# Thoughts and Comments

## Commission on Act 250: The Next 50 years

**General**

I have been associated and worked with/around/for/beside Act 250 since its enactment. I have witnessed the ten criteria and the compliance therewith expand and swell in mostly positive ways, and I had seen first hand the abuse of the process and the lack of consistency around our state. I have watched well-meaning Vermonters bastardize their land in order to just avoid the "permit" process, not necessarily the standards. Tomes could be written about the successes and failures of the law and the subsequent amendments and policies, which is history, but hopefully the commission will carefully scrutinize what works and what doesn't, and make real change where needed.

**List of Advisors**

While most on the ***List of Advisors*** have had obvious experience with Act 250, I find it disturbing and maybe even short sighted that the list lacks a non-governmental licensed professional that on a daily basis deals with the built environment. These individuals typically have a deep understanding of the process and the ten criteria, but also more importantly know how "stuff" gets built, how water and air quality are protected, how transportation systems work/don't work, how water and wastewater perform, how energy needs impact the environment, and how importantly sustainability is. Granted this expertise may be more "standard" oriented rather than process, but please don't lose sight of the fact that most development that gets permitted evidentially is about building/constructing in the built environment.

**Criteria 9(L) Settlement Patterns**

This recent amendment to Act 250 (2014) has been well intentioned but nonetheless failed to consider all the unintended consequences on a rural community. It has been an unnecessary project killer in the Island communities and the statute is in need at a minimum of some careful /thorough revisions.

The State has struggled to issue guidance and now there is a 20-page document on how one might interpret what might/might not be done. While the goal to promote historic settlement patterns, particularly through "in-filling" is "Vermonty", it does not work (generally) in areas where there is no municipal water or sewer. The soils in the Island communities are mostly lake-bottom silts and clays and do not meet the standards for waste water disposal. Public water systems are scarce or at capacity, and wells are suspect due to sulfur/hardness or inadequate isolation distances. So a vacant lot in "downtown" South Hero, an ideal place for in-filing, will remain vacant because of a lack of basic appurtenances. Often there is no other place to go other than outside a state-designated village. Or, as mentioned above, find some way to avoid the **process**.

I would humbly suggest either a repeal (not likely) or some exception (yet another) for areas where the designated area can't be developed because of sewer/water limitations. Projects would still be subject to all of Act 250, except 9(L). I would be happy to compile and share a number of real-life examples of the disastrous effects in the Islands if the commission is truly interested in how the unintended consequences landed here.

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