

**From:** Aaron Adler

**Sent:** Wednesday, November 28, 2018 10:30 AM

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**Subject:** Commission on Act 250; jurisdiction and settlement patterns

Hello. At the 11/16/18 meeting, I indicated that I would follow up with an e-mail outlining the concept I for aligning Act 250 jurisdiction with settlement patterns that I discussed at the meeting. This concept is in addition to the ones submitted by the advisors:

- The concept is keyed to Act 250's definition of existing settlement, which is set forth below.
- Refocus the 10 acre/1acre distinction for commercial and industrial to projects from the existence of permanent zoning and subdivision bylaws to whether the project is inside an existing settlement (10 acre) or outside (1 acre).
  - While I understand that there is discomfort with the 10/1 acre distinction, my understanding of the other proposals advanced is that they would in fact retain that distinction for most of the State.
  - While I understand there is concern that projects in existing settlements are not likely to involve 10 acres, the threshold today for a project in an existing settlement located in a town with permanent zoning and subdivision bylaws is 10 acres.
- Eliminate or reduce subdivision jurisdiction in existing settlements; outside those settlements, decrease the triggering number of lots to five.
- For existing settlements as of 1/1/19 that are not already designated centers, the regional planning commissions or, at the town's preference, the town would petition the Board for a determination of which areas qualify as existing settlements under Act 250's definition. Alternatively, DHCD could petition the Board based on the work it did in identifying compact centers for GIS.

From 10 V.S.A. § 6001:

(16)(A) "Existing settlement" means an area that constitutes one of the following:  
(i) a designated center; or  
(ii) an existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens.

(B) Strip development outside an area described in subdivision (A)(i) or (ii) of this subdivision (16) shall not constitute an existing settlement.

(30) “Designated center” means a downtown development district, village center, new town center, growth center, Vermont neighborhood, or neighborhood development area designated under 24 V.S.A. chapter 76A.

Best, Aaron

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