Act 250: Next 50 Years
Recommendations to the Commission on Act 250

Vermont Planners Association

November 19, 2018

The Vermont Planners Association (VPA), as one of the appointed advisors to the Commission on Act 250 under Act 47 of 2017, respectfully submits the attached recommendations to the Commission for consideration in preparing your final report to the Vermont Legislature. VPA welcomed the opportunity to attend and actively participate in Commission proceedings and discussions. In support of our advisory role, over the past year VPA:

- Established an **Act 250 Working Group** of members familiar with Act 250 to review the Act as it has evolved over time, especially in reference to Act 47 topics related to planning and development; and to develop and vet attached proposals for Commission consideration.

- Organized the **May 2018 "Act 250: What's Next?" Conference, held at the Vermont Law School** and attended by more than 200 participants conversant in Act 250, for a "deep dive" discussion of the law, as summarized in the conference report forwarded to the Commission.

- Presented an "**Overview of Land Use Planning in Vermont"** prepared at Commission request and forwarded referenced historical documents. VPA also retrieved the original **Interim Land Capability and Development Plan and Maps** from the State Archives, which were prepared and previously used by the State Planning Office, District Commissions and the E-Board in Act 250 review. These maps have since been digitized by VCGI as a historical data layer.

- Conducted a **VPA Survey** of our members to help inform our recommendations to the Commission. Of those responding, 82% had direct experience in Act 250 proceedings as parties by right, municipal, regional or state employees, applicants, other interested parties, attorneys or expert witnesses.

<u>Key VPA Findings</u>:

Act 250 remains relevant and vitally important to protect statewide interests (lands, facilities and resources), to further statewide goals (resource protection, land conservation, development); and to provide a consistent and comprehensive, professional level of development review, especially where there is little or no municipal capacity to regulate development.

Act 250 has not been effective at meeting statewide land use and development goals, as referenced under the Capability and Development Plan (10 V.S.A. § 6042); or as more recently articulated in the Vermont Planning and Development Act (24 VSA § 4302).

Note**:** For convenience, the attached discussion points and related proposals for Commission consideration are organized and presented according to the draft report outline (Capability and Development Plan, Criteria, Jurisdiction and Exemptions, Process and Appeals).

I. Capability and Development Plan: Act 250 and State Land Use Policy

Absent a state planning framework, Act 250 has not been successful in meeting state land use and development goals as envisioned, as set forth in initial "Findings" and "the Plan" or as separately enacted and more recently updated under 24 VSA § 4302.

For Discussion:

> *If land development in the State of Vermont is to be properly controlled, it is essential that there be a comprehensive state development plan to provide guidelines for land utilization, and utilization of the resources of the State. It is further necessary that there be developed a broad framework of regulations within which local regulation can function, and that there be a central state agency with adequate funds and an effective staff to implement the controls proposed to maintain a satisfactory environment. The Commission, therefore recommends an act to regulate and control the subdividing and use of land in the State…* *--Gibb Commission Report*

- **Act 250 legislation followed from the Gibb Commission Report** (1970). As envisioned, comprehensive, coordinated state planning would guide the use of land and state resources, promote orderly growth and development, protect the environment, and serve as the basis for regulating major development. ***Related legislative findings (Findings) under Sec. 1 of the Act remain relevant today.***

- **Act 250 called for a "Land Capability and Development Plan" (§ 6042) and a "Land Use Plan" (since repealed**) to promote coordinate planning at all levels of government, and to inform and guide the quasi-judicial (District Commission) review of larger development under related statutory (Act 250) criteria. Both plans are still referenced under Criterion 9 (conformance with plans) in relation to relevant sub-criteria.

- **The Interim Capability and Development Plan included county-level maps**, **developed by the State Planning Office, for use in the review of development under Act 250**. These maps showed the general location of environmental constraints, unique features, and existing development patterns referenced under Act 250 criteria – indicating ***where*** proposed development was located in relation to mapped state interests.

- **The requirement for a Capability and Development Plan remains in statute (§ 6042).** This section lists the general purposes of the plan, and notes that, "in addition the plan ***may*** accomplish the purposes set forth in 24 VSA § 4302" (land use and development goals under 24 VSA Chapter 117).

- **"The Plan" (1973 legislative findings) set forth state land use policy under Act 250 in more detail and incorporated interim capability plan information by reference.** It also clarified that legislative findings "shall not be used as criteria in the consideration of applications…" This is consistent with the original intent that plan policies (and maps) be used as a reference, to provide context and guidance in the application of Act 250 criteria – e.g., with regard to scattered development, farm and forest soils, existing settlements, rural growth areas, public infrastructure and investments, etc. In the absence of this guidance, instead of

defining "existing settlement" under 9L in relation to mapped development patterns, "existing settlement" is determined based on a statutory definition that in practice is hard to apply.

- **The Capability and Development Plan – and associated conformance requirements – are no longer considered *in any form* in the review of development under Act 250.** There are excellent examples of state agency plans and mapping (energy, housing, river corridors, hazard mitigation, transportation, forests, recreation, community health, etc.)—a few of which may be referenced in Act 250 review; but there is no comprehensive, coordinated interagency planning – and no integrating state development plan – to inform and guide permitting under Act 250.

- **Former VLS Professor and DEC Commissioner David Mears, in his remarks to the Act 250 Conference, observed that Act 250 has become an "ad hoc, permit-by-permit law" – the links between state planning, land use policy and permitting are broken.** A piecemeal approach, absent state policy and guidance, cannot effectively address proposed development in relation to existing *and planned* settlement patterns, or the cumulative and secondary impacts of development on critical state resources, facilities and infrastructure.

Recommendation: *Re-establish state land use and development policy as the framework for coordinated, comprehensive planning and Act 250 review.*

<u>For Consideration</u>:

- **Re-institute and update the Capability and Development Plan (10 VSA § 6042) – including state development policies and maps – to inform and guide Act 250 review.**

  - Update state land use and development policies (under 24 VSA § 4302) as applied to municipal, regional and state agency plans, to reflect the current vision for Vermont, especially in relation to a changing climate, demographics, and technologies.

  - *Require* capability and development plan consistency with state land use, development and smart growth policies under 24 VSA § 4302, as referenced under 10 VSA § 6042.

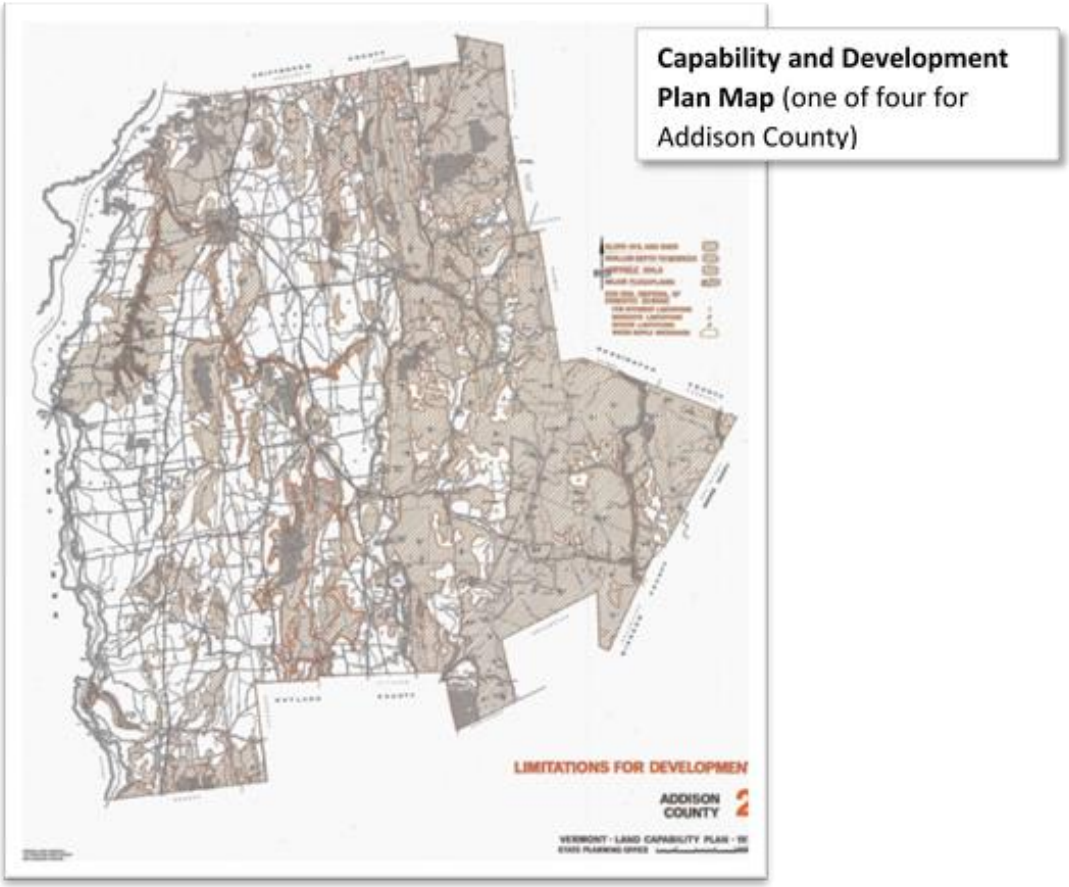
  - Update the Capability and Development Plan to integrate state agency planning (plans, policies, maps) relevant to land use and development under Act 250 criteria.

  - Use the Capability and Development Plan as a reference in the interpretation and application of Act 250 criteria – particularly under Criterion 9, as intended. More clearly define (in statute or rule) "conformance with the plan" as specified in this context.

- **Clearly define *<u>and map</u>* statewide interests for consideration in Act 250.**

  - Update Capability and Development Plan maps (e.g., as VCGI "Act 250" data layers) for reference in Act 250 review, to include environmental constraints, critical state resources, facilities and infrastructure; and areas targeted for conservation, public investment and development, e.g. to include:

    - Environmental hazards, constraints (e.g., steep slopes, headwaters, surface waters, wetlands, floodplains, river corridors, dam inundation zones)
    - Critical state resources (e.g., ridgelines, water supply, wildlife, forest, farm, earth, energy, historic, scenic)
    - Development patterns (parcels, land uses, structures)
    - Conserved lands
    - State lands, facilities
    - State transportation facilities (highway, rail, trail corridors; interchange areas; airports; transit networks)
    - Utility service areas, facilities, corridors
    - Service districts (school, fire, recreation, etc.)
    - Existing, planned sewer service areas (as delineated locally, approved for Act 250)
    - Existing, planned "settlements" (as delineated locally, approved for Act 250)
    - State designations (as delineated locally, approved for Act 250)



II. Act 250 Criteria: Updates and Guidance

Act 250 adds value as comprehensive, integrated form of development review in which a variety of criteria are considered and applied holistically, rather than in isolation. That said, Act 250 criteria are dated – they do not reflect changes since 1970 regarding evolving state policies, rules and permit requirements, current scientific understanding, and emerging environmental concerns – including the impacts of climate change on Vermont's landscape, settlement patterns and infrastructure.

For Discussion

- **Act 250 criteria are discretionary rather than prescriptive, highlighting the need for clear guidance for greater consistency in how criteria are interpreted and applied by District Commissions, applicants, interested parties and the courts.** Legal precedent established through past case law has become the de facto "context" for the interpretation of discretionary Act 250 criteria, rather than state policies and associated guidance based on evolving science and best management practices.

- **Act 250 criteria are not, for the most part, "context sensitive"** – the criteria, related guidance, and associated permit conditions generally are not tailored to specific locations, resources, or categories of use, apart from noted jurisdictional triggers and exemptions.

- **Existing criteria include outmoded language and, as amended over the years, some inherent redundancies, especially considering more recent state permitting requirements.** This was noted particularly for the 10+ sub-criteria concerning water resources (quality, quantity, stormwater management). Related Act 250 criteria could be culled, consolidated and updated to better address current science from a watershed perspective (e.g., headwater, river corridor, floodplain protections) – and to address the impacts of climate change (more intense storm events, flash flooding, heat, drought).

- **Climate change considerations (mitigation, adaptation) could be incorporated under several relevant criteria.** In addition to water-related criteria (1-4) these include Criteria 1 (air quality and greenhouse gas emissions), 5 (transportation alternatives, complete streets), 8 (wildlife habitat, corridors) 9(C) (e.g., forest blocks as carbon sinks), 9(F) (energy efficiency, renewable-friendly forms of subdivision and development), 9(K) (public investments) and 9(H)(L) (existing and planned settlement patterns).

- **Act 250 does not adequately address forest (or habitat) fragmentation.** Recent USFS studies have shown a decline in Vermont's forests, which are critical to the state's forest products industry, outdoor recreation, wildlife habitat and movement, and serve as a natural carbon sink. VNRC data indicate that this is due to ongoing subdivision (parcelization) leading to fragmentation and development – most of which occurs outside of Act 250. Sub-criterion 8(A) (necessary wildlife habitat) and 9(C) (forest soils) could be

updated to consider the full function and value of remaining, large forest blocks (as defined and mapped for this purpose), if also tied to additional resource-based jurisdiction.

- **Act 250 does not adequately address alternative forms of transportation, more recently enacted state "complete streets" policies, or context sensitive design.** The review of development under Criterion 5 continues to focus on vehicle access and congestion, using conventional standards of review (peak hour trip generation rates, levels of service), that apply equally regardless of setting or context. There are no connectivity requirements or standards that apply to other modes, other than what may be considered "appropriate" by a "reasonable person."

- **Act 250 has not been effective in addressing the impacts of development on existing *or planned* settlement patterns – scattered rural development and strip development continue to occur.** Project conformance with the Capability and Development Plan (state land use policy), as called for under Criterion 9, is no longer a consideration. Consequently, related sub-criteria – now applied on a piecemeal, permit-by-permit basis with limited guidance – do not effectively address the impacts of growth 9(A), the costs of scattered development 9(H), public infrastructure and investments 9(K) or existing settlement patterns 9(L). There are also few protocols in place for required impact assessments.

- **"Existing settlements" under 9L are not adequately mapped or defined**. "Existing settlements" are now determined based on a statutory definition that includes "designated centers" or "an existing center that is compact in form and size…" which may be unrelated to locally or regionally delineated existing and *planned* areas targeted for development. In practice, statutory definitions and related guidance are limiting and hard to apply. Most state designations ("designated centers") do not incorporate Act 250 considerations, are not always served by centralized water and sewer (as required for compact, higher density development) and, according to DHCD data, are limited in extent to 1/400th of the land area of the state. Most development subject to Act 250 has occurred outside of "existing settlements" as currently defined.

- **Municipal and regional plans – and required plan maps – often are not given due consideration by District Commissions under Criterion 10.** District Commissions reportedly no longer independently evaluate project conformance with a plan and capital program (as does the PUC), but rather rely on information provided by the applicant and other parties to determine project conformance. How "conformance" is determined has also been much more narrowly prescribed in recent years through legal precedent – now based solely on the specificity of plan policy language as applied to a particular project and location, to the exclusion of the associated narrative context and mapped information. Legal definitions or tests for "conformance" have not been updated in relation to recent case law, or more recent definitions of conformance under 24 VSA § 4303.

Recommendation: *Update Act 250 criteria for clarity, internal consistency, conformance with current state land use and development policies (e.g., an updated Capability and Development Plan) and current state rules.*

<u>For Consideration</u>:

- **Create an interagency task force or work group to review all Act 250 criteria, and recommend updates as needed, for consistency with current state land use and development policies and rules.** Related considerations:
  - **Is Act 250 the best "tool" to accomplish the intended objective?** Does Act 250 review in this area add value?
  - **Is a statutory update required** – or can consistency and clarification better be achieved through related rule-making or guidance?

- **Update the criteria as needed to also address "emerging issues" e.g.:**
  - **Climate change** – to include related hazards, mitigation, adaptation strategies identified in state energy, climate action and hazard mitigation plans (Criteria 1-4, 9(F))
  - **Alternative transportation** – connectivity, transit, "complete streets" requirements (Criterion 5)
  - **Resource fragmentation** – forest blocks, wildlife habitat and connectors, ridgelines, working farm and forest lands (Criteria 8, 9)
  - **Context sensitive siting and design** – infrastructure (5), aesthetics (8), settlement patterns (Criterion 9)
  - ***Planned* settlement patterns** and supporting infrastructure (Criteria 5, 9, 10)
  - **Secondary and cumulative impacts** of development (Criteria 9, 10)

- **Develop clear guidance (including graphics) for use by District Commissions, applicants and other interested parties in the interpretation and application of discretionary Act 250 Criteria.** Guidance like that developed for 9(L) should be published and updated periodically to ensure that it reflects current science and accepted management practices – e.g., to include:
  - **protocols** for site evaluation, resource identification and required impact assessments (e.g., resource, existing settlement delineations/mapping; fiscal, visual and health impact assessments),
  - **accepted site development and mitigation strategies** (e.g., clustering, stormwater management, historic preservation, aesthetic guidance).

Recommendation: *Clarify project "conformance" with the Capability and Development Plan (Criterion 9) and municipal and regional plans (Criterion 10).*

For Consideration:

- **Require that, for consideration in Act 250, municipal and regional plans must include all required elements and maps and be consistent with state land use and development policy** (Capability and Development Plan, 24 VSA § 4302**), e.g.:**
  - **Allow only municipal plans that have been reviewed and "approved" by a regional planning commission (under 24 VSA § 4350)** to be considered in Act 250**.**
  - **Re-institute a process to independently review and approve regional plans** for required elements, maps, consistency with state land use policy, definitions of "regional significance" as applicable under Act 250.
  - **Consider a plan certification process like that recently established for "enhanced" municipal and regional energy plan elements** under Section 248 – e.g., to give such plans "substantial deference" in Act 250.

- **Define a standard or test – and related guidance – for use in determining project "conformance" with a plan, as required under Criteria 9 and 10,** e.g. in relation to**:**
  - Recent case law – *In re B&M Realty, LCC* (2016)
  - "Conformance with plan" as defined under 24 VSA § 4303
  - Model enabling statutes, and examples from other states in which plans are considered in regulatory proceedings (e.g., CA, FL, OR).

Related Recommendation*: Establish a well-coordinated planning framework across jurisdictions in support of more effective planning and development review.*

For Consideration*:*

- **Establish an interagency task force or work group to review and update state land use and development policies and related plan requirements under the Planning and Development Act** (24 VSA, Ch. 117), e.g., to include:
  - State land use and development policies (24 VSA S 4302) as required for consideration in municipal, regional and state agency plans,
  - Required plan elements (goals, policies, objectives, maps, implementation)
  - Requirements for plans used in state regulatory proceedings

- **Re-establish a state "Office of Planning Coordination" e.g., to**:
  - Staff Development Cabinet, coordinate state agency planning and development review
  - Produce maps, data, projections (population, housing, land use, development) for use in local, regional and state agency planning
  - Review regional, state agency plans for consistency with state land use and development policy.

III. Jurisdiction and Exemptions

Act 250's jurisdictional thresholds do not adequately address incremental development or related impacts on important resource areas – much of the sprawl that has occurred has been below the threshold of review. At the same time, Act 250 often adds little value, and may present disincentives for projects located in areas that are well-planned and suited for higher density development, in conformance with state land use policies. There are also situations where it may be appropriate for parcels to be released from previous Act 250 jurisdiction.

For Discussion

- **Overlapping, sometimes "competing" jurisdiction over land use and development – under federal, Act 250, state agency and municipal permitting processes – can be confusing for everyone involved**, including the public, property owners, abutters, municipal and state officials, the development community, and other interested parties. There is no established, coordinated sequence of development review. There is also the sense that many complaints, from applicants and other interested parties, stem from confusion over what's required when, in relation to each of these processes.

- **Jurisdiction based solely on whether a municipality has adopted zoning and subdivision regulations (1-acre vs. 10-acre towns) is inadequate.** This does not consider the quality of local regulations as a substitute for Act 250 review – regulations are not independently vetted for consistency with plans, state policies or Act 250 criteria. This also does not consider the municipal capacity (staffing, technical resources) to review development.

- **Act 250 jurisdiction, as currently defined (based on involved acreage, lots, units) is ineffective in protecting working farm and forest lands and natural resource areas from the impacts of incremental development**. With few exceptions, Act 250 jurisdiction is not generally location- or resource-based. As a result, much of the development occurring in rural areas – where the municipal capacity to review development is often limited – does not trigger (and may be designed to avoid) Act 250 review, resulting in scattered rural development and resource fragmentation.

- **At the same time, required Act 250 review presents a disincentive for development in areas targeted and planned for higher density development, consistent with current state land use policies, and related state designation programs.** The partial exemption for priority housing is a start; but there's a real question regarding how much value Act 250 adds to the review of development in these areas, particularly in municipalities with the in-house capacity to comprehensively review development. It is also recognized, that current state designations and local regulations may not fully address all Act 250 criteria.

- **Perpetual Act 250 jurisdiction over some types of projects or properties makes future reinvestment and redevelopment difficult** – especially for smaller projects that would not otherwise require Act 250 review. Most Act 250 permits run with the land indefinitely. There currently are no jurisdictional "release" provisions following initial construction.

- **Some forms of pre-existing, exempted development predating Act 250 – including some extraction operations – remain exempt from Act 250 almost 50 years after its enactment, despite known impacts to resources and communities**. There currently is no mechanism in place to bring these under Act 250 jurisdiction.

Recommendations: *Limit Act 250 jurisdiction within areas designated and planned for development; and extend location- or resource-based jurisdiction outside of these areas to cover resources and facilities of statewide significance. Evaluate existing and proposed exemptions to determine if they serve a public purpose, and to ensure that associated impacts are otherwise addressed.*

<u>For Consideration</u>:

- **Evaluate Act 250 jurisdiction in relation to project location, size, significance and impact (state, regional, local), while ensuring accountability in the review of development at all levels, e.g.**:
    - Extend location- or resource-based jurisdiction to cover areas, resources and facilities of critical state interest (e.g., forest blocks, ridgelines, interchange areas) – as clearly defined and mapped for this purpose.
    - Update state designation standards under 24 VSA Chapter 76A to incorporate Act 250 criteria, for exemptions from Act 250.
    - Establish a process and standards of review for municipal and regional mapping and regulation of "existing" and "planned" settlements, for consideration in Act 250, including possible exemptions under Criterion 9.
    - Establish Act 250 jurisdiction and review in relation to defined development or "growth tiers" – e.g., as applied in Maryland to subdivision review (example presented at Act 250 Conference).

- **Re-evaluate 1 Acre/10 Acre jurisdiction in relation to the municipal capacity to regulate development, e.g.to consider:**
    - Expanded "Local Act 250 Review" under 24 VSA § 4420 – e.g., to include other criteria (e.g., some sub-criteria under 9)
    - Standards and a process to delegate Act 250 jurisdiction to "qualified" municipalities with the capacity and regulations to assume or substitute for Act 250 review.

- **Establish a parcel-based jurisdictional "release" provision** for the development or redevelopment of parcels subject to previously issued Act 250 permits, e.g., for:
  - A parcel on which permitted development was initiated, but never formally abandoned or completed;
  - A change in use that otherwise would not require Act 250 review;
  - Previously permitted development located in a state-designated downtown, growth center or neighborhood development area;
  - Development on a parcel in a 1-acre town that was previously permitted under 10-acre town jurisdiction and would otherwise not require review.

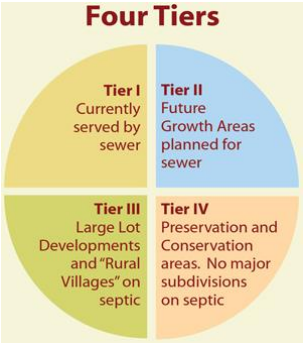
- **Evaluate current and proposed exemptions under Act 250**, including pre-existing (grandfathered) activities, to determine if they meet a public purpose or objective, are consistent with state land use and development policies, and associated impacts can be adequately addressed through other forms of regulation or review.

Growth Tiers: Maryland Sustainable Growth & Agricultural Preservation Act

https://planning.maryland.gov/pages/ourwork/SB236Implementation.aspx

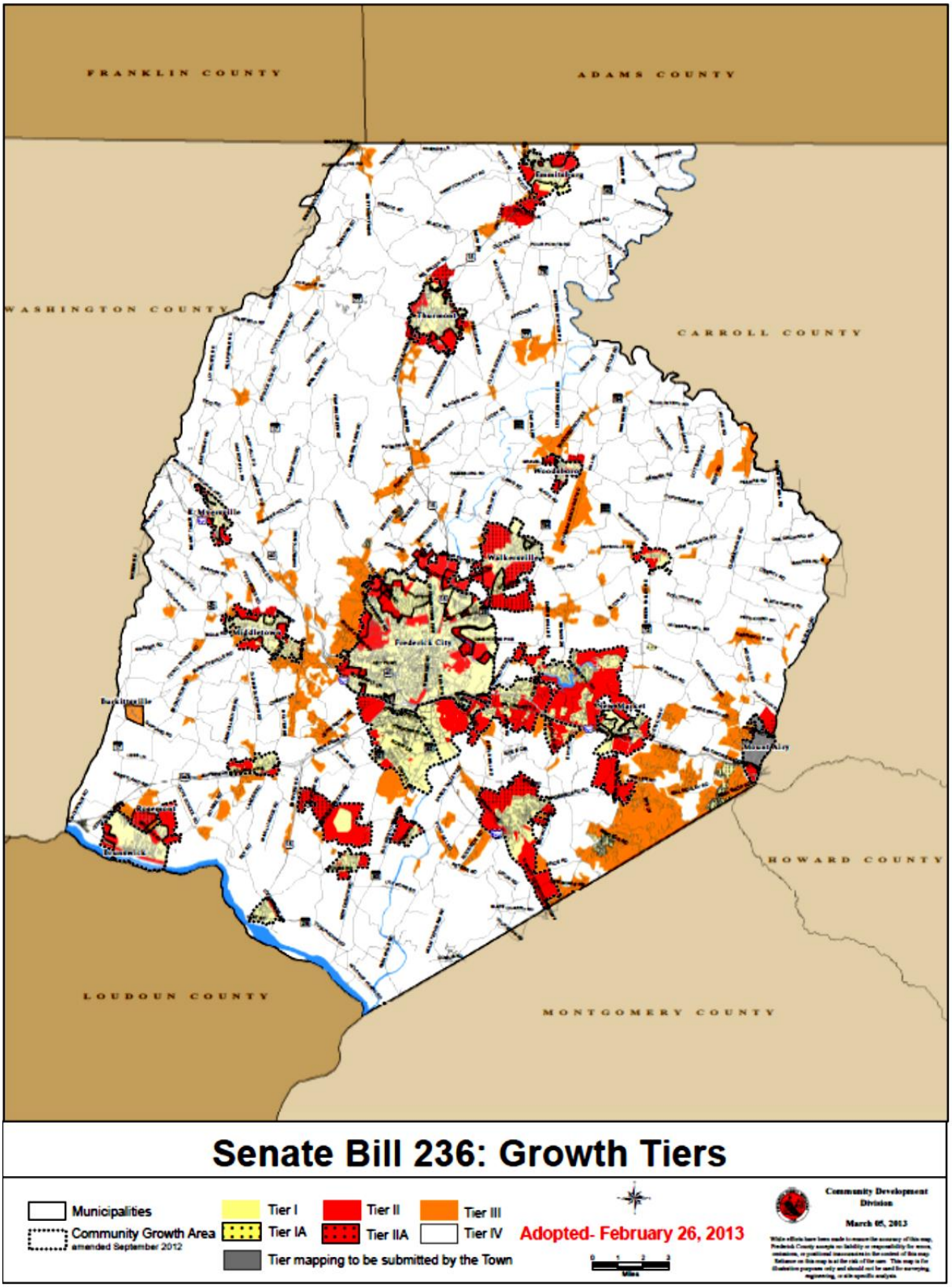
"Growth tiers" (areas) are defined and mapped locally (municipal, county level) – in conformance with state criteria and guidance – and with state assistance. The growth tier map is then incorporated in the comprehensive plan.

Land subdivision and wastewater restrictions vary by tier for "minor" and "major" residential subdivisions as defined locally. If not otherwise defined, a "major subdivision" is five or more lots.



Tier I	Locally designated growth areas, priority funding areas served by public sewer that can accommodate existing, planned growth	Major and minor subdivisions served by public sewer are allowed
Tier II	Locally designated growth areas planned to be served by public sewer at densities consistent with long-term plan	Minor subdivisions allowed on onsite systems (interim basis); major subdivisions only on public sewer
Tier III	Areas not planned for public sewer that are not dominated by farm and forest land, or zoned for land, agricultural or resource protection, preservation or conservation; to include "rural villages," locally designated growth areas, areas planned/ zoned for large (20+ acre) lots	Shared facilities and individual onsite systems are permitted for major subdivisions; individual onsite systems are permitted for minor subdivisions – best suited for large lot development
Tier IV	Areas not planned for public sewer that are dominated by farmland, forestland or other natural areas; or are planned/zoned for agricultural or resource protection; or are permanently conserved	Major subdivisions, including large lot subdivisions are prohibited, with a few exceptions (at a minimum density of 1 unit/20 acres)

Growth Tiers: Frederick County, Maryland



IV. Act 250 Process and Appeals

Act 250 was intended as a regional (district) citizen-based, deliberative, quasi-judicial review process with appeals heard by a lay Environmental Board, supported by a legal counsel and a state planning office. As it has evolved over the years – especially with the addition of state agency permitting and the institution of judicial court appeals – the process has become less accessible, less deliberative, more confusing, more technical and legal in nature, more time consuming – and more expensive for applicants, statutory and other interested parties – often limiting their participation.

For Discussion

- **Overlapping areas of jurisdiction between Act 250 and related or similar federal, state and municipal permitting processes and requirements can be difficult to navigate for everyone involved.** There currently is no defined order or sequence of review, or single point of contact. Regional Permit Specialists and District Coordinators serve critical roles, but do not serve as ombudspersons to represent or help parties navigate the process.

- **There apparently is no longer any formally coordinated, interagency review of Act 250 projects**, as initially established through the state planning office and later in association with the Governor's Development Cabinet. As a result, parties must contend with multiple permitting requirements, multiple agency contacts, and multiple, sometimes inconsistent findings.

- **There is a need for better consistency between District Commissions in how Act 250 criteria are interpreted and applied, and greater predictability with regard to the process and outcomes.** While much of this may be addressed through recommended administrative improvements, additional Commissioner training and guidance (e.g., performance standards) are also needed.

- **The current process allows for negotiated side agreements that do not involve all interested parties.** It does not currently incorporate more constructive forms of public participation in advance of the hearing process, or more constructive forms of mediated dispute resolution that involve all parties.

- **There is general consensus that the current appeals process needs to be improved, but not regarding how this might best be accomplished**. Court appeals are viewed as potentially more efficient than a quasi-judicial review process – particularly for consolidated Act 250, state and municipal permit appeals – and more consistent regarding legal interpretations and outcomes under the current body of Act 250 case law. There is also concern however, that current process is expensive (for legal representation, expert witnesses), less accessible, and less deliberative – vesting a significant amount of authority in one judge (especially under de novo and consolidated appeals) who may not be qualified to review the more technical aspects of a project. There currently are no time limits on the

issuance of decisions, as there are for most other permits which, given a lack of resources, can result in significant project delays.

Recommendation: *Ensure that Act 250 remains a citizen-based, applicant and participant-friendly process.*

<u>For Consideration</u>:

- **Re-institute a more formal, coordinated interagency development review process**– e.g., under the Development Review Cabinet (3 VSA § 2293) – to include one point of contact for state agency Act 250 reviews for District Commissions, applicants and other interested parties.

- **Provide additional training and formal, technical guidance for District Commissioners**, to promote more consistent application and interpretation of Act 250 criteria, e.g.:

  - Protocols for resource identification, required impact assessments,
  - Planning and technical guidance (also for applicants, etc.) – including graphic illustrations – e.g., for the use and interpretation of plans and maps, and accepted site development, mitigation and management strategies.

- **Allow for other forms of public engagement and dispute resolution**, e.g.:

  - **Pre-application neighborhood meetings** for major applications, to receive and address public input and concerns on initial project concepts, alternatives and designs, as documented in the application and hearing process.

  - **Mediated, issue-focused design charrettes that include all parties,** to address disputes during hearings, prior to appeal.

- **Establish an interagency task force or work group to evaluate alternatives or improvements to the current appeals process,** e.g.:

  - **Options to improve court appeals** – e.g., modified on the record review, more judges or judicial panels, more technical resources and support staff, time limits, municipal staff (vs. legal) representation

  - **A return to a more quasi-judicial professional and citizen board review**, supported by administrative, legal and technical staff.

VPA Act 250 Working Group

Sharon Murray, **FAICP** VPA Advisor/Committee Vice Chair
frontporch@gmavt.net |802-434-4118

Peg Elmer Hough, **AICP** VPA Alternate/Committee Chair
elmer.peg1@gmail.com | 802-522-3844

Eli Gleason, VPA Research Associate

John Bennett
Jim Donovan
Dana Hanley
Rodney Francis
Lucy Gibson
Jeff Guevin
Jacob Hemmerick
Lori Hirshfield
Tom Jackman
Seth Jensen
Kate Lalley
Regina Mahony
Kate McCarthy
Mike Miller
Jennifer Mojo
Taylor Newton
David Rugh
Alyssa Sabetto
David Salidino

VPA Executive Committee

Mark Kane, ASLA	President
Kate McCarthy, AICP	Vice President
Steve Lotspeich, RLA	Treasurer
David W. Rugh, Esq.	Secretary
Alex Weinhagen	VPA/NNECAPA Legislative Liaison
Sarah Hadd, AICP	Past President
Meagan Tuttle, AICP	NNECAPA Representative
Rebecca Sanborn Stone	At Large
Chip Sawyer	At Large
Rod Francis	At Large
Seth Jensen	At Large
Paul Conner, AICP	At Large
Hal Wilkins	At Large