

VERMONT ENVIRONMENTAL REPORT

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ACT 85 PROVIDES NEW SAFEGUARDS

If municipal and state governmental entities utilize the instruments offered in Act #85, the Capability and Development Plan which will become law July 1, Vermont will have one more layer of protection from detrimental development.

Act #85 sets forth guidelines for district commissions and the State Environmental Board to follow in reviewing development and subdivision applications. The Plan also brings into consideration environmental factors which were not specifically included in Act 250 criteria. Among these are the following important elements: agricultural, forest, and mineral lands, wildlife habitat, and open spaces. Scattered development and new villages will also be discouraged. What may prove to be the most important and useful tool in the Act is contained in Sec. 10, (9) A. under the heading Impact on Growth.

In considering an application, the district commission or the board shall take into consideration the growth in population experienced by the town and the region in question and whether or not the proposed development would significantly affect their existing and potential financial capacity to reasonably accommodate both the total growth and the rate of growth otherwise expected for the town or region and the total growth and rate of growth which would result from the development if approved.

After considering anticipated costs for education, highway access and maintenance, sewage disposal, water supply, police and fire services and other factors relating to public health, safety and welfare, the district commission or the board shall impose conditions which prevent undue burden upon the town and region in accommodating growth caused by the proposed development or subdivision.

The section further states that if the town has a duly adopted capital improvement program the burden of proof that the development will not significantly affect the existing or potential financial capacity of the town or region to accommodate such growth is on the applicant.

These new safeguards should further help preserve the quality of life in Vermont.

Note: The full text of the Capability and Development Plan and the amendments to Act 250 passed by the 1973 General Assembly are available from the State Planning Office, The Pavilion, Montpelier, Vermont.

SKI AREAS STILL WAIT
FOREST SERVICE APPROVAL

All six Vermont ski areas using land leased from the National Forest Service are still waiting for approval of their long range plans. Not one of these areas can expand their facilities on land administered by the Forest Service until their plans are approved.

According to Joseph Parkinson, Executive Director of the Vermont Ski Areas Association, plans are being held up because of a tougher stand by the Forest Service on users of public land. Parkinson said one difficulty in submitting long range plans to the Forest Service is that as soon as expansion plans become public knowledge an outcry arises from environmental groups which makes approval of the plans more difficult. Furthermore, he said, public knowledge of proposed development plans often puts an area at a disadvantage with other business interests that may be competing for land in the vicinity. Parkinson did say that relations with the Rutland office of the Forest Service have been and still are cordial in spite of the snag in approval of long range plans.

Joseph Sposta, Land and Recreational Staff Officer for the Forest Service, said that in the past ski area planning had been based on fits and starts with little long range planning. The Forest Service, he explained, is under increased pressure from the Environmental Protection Agency and other environmental organizations to evaluate the overall impact of all development on resources controlled by the National Forest Service.

Sposta emphasized that the Forest Service must face up to the fact that there is an ultimate capacity of the land to accommodate development of any kind. Consequently, it would be unwise to approve piecemeal development plans. What this adds up to is a defacto moratorium on further ski area expansion on National Forest land.

BACKPACKING ON THE LONG TRAIL

In response to the increasing demand being made on Vermont's 260 mile Long Trail, The Green Mountain Club has released a new educational color slide program entitled "Backpacking on the Long Trail." The 35 minute program, covering a variety of subjects that will help hikers be better prepared for the Long Trail, is designed for showing before groups such as youth camps or scouts. The slides come in a carousel reel and are accompanied by a cassette taped narration. The program can be reserved through The Green Mountain Club, P.O. Box 94, Rutland, Vermont. A minimum of one month should be allowed and alternate dates should be given when reserving the program.

COUNCIL CRITICIZES

HIGHWAY ACTION PLAN

The Vermont Natural Resources Council and Vermont Tomorrow issued a statement criticizing the Highway Department's draft Action Plan in late April. It stresses the Action Plan's failure to integrate transportation planning with long range land use planning for the state and its failure to provide for public participation at several important points.

The Federal Highway Administration is requiring state highway departments to draw up action plans as a means of ensuring that social, economic, and environmental factors are considered in highway planning.

The VNRC/VT comment on the Vermont Highway Department's draft plan notes the importance of coordinating highway planning with the work of the State Planning Office, particularly preparation of the land use plan called for by Act 250. The only long range planning mentioned in the draft plan is a seven-year plan drawn up by the Highway Department. Neither other state agencies nor members of the public are given a chance to participate in preparing that plan. Their opinions are asked only after the plan has received legislative approval instead of being involved before the plan is submitted to the General Assembly.

The statement also suggests public participation on two other occasions not mentioned in the draft Action Plan.

- During the project stage, the Highway Department requests citizen comment on an already selected corridor. Instead, residents of the area should have the opportunity to comment on alternative routes as agencies do.
- The draft Plan calls for agency and public comment only for federally funded projects. Procedures for their input should be extended to all Highway Department projects.

TWO STAFF MEMBERS LEAVE VNRC

Nancy H. Hutchinson has resigned from her position with the Vermont Natural Resources Council after three years on the staff. She joined the Council as secretary in what was then a two-person, two-room operation. She was serving as office manager and administrator of the Ford grant for the Environmental Planning Information Center when she left in early May to become a family planning specialist with Planned Parenthood.

Also leaving the VNRC is Dave Hazelett who joined the Council after graduating from Dartmouth College in 1972. Dave became an intern under the EPIC Ford Foundation program and last fall worked on the Citizen Participation Project. He also was engaged in research and writing for the Vermont Environmental Report and was responsible for covering legislative news.

1973 LEGISLATIVE LEDGER

Vermont legislators enacted two key land use measures and held the line on the bottle ban during their 1973 session. Several other bills affecting the environment also got final approval, but a number of significant bills, including shoreland and floodplain zoning and a waste management plan, await action in the next session.

LAND USE. The Land Capability and Development Plan called for by Act 250 survived extensive rewriting to pass both houses by large majorities. (See page 1). The tax on speculative land sales finally emerged from a conference committee in the last days of the session. As approved, the tax applies to both improved and unimproved land. Buildings are not included. Land up to one acre used for a principal residence is exempt. Rates are based on the length of time the land is held and the percentage of profit. The tax went into effect May 1. Revenues will help fund Governor Salmon's property tax relief program. Lawmakers marked \$1 million in the capital bonding budget for state land acquisition. Bills calling for the purchase of development-threatened Spruce Peak and Plymbsbury were submitted to the legislature and then replaced by a land acquisition plan. When a requirement that towns approve any acquisition was tied to the plan, however, supporters permitted the bill to die. They were satisfied the appropriation would allow necessary purchases. Governor Salmon vetoed a bill which would have allowed camp owners in Groton State Forest to buy the land they had leased from the state. He did not want to set a precedent in dealing with state-owned lands now leased to private citizens. A bill which would have switched responsibility for shoreland zoning to the Secretary of the Environmental Agency and another which would have authorized him to designate flood hazard areas met opposition in the House. Chittenden County representatives fear the effect of the shoreland zoning proposal on Burlington's code while a number of towns feel the floodplain legislation might limit their ability to attract and keep industry. Consideration of a bill to prohibit surface mining was delayed until next year for lack of time.

WASTE. The bottle law passed in 1972 with an effective date of July 1, 1973, emerged unscathed despite numerous efforts to modify it. Vermont becomes the second state to "ban" soda and beer containers. The measure requires a 5 cent deposit on the containers. A statewide waste management plan remained in committee awaiting a decision on how to fund it. The plan calls for 20 regional collection centers to separate wastes. Those suitable for reclamation would go to recycling centers while other wastes would go to regional landfills.

HIGHWAYS. An amendment to the highway law gives towns a new lever to control growth. They are no longer necessarily required to improve class 4 roads at the request of a new resident or developer. Instead such highways are to be maintained to the extent

required by the necessity of the town, the public good and the convenience of the inhabitants. A restriction requiring the Highway Department to condemn land within a year after a hearing on the necessity of the proposed condemnation was loosened. This will speed highway building delayed by court action as in the Route 7 controversy. A proposal providing for the designation of scenic highways was sent back to the House Natural Resources Committee.

WATER. The state's 1970 water pollution control law was amended so that Vermont can administer the federal permit system established by the 1972 federal water pollution control act. Permits are based on effluent standards (the amount of waste discharged) or water quality standards (the amount of pollution in the water), whichever is the more stringent. Among other new provisions is one requiring notice and opportunity for public hearing before a permit is granted. A controversy over the use of waters such as Caspian Lake and Lake Willoughby for recreation was settled by limiting the Class A designation to waters used exclusively for drinking water. In effect any waters used for recreation become Class B waters, usable for drinking only with treatment. The Health Department had banned recreation on some lakes last summer because they were used for drinking supply.

BOLTON TRAILER PARK STILL VERY VISIBLE

The expanded mobile home park at Bolton just off I-89 is not screened by trees and there does not appear to be any landscaping in spite of requirements in mobile park legislation and Act 250. The April 1972 Vermont Environmental Report mentioned that Ward Fuller, park owner, had applied for a permit to expand his park but was turned down by the State Environmental Board on the basis that such expansion would have a harmful effect on the scenic and natural beauty of the area. Acting on the advice of the attorney general's office, the Board reversed its decision and gave conditional approval for expansion.

What is important now is that the park has expanded and it still appears to be inadequately landscaped! Donald Webster, Director of the Division of Environmental Protection, stated that the problem stems from the original "denuding" of the area in 1970 when application was first made for the park. At that time state officials were in the process of drawing up guidelines for the new environmental legislation. Webster said that trees have now been planted but screening will take from seven to twenty years. Larger trees that could provide more immediate cover were not practical because of the extensive root spread required for safe transplanting. He did say, however, that the Agency had learned from this experience and consequently adopted more stringent standards for mobile home parks.

COUNCIL TESTIFIES ON EASTERN WILDERNESS

The Vermont Natural Resources Council has gone on record before the Public Lands Sub-committee of the Senate Interior Affairs Committee in favor of the concept of wilderness areas in eastern national forests. In prepared testimony delivered at a hearing in Concord, New Hampshire May 7 on Senate Bill 316, Seward Weber, Council Executive Director said, however, that portions of the Green Mountain National Forest should ^{not} be set aside for this purpose until adequate study of suggested areas shows that they would be appropriate for wilderness classification.

Two areas in the Green Mountain National Forest have been earmarked by Senate Bill 316 for inclusion in the national wilderness preservation system. They are Lye Brook and Bristol Cliffs Backwoods Areas. Weber suggested that these and the Wallingford Pond Area may be apt choices but this cannot be determined without detailed study -- a process he hoped would be undertaken with public participation. His principal recommendation was to amend Senate Bill 316 to provide for a wilderness area study classification so that these areas in the Green Mountain National Forest Service, the Congress and the public could agree on whether or not the areas should be added to the national wilderness preservation system.

VERMONT TOMORROW DIRECTOR STEPS DOWN

Robert S. Babcock, Jr. has resigned as head of Vermont Tomorrow after leading the group he founded in lobbying for strong environmental legislation during the 1972 and 1973 General Assembly sessions. Babcock left his position as Director of the 1200-member group at the end of the current session. He will work with Vermont Management Services in Stowe.

EARTHKEEPING

A reminder on Vermont Educational Television series - "Earthkeeping." Program will be broadcast Thursdays at 6:00 p.m. and Fridays at 8:30 p.m. through June 8. Coming up: May 25, "Megapolis"; June 1, "City Life"; June 8, "Help Yourself."

ENVIRONMONTH

If your community has not yet decided on a project for Environmonth, we suggest you call Ed Koenemann, Agency of Environmental Conservation, Montpelier, Vermont 828-3385. He has a list of suggested projects.

ENVIRONMENTAL HIGHLIGHTS DURING APRIL INCLUDED....

Montpelier - Secretary of Development and Community Affairs Donald Webster wants to set up a legal services program to help towns enforce zoning laws. Webster fears the legal costs to towns in bringing action against zoning violators could become so high that communities may choose not to enforce their own laws.

Woodstock - Quechee Lakes Corp., which is constructing a massive second home development in nearby Quechee, agreed to revise its plans for the Ottauquechee River Floodplain during a State Environmental Board hearing. The revision was a victory for the Ottauquechee Regional Planning and Development Commission which has strongly opposed the firm's plans to build on the plain, claiming the buildings would have an adverse impact on the river. Under the agreement, Quechee Lakes has agreed to restore 80 per cent of the floodplain to its original condition.

Duxbury - A large condominium development is being proposed in Duxbury near Camel's Hump State Park. Rocky Vermont, Inc., the developer, has asked the District 5 Environmental Commission for approval of 300 condominium units on a plot of land nearly 1,800 acres. The buildings, designed for year-around occupancy, will be confined to about 30 acres with the remainder of the land kept open.

Rutland - The review draft of a U.S. Forest Service management plan for the Appalachian Long Trail segment in the Green Mountain National Forest claps a strong protective arm around Vermont's famed "Footpath in the Wilderness" which is losing much of its wilderness character due to heavy use. The draft sets Forest Service policy regarding air pollution, soil erosion, water supplies, sanitation, vegetation, fires, wildlife, and other factors, plus research and recreation. Noting that the trail is within one day's drive of more than 53 million people, the report projects 100,000 visitor-days by 1980 and more than 500,000 by the year 2,000. Between 1965 and 1972 recreation use increased over 200 per cent.

Fayston - Sugar River, a Vermont subsidiary of an out-of-state vacation home development corporation, is requesting permission from the District 5 Commission to construct 63 condominium units and develop 13 home sites near Mad River Glen. The application has been held up in the review process due to a number of technical factors not the least being the necessity for constructing a series of dikes along Mill Brook, a tributary of the Mad River, to insure against flooding in the building area.

Woodstock - The Environmental Board opened work on the State Land Use Plan here Tuesday and agreed immediately on one thing: local environmental commissions, which review developments under Act 250, don't provide the needed policy guidance for overall orderly development in Vermont. Most board members agreed that a basic development and land use policy is needed to keep track of growth in the state.

MIDDLEBURY DAIRY SHOWS
ENVIRONMENTAL CONCERN

Well before the 1973 legislature reaffirmed its commitment to ban non-returnable bottles, Palmer's Dairy in East Middlebury began packaging milk in thin plastic bags which when used could be crumpled up into fist size and disposed of in the local dump where they would eventually flake away to nothing. In a contest held last spring, the winner put 108 empty quart plastic milk bags in one empty quart milk carton!

To inform customers and the public of their environmental concern, the Dairy advertised their new packaging method with these words: "Palmer's Dairy will never package milk in non-returnable plastic jugs. Vermont has enough solid waste disposal problems without this unnecessary bulky addition. If this decision means a loss in sales dollars, we are prepared to accept the loss. We are more concerned about environmental problems than we are in sales dollars.".....

To our knowledge, Palmer's is the only dairy in Vermont using this method of packaging milk and apparently it is taking time for the public to accept milk in a bag. The VNRC would like to congratulate this Vermont business for showing concern for the environment.

Vermont Natural Resources Council members receive the Vermont Environmental Report as part of their membership. Bulk rate subscriptions are available to any organization wishing to distribute the report to its membership.

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