

Dear Senate Committee on Economic Development, Housing and General Affairs.

I am unable to attend the hearing set for February 16, but wanted to share my experience as an engineer preparing Act 250 Permit Applications. I feel this is very relevant to the discussion on affordable housing and the challenges that individuals face when trying to construct a home in Vermont. These challenges include added regulatory burden, added time and added cost. In my opinion this is not always in line with what Act 250 was created to achieve.

As an engineer, a repetitive issue that we have seen play out over the last couple years is single family homeowners having to go through Act 250 because of historic permits related to the subdivision of the land they have purchased. We work in a rural area of the state, so most of these subdivisions occurred long ago, and range in size from only a few lots to less than 30.

Depending on the subdivision the level of effort has ranged from some communication with the Act 250 office to requests for full applications. As you can imagine, the full application for a single family homeowner adds a significant cost and delay to the homeowner being able to begin construction of their homes. I worked with one individual who stated he was homeless for a year while he got held up in the Act 250 process.

Most of these people are not able to handle this process themselves so they are left to hire an engineer or attorney to work through the process. Sometimes they hire both.

I just ran into another scenario recently. I'm working for a local teacher and coach who purchased a property in Rutland county. The land he purchased was part of a multi-lot subdivision. We've not found any other permits for individual homes that required Act 250 prior to constructing, and have been told that this individual needs to file a full Act 250 permit application. A water/wastewater permit has been issued and in my opinion, and based on language in the prior permit, should be enough to demonstrate to Act 250 that the property is developable and satisfy prior permit conditions.

I am not talking about opulent home that an out of state land owner is trying to construct at a ski resort. I'm talking about truck drivers and teachers who are saving their money every day to be able to construct a modest home and live in Vermont. I ask what is gained by making these individual, remote properties, and single family landowners go through this process? The only reason is that the land was originally part of a subdivision.

There are other checks and balances in place. For example, the Water/Wastewater Permit demonstrates that the property is developable and can support a home, wastewater system, and well in accordance with the regulations. An Act 250 permit has already been issued approving the lot as a building lot. There is the potential that wetlands can change over time, but the Wastewater Permit Application asks the question of whether a project will impact a Class 2 wetland, and if it does, there is a permit program through the Wetlands office to address that.

I know that once a parcel is under Act 250 it is very difficult to remove jurisdiction, but I'd like to see some provision whereby the burden for single family homeowners can be decreased to the level of a jurisdictional opinion, or at most an administrative amendment. I don't believe the Act 250 process was developed to add this level of burden to single family home construction whereby someone looking to construct in a preapproved subdivision needs to submit a full Act 250 application. We've encountered this 5 or 6 times in the last year and it adds thousands of dollars to the cost of these projects and delay progress for people that need housing.

Thank you for considering my comments.

Nicole Kesselring,