

To whom it may concern:

I have prepared my remarks in a written format to save time.

My intent of appearing before you tonight is not to criticize Act 250, for we think the intent was good at one time. The statute has now been in place for 50 years, and as with all laws the application and interpretation of the statutes by those in charge of the doing so is key to the law's success. But for every law/statute enacted, situations arise that were not envisioned or expected. These situations need to be interpreted as they relate to the particular situation. Example – thou should not commit murder, but what about the situation of war or self defense.

Constraints of time prevent me from going into details of my problem. Suffice it to say that it arose out of an Act 250 decision involving 2.14 acres of a total of 5 acres.

Recently upon trying to have this decision reversed after several of its initial restrictions per statute no longer apply i.e. it is now in a growth area of town as where previously it was not; and whereas it's minimal acreage cannot sustain a family in this growing neighborhood. The only way we could have this reconsidered was to have a new hearing taking months and to pay thousands of dollars in fees.

After 2 years of frustration and many conferences with authorities involved in these decisions, we have some suggestions for you to consider in rewriting or amending ACT 250.

- Make it possible for someone in the agricultural department or Act 250 Agency to make a decision after the commission rules. The commission's report regarding our 2.14 acres stated that, yes, the soil is primary agricultural soils, but must be capable of supporting or contributing to an economic or commercial agricultural operation. A letter from Dr. Robert L. Parson, Phd and professor of Department of Community Development and Applied Economics at UVM's letter attached addresses the contribution to an economic and commercial agricultural operation in a letter dated June 2017 very well. He has since passed away.

We went from the Act 250 Agency to Agricultural Department being told no one could make a different decision without us going through the Act 250 Environmental Commission again. In our case, this would have meant looking at exactly the same parcel of acreage the commission had already commented on.

- Develop an additional procedure for a person to follow after the commission's ruling, instead of having to go to the superior court environmental division within 30 days. This would prevent (eliminate) the expense of a filing fee, lawyer's fees and time lost before construction of building.
- The requirement of archeological studies is very expensive for the small landowner; it is for academic purposes (knowledge) and again delaying construction.

- The flood plain requirement should be used with a degree of “common sense”; taking into account where the land is situated in today’s world, i.e. does flooding occurring in the area in recent time, not just because the digging shows a layer of soil indicating the area was flooded at one time in history. We all know that our Vermont land was flooded millions of years ago.
- Come up with a decision regarding how many acres are needed to be able to support or contribute to an economic or commercial agricultural operation: Is it 10, 20, 50, 100, etc.? State a figure.

When I asked the District Agent how our 2.14 acres could be supportive economically, the answer was – “a strawberry patch, blueberry patch or Christmas tree farm.”

At a symposium on farming, Clark Hinsdale of VT Farm Bureau was asked about sustainable farming in VT and his answer was “There is no such thing as sustainable farming in VT.”

Dr. Parson also addresses this.

- The statute says that if the land is in a “designated growth center”, this should be taken into consideration. Our land is in such an area in Colchester. Refer to attached letter from Sarah Hadd, Colchester Planning and Zoning director.

There needs to be a process whereby an individual land owner, not a construction company, can financially afford to abide by these ACT 250 rules as it applies to their small land holding when trying to sell their property.

Thank you for taking the time to consider these suggestions.

Selling our home in Colchester was reduced in value substantially by these restrictions. Therefore we feel a revision of Act 250 needs to occur. We are more than willing to talk to you individually or as group.

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*H. Clinton Reichard*