

VERMONT ENVIRONMENTAL REPORT

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IN THIS ISSUE

- CAPABILITY PLAN PRESENTED
- WINDHAM GIRDS FOR GROWTH
- HAYSTACK DECREE ISSUED
- THE LEGISLATIVE LEDGER

LAND CAPABILITY PLAN APPROVED LEGISLATURE IS FINAL OBSTACLE

Vermont's Land Capability Plan, the next-to-last building block in the state's ambitious environmental control fortress, has gone to the General Assembly with the enthusiastic blessing of both former Gov. Deane C. Davis and Gov. Thomas P. Salmon. Act 250 asks the legislature to adopt the plan by resolution. It will be introduced in the House and, at the discretion of Speaker Walter L. Kennedy, treated as a bill.

There was a clear concensus that substantive improvements had been made in both the form and content of the plan following the public hearings held by the Environmental Board. Preliminary evaluations by lawyers, environmentalists and developers suggest that the plan meets most, if not all of the objections voiced when the first draft was presented and that it does fulfill the planning mandate which most feel the General Assembly had in mind when it enacted Act 250. The Board approved the plan, 7-1.

Principal objections to the original version related to the clarity of language (the new draft is quite precise), and its functionality (and the new draft would seem to offer a workable guide to District Environmental Commissions as they weigh development applications).

The new plan is appreciably shorter than the original and is structured in a more comprehensible, narrative style. It also makes clear that the plan is designed to express and offer regulatory guidelines pertaining to those issues of state-wide concern which can be presumed to be of interest to the people of Vermont as a whole, leaving to the communities the authority to regulate activities which clearly have only a local impact.

Four thousand copies of the plan are being printed and are expected to be ready for distribution by mid-January.

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BRATTLEBORO, WINDHAM REGION
COMING TO GRIPS WITH GROWTH

Whether southeastern Vermont should put a speed limit on growth in the next decade is at issue before the Windham Regional Planning Commission this month. The Commission has previously mainly considered the effect on small towns of the recreation and second home boom caused by the desire of residents from New York to Boston to get away from the city. Now concern is turning to the assumption by some that Brattleboro will inevitably join the urban sprawl now creeping up Interstate 91 as far as Greenfield, Mass., barely 25 miles south.

The growth question was brought into focus by a proposed industrial park for Brattleboro which promoters say would provide necessary jobs and increased tax base for needed services. The plan for a 42-acre area was turned down by the District Environmental Commission in October because water and sewage disposal facilities were inadequate. The State Environmental Board will hear an appeal this month based on the promise of a bond issue to improve the city water supply.

Meanwhile a series in the Brattleboro Reformer by Virginia Page has raised broader questions about just who benefits from growth. What effect, for instance, will increased industry in Brattleboro have on surrounding towns such as Dummerston, Guilford, Putney, and Vernon. Their populations have grown almost 40 percent in the past ten years. Brattleboro's population gained just over 4 percent. It is expected that at least 60 percent of the possible 9,000 new residents coming to Brattleboro as a result of a new industrial park would live outside the city. Yet none of the tax money would go to these towns where school costs alone skyrocketed 250 percent in the past decade.

The Regional Planning Commission arranged a panel of representatives from smaller towns and Brattleboro leaders in early January to try to establish better communication on the questions of growth. Is growth inevitable as many planning documents assume? How much growth is compatible with Vermont's landscape which now consists of relatively small and distinct cities, towns and villages separated by rural areas and forests rather than of the continuous urban sprawl of megalopolis? What possibilities are there for financial sharing or for raising local funds by other methods than property taxation? What role can planning and zoning play? Should some growth be limited regardless of whether it meets certain types of standards such as those covering sewage disposal?

AMENDED SUBDIVISION CODE PROPOSED:

PUBLIC HEARING SET FOR NEXT MONTH

A hearing on the revised health subdivision regulations, designed to assure consumers that land purchased is suitable for subsurface sewage disposal, is scheduled for February 6 at 7:30 in the Pavilion, Montpelier.

The proposed permanent regulations would require a permit whenever two parcels of land are sold rather than three as in the original regulations. They would also forbid the further dividing of a lot in an existing subdivision without a permit. The Protection Division of the Environmental Conservation Agency which administers the regulations would be required to act on a permit application within 60 days.

Exemptions would be limited to three conditions: 1) lots over 10 acres if they are below 1500 feet and outside a flood plain, 2) lots over 20 acres if below 2500 feet and outside a flood plain, and 3) lots which cannot be used for any purpose requiring sewage facilities because of a law or terms of a deed.

The proposed regulations mesh with other proposals to set standards for septic tanks for public buildings and to restrict development in watersheds which are sources of drinking water. A number of towns are also adopting ordinances controlling septic systems.

Meanwhile the controversial emergency subdivision regulations remain in effect. That version was issued by former Human Services Secretary William Cowles in November to block a loophole which permitted lots over 10 acres to be sold with no review of sewage disposal capacity. It has met opposition from realtors, developers, and landowners who contend it infringes on their property rights.

ENVIRONMENTAL CENTER SHUTS DOWN

The Vermont Environmental Center, which moved last Summer from Ripton to Woodstock when its federal funds were cut off, will cease operating completely at the end of January. Center trustees voted earlier this month to disband the facility because of a lack of funds and loan the center's library to the Vermont Institute of Natural Science, a Woodstock-based environmental education organization. The charter, officers and trustees of the Center, will remain intact, however. The Center opened in June, 1970 under provisions of a grant from the New England Regional Commission. That grant was terminated at the end of last Summer.

THE LEGISLATIVE LEDGER:

Environmentally related legislation introduced during the first week of the 1973 session of the Vermont General Assembly includes:

<u>NUMBER</u>	<u>PURPOSE</u>	<u>SPONSOR</u>
H 8	Provides for <u>increase in real estate transfer tax</u> to pay for preparation of <u>property maps</u> increase from 5/10% to 1 5/10%.	Cutts
H 12	Provides for a <u>majority</u> rather than <u>2/3</u> vote for a town to <u>fix property value by contract</u> ; <u>redefines a farmer</u> as one receiving 1/2 rather than 2/3 of his income by farming.	Carse
H 19	Classifies lakes <u>Caspian & Willoughby</u> as B waters.	Hebard
H 22	Requires covering or <u>securing of loads</u> of trucks.	Barrows
H 28	Establishes state <u>reclamation & recycling centers</u> and <u>transfers licensing of junk yards</u> to Agency of Environmental Conservation.	Collins
H 33	Provides for purchase of Huntington Gorge by the State.	Barrows
H 29	Provides <u>matching funds</u> for municipal participation in <u>preservation</u> and restoration of <u>historic sites</u> .	Collins
H 35	Requires that real <u>property be appraised</u> at fair market value for the <u>use prescribed by local zoning</u> .	Graves
H 41	<u>Appraises forest land according to present use</u> .	Guilliani
H 39	Requires petition of <u>5% of voters</u> instead of one person to submit an <u>amendment</u> or <u>proposal of repeal to planning commission</u> .	Crane
H 49	Requires local <u>listers</u> to take into account any zoning <u>regulations limiting the use of property</u> when appraising <u>fair market value</u> of that property.	Crane
H 51	<u>Establishes a State Board of Appraisal</u> to make property tax appraisals uniform.	Sloan Giuliani
H 55	Permits Dept. of Fish & Game to <u>establish seasons for taking deer without antlers</u> after Jan. 1, 1975.	Johnson
H 68	<u>Establishes a Vermont State Power Authority</u> to acquire, manage, operate and maintain facilities for generation and transmission of electric power in the State.	Burns
H 88	Provides for a system of <u>state appraisal of property</u> ; creates a property tax exemption of \$10,000 for home owners and \$15,000 for senior citizen home owners, <u>appraises farm land at use value</u> , imposes a tax on the sale of real property graduated against short term holdings, establishes a state-wide education property tax stipulating that an equal amount per pupil be spent on education throughout the state.	Hewitt

<u>NUMBER</u>	<u>PURPOSE</u>	<u>SPONSOR</u>
H 93	Defines " <u>fair market value</u> " of real estate as the price which the property will bring on the open market when offered for <u>sale at its current use.</u>	Whitaker
H 100	Designates certain areas of the state as regulated <u>flood hazard area</u> and regulates land use thereupon.	Graf
H 104	Accelerates the state soil survey by appropriating \$100,000 to the Agency of Env. Cons. from the general fund.	Graf
H 107	Redefines the boundaries of the ecological area in <u>Camels Hump Forest Reserve.</u>	Agency of Env. Cons.
H 108	Extends from <u>five to six years</u> the period in which previously enacted <u>zoning ordinances must conform</u> with the provisions of ch. 91 (the <u>Municipal Planning and Development Act</u>).	Cutts
H 112	Includes <u>mobile homes</u> in the definition of real property under property transfer tax.	Agency of Admin.
H 120	Postpones the date after which the Vt. Water Resources Board shall adopt <u>shoreland zoning</u> by-laws for municip. which have not done so; transfers obligation to adopt shoreland zoning by-laws for towns from Water Resources Board to Agency of Environmental Conservation.	Agency of Env. Cons.
H 128	Provides for multiple use of <u>municipal forests.</u>	Agency of Env. Cons.
H 129	Provides for licensing of <u>septic tank</u> installation and septic tank service.	Agency of Env. Cons.
H 116	Transfers licensing authority of <u>well drillers</u> from water resources to health board and require wells drilled meet certain sanitary standards.	Mulligan
H 132	Requires prior approval of dist. env. comm. before beginning any improvement on property which is served by <u>untraveled public highway.</u>	Zampieri
S 1	Authorizes Agency of Development & Community Affairs to plan for unorganized towns and gores.	Gibb
S 2	Authorizes a \$325,000 bond issue for the purchase of 2,425 acres of Spruce Mountain.	Smith
S 3	Sets up separate administrative district for Addison.	Gibb
S 7	Assesses farmlands on basis of agricultural value.	Gibb
S 12	Assesses real property at current use, provides for tax recapture rollback when land is converted.	Smith
S 14	Eliminates unit cost electricity differential.	Ogden

COURT ORDER CURTAILS
HAYSTACK GROWTH PLAN

Superior Judge Wynn Underwood has issued an interlocutory decree severely curtailing a construction project in the controversial Haystack development pending state approval of sewage system plans.

The order effectively confines expansion of the Windham County complex until its sewer system is expanded to handle more than the present 30,000 gallon per day maximum load. The original system serves 345 homes but an additional 318 subdivided lots have been sold or offered for sale and, if construction takes place on each, the resultant sewage load would exceed by 110,000 gallons per day the disposal capacity of the facility.

The Agency of Environmental Conservation sought the decree to assure that there would not be an eventual demand for hook-up which would exceed the system's existing capacity. Deputy Secretary Schuyler M. Jackson explained that the decree effectively makes all owners whose property abuts the system - 147 homes at present count - legal parties to any action brought by Haystack to seek relief from Underwood's order.

Jackson also said that the threat of lawsuits against Haystack can no longer be used as a tactic to accelerate Act 250 permit applications since property owners, as well as the corporation, now would be involved in the permit procedure. "The court order," Jackson said, "enables us to move through Haystack directly to its property owners when a 250 action is being considered."

The action also follows recent efforts by the Town of Wilmington, which is a party to the order, to require Haystack to either comply with its 1970 Act 250 permit, or to modify it to meet present circumstances. The order provides that public hearings and a modification of the 1970 permit will be necessary before any further construction takes place.

COMMITTEE WANTS CONTAINER BAN KEPT

A study committee, charged by the 1972 Legislature with recommending a state-wide recycling program, feels Vermont's ban on non-returnable bottles and cans should be retained. The decision overturned the proposal of a consulting firm hired by the committee, which recommended that the ban be postponed. The consultants argued that the container law, scheduled to go into effect in July, would have the effect of reducing the amount of solid waste which would be recycled and thereby cut the amount of funds available for the recycling program. The committee report will be presented to Secretary Martin L. Johnson of the Agency of Environmental Conservation.

ENVIRONMENTAL NEWS HIGHLIGHTS DURING DECEMBER INCLUDED...

BENNINGTON - Environmental organizations are reportedly mounting a tri-state effort to block construction of a superhighway along the Route 7 corridor of Western New England. A coalition of citizens in Massachusetts, Connecticut and Vermont reportedly plans a strategy session late in January to discuss a possible injunction against the building of a four-lane Route 7.

BOSTON - Increased federal allocations for five sewage treatment projects in Vermont will apparently be offset by corresponding state decreases in expenditures for the same purposes. The situation is created by a formula which prohibits the Vermont Department of Water Resources from participating in such projects beyond a certain percentage of the total cost. The net effect, however, is expected to mean more state funds available for communities which still have not begun sewage treatment programs.

MONTPELIER - Former Environmental Conservation Secretary Robert Williams, may remain with the new administration in his old job as Commissioner of Forests and Parks. The Rutland Herald says Williams is in line to succeed the man who succeeded him as head of that agency, Arthur Heitman. Heitman is due to retire this year.

LUDLOW - Village trustees, acting on the advice of counsel, have refused to allow a private home here to connect to the community's new sewage system. In a 2-1 vote, the officials cited a state ruling which declared the system was now functioning at capacity.

RUTLAND - Officers of Vermont Electric Power Co. have met with representatives from several communities to discuss their plans to construct a 345-kilovolt transmission line from Ludlow to a substation in West Rutland. The line is scheduled to begin serving Rutland in 1977 and would parallel an existing 115-kilovolt connection. Eighty percent of the projected right-of-way was acquired four to six years ago, company spokesmen said.

GILMAN GIVEN EMISSION DEADLINE

Vermont's Air Quality Variance Board has given the Georgia Pacific Company six months to reduce sulfur emissions from its Gilman plant. The board authorized the plant to continue using #6 fuel oil, which exceeds the prescribed 1.5 percent sulfur content, only through July 1 after which Georgia Pacific will be subject to the 1.5 emission limitation. The company had sought a one year variance.

Air Pollution Control Officer Richard Valentinetti told the Variance Board last month that the Gilman operation was the state's second biggest sulfur dioxide producer, exceeded only by the lakeshore plant of the Burlington Electric Light Department.

SALMON SPEECH, NAMING NEW DIRECTORS
HIGHLIGHTS COUNCIL'S ANNUAL MEETING

Neither rain nor snow (and there was both) nor gloom of night kept more than 150 members and guests from the VNRC's annual meeting December 12 at the Woodstock Inn. At-large board members, elected for three-year terms, were Jonathan Brownell, a lawyer from Calais, Prof. Alvin O. Converse of Norwich and Dartmouth College, Hugo Meyer, a forester from Woodbury, Raymond Perra, an attorney from Brattleboro and Hub Voglemann, a botanist from Jericho. A. John Holden, Jr., East Montpelier, former state commissioner of education, was named to fill the unexpired term of Fred Mold of St. Johnsbury who resigned.

Members then elected to three-year terms representatives of two VNRC member organizations; Anthony B. Adams of Burlington and the American Institute of Architects and Herbert Ogden of Hartland and the Vermont Chapter of the Sierra Club.

Gov.-elect Thomas P. Salmon, in his first public address since the election, addressed the dinner segment of the meeting. Salmon reaffirmed his campaign commitment to make environmental quality the foremost concern of his administration.

A resolution was adopted commending retiring board member and secretary Perry Merrill, emphasizing his role as a founder of the VNRC. The resolution also praised former chairmen Justin Brande and Richard Brett, all of whom are stepping down after terms as directors, as well as former directors James Marvin, James Wilkinson and Frederick Mold.

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