 acre minimum lot sizes in agriculturally zoned areas.

MENDON—Approved permanent zoning and subdivision regulations, 158-117.

NEW HAVEN—Approved permanent zoning ordinance, 101-57.

ANDOVER—Approved permanent zoning, 46-36.

SALISBURY—Approved permanent zoning, 111-57.

CORNWALL—Approved permanent zoning, 82-59.

DOVER—Repealed controversial subdivision regulations passed last summer which selectmen admitted they had hastily put forth to "get out from under Act 250." The Planning Commission has drafted new proposed subdivision regulations for consideration later this year.

POWNA—Defeated an article calling for the creation of an interim town land use and development plan, 229-198. It was the second successive year that this article had failed. Pownal has not adopted zoning or land use control regulations. It also has 450 mobile homes.

ROYALTON—Rescinded a three year property tax exemption for new homes and a four percent discount for the prompt payment of property taxes, 218-147.

WILMINGTON—Approved a sign control ordinance by a 2-1 margin. The new code limits the size of signs and prohibits the installation of internally lighted signs.

WARREN—Defeated a proposal to make the Brook Road a "scenic highway," 90-54. The article would have empowered the town planning commission to grant permission for the installation of utility poles.

BENNINGTON COUNTY—The Vermont Roadside Council conducted a survey aimed at testing public sentiment concerning compensation for billboard owners. The question appeared on eight town warnings and was defeated in each instance.

PLANNING - ZONING BOX SCORE

Towns participating in regional planning for 1973—80%

Municipal plans adopted—44%

Interim zoning ordinances adopted—31%

Permanent zoning ordinances adopted—40%

Subdivision regulations adopted—15%

Permanent zoning and subdivision regulations adopted—14%

Delinquent Tax Bill Aimed at Developers

How to cut down delinquent tax payments is a major problem for some Vermont towns. Wilmington, for instance, has had as high as \$200,000—one fourth of its total tax payments—delinquent at one time. About 40 of Vermont's 246 towns face serious difficulties in collecting delinquent taxes, says Robert Stewart, executive director of the Vermont League of Cities and Towns. Often it is the large landowner who finds delaying payment of local taxes the cheapest way out, since interest rates and penalties are customarily much higher on his other obligations. In Wilmington one corporation accounts for \$32,000 of the delinquent taxes. A bill introduced in the legislature this session would have made it more expensive to give paying local taxes lowest priority. The bill, H. 490, would have doubled the interest rate which towns are allowed to charge for back taxes. Towns may now charge only a half per cent a month. The bill would have increased that to one per cent a month after the first sixty days. But some legislators feared the increase might hit those least able to pay and felt that other methods such as more aggressive tax collecting might obtain the same result. The bill was killed.

Mobile Home Park Extension Okayed

The Vermont Environmental Board, acting on a recommendation from the Attorney General's office, has extended conditional approval for the expansion of the controversial Ward Fuller mobile home development in Bolton. The board's decision forestalls a pending Supreme Court test of a key segment of Act 250 used in the original denial of Fuller's application. Under provisions of the new conditional permit the proposed 52 unit expansion must be screened and landscaped. Fuller had originally sought an increase from 26 to 78 units for his park which is located adjacent to Interstate 89 in the Winooski River Valley. In its original decision of February, 1971 to deny the expansion, the board had cited that section of Act 250 which declares that a proposed development "... Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas."

THE LEGISLATIVE LEDGER:

Container, Snowmobile Controls Enacted But Water Pollution Standards Softened

The Vermont General Assembly enacted over a dozen measures relating to the environment including a new approach to solid waste control and stricter regulation of snowmobiles before adjourning its 51st biennial session. Among disappointments to environmentalists were the death of the flood plain bill, backtracking on the 1970 model pollution charge which never went into effect, deadlock on land use taxation, and failure of the citizen suit bill. After a two-year effort, the bill which would have limited construction in flood plain zones was killed in the House. Fear that municipalities would not be able to afford the charges resulted in an amendment to the pay-to-pollute law which exempts all polluters from the charge unless they fall behind on abatement schedules. The Senate and House were unable to agree on land use tax legislation which would have aided farmers and helped keep land open. The citizen suit bill, aimed at enabling individuals or public officials to sue or intervene in administrative proceedings to protect the State's natural resources from pollution or destruction, was bottled up in the Senate Judiciary Committee.

SOLID WASTE. The General Assembly took two steps toward solid waste control. The non-returnable bottle bill survived a turbulent legislative history to emerge in the form of a four-mill tax on non-returnable beverage containers starting July 1. The tax is to end on all except wine and liquor bottles on July 1, 1973. Other nonreturnable beverage containers will then be banned and manufacturers would have to go to a five-cent deposit and refund system. Estimates of how much money will be raised by the tax during the year range from \$800,000 to \$3.2 million. The first million or 50 per cent of the total will be distributed to communities to run their landfills. Funds above a million dollars would allow the Environmental Protection Agency to set up recycling centers.

The Assembly tightened litter laws by making offenders subject to jail sentences or picking up trash. The law now makes the driver of a car responsible no matter who throws the litter out of it. Driver's licenses as well as hunting and fishing licenses may be suspended for littering.

SNOWMOBILES. Snowmobilers are required to have written permission of the landowner or belong to clubs which have gotten permission before using private land. Violations may result in up to three months in jail or a fine of up to \$500. The law appropriates \$100,000 from snowmobile registration fees for enforcement.

LAND USE. Extensive amendments to the Municipal and Regional Planning and Development Act of 1967 revise provisions governing the creation, funding, and functioning of planning bodies. An addition to the law provides for zoning for planned unit development. Small-town voters retained the right to vote on zoning and planning changes, but they may give up the right to a referendum if they wish.

Another measure will limit strip development by controlling the number of access points to public highways. A developer must obtain a permit from the State Highway Board for curb breaks. The board may impose conditions such as requiring a frontage road or acceleration and deceleration lanes. Developers are responsible for costs of any necessary traffic signals and road improvements.

AIR. The attempt to establish a permit program to control air pollution was defeated, but the administration of air pollution regulations was shifted from the Health Department to the Agency for Environmental Conservation and an Air Variance Board was established. The governor names the five-member board which must include a businessman, engineer, industrialist, lawyer, and member of the general public.

In a last-minute bargaining move, the Senate agreed to go along with the House on a bill to give towns the power to issue permits for open burning of wood. The state has had this responsibility. The Assembly also agreed to exempt steam engines operated in connection with a railroad from the air pollution law.

WATER. The Assembly reversed itself almost completely on a landmark pay-to-pollute feature of Act 252 which the Council on State Governments had chosen as a model. Rather than paying for the use of state waters for waste discharge while building treatment facilities, individuals, municipalities, and industries are excused from paying charges as long as they complete their control facilities by the expiration date stated in their temporary pollution permits. If the permit holder does not keep on schedule he must pay the charges for the year in which he is behind schedule. Even then the charges will be refunded if the final deadline is met. The maximum annual charge may not be higher than \$30 per person or less than \$3.75. Charge rates will be set by the Water Resources Board and assessed beginning July 1, 1972.

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Of Special Interest . . .

to V.N.R.C. members is the weekend ecology workshop at the Vermont Environmental Center May 5 through 7. Accommodations for ten more members are still available and reservations may be made by writing the Council and including a \$10 deposit which will be applied to the \$25 fee for the weekend... The Lake Champlain Committee will sponsor a conference on the Coho salmon on May 13 at Yokum Center, Plattsburgh College of SUNY. Participants will include representatives from Michigan's Coho program as well as officials from the Fish and Game departments of Vermont and New York. . . . Adopt-A-Stream will be the LCC's major action project for 1972. The program is designed to promote public awareness of water resources problems in the Lake Champlain Basin; to monitor the quality of the water in the basin against that required by classification orders; to improve and protect streamsides and to enhance knowledge and data about the ecology of streams and rivers in the basin. Additional information may be obtained by writing the LCC, Box 5, Shelburne, Vt. 05482.

UVM Schedules Act 250 Conference

"Private Property, Human Rights and Land Use Planning in Vermont," will be the topic of a day-long public conference at the University of Vermont scheduled for Saturday, May 6 on the UVM campus. The conference is being co-sponsored by the VNRC's EPIC project, the Lake Champlain Committee and the Vermont Planning Office. It will focus on the preparation of the Land Capability and Development and Land Use plans as they apply to Chittenden County and will include presentations and discussions exploring "the variety of problems and value conflicts involved in the preparation of the Act 250 plans."

Subdivision Controls Stall Sherburne Condominium

New zoning and subdivision controls in the town of Sherburne have forced a Massachusetts developer to revise and scale down a planned 70 unit condominium. The McCartin Leisure Industries, Inc., of Hanover, has been required by the District #1 Environmental Commission to reduce its units to 40 and to re-evaluate the effect the proposal could be expected to have on soil and water quality and on scenic conditions. The local regulations were critical to the commission's decision. Two hearings have been conducted on the application but a final decision still is pending.

Water Environment Study Guide

Shaun Bennett of the Vt. Environmental Center is assembling a guide to study of the water environment in Vermont. He needs suggestions of individuals and/or sites (such as pollution problems or aquatic natural areas) for inclusion in an annotated catalog of these resources. Inquiries or suggestions (together with an explanation) should be sent to him at VEC, Ripton, Vt. 05766.

Whatever Happened to "Environmental Blackmail?"

George Weyerhaeuser, president of the Weyerhaeuser Corporation, contends that although the environmental movement "sometimes oversimplifies the problems," it is nonetheless "on the whole a favorable development from the standpoint of national productivity" because obsolete mills and factories will shut down and the better ones upgraded. Generally, Weyerhaeuser declares, "the poor environmental performers are the least productive" and therefore the least profitable facilities for the country and the stockholders.