

Dear Committee Members,

I am writing because I am very concerned about some changes being proposed for Act 250. One proposal I see is to apply Act 250 to any elevation at or above 1,500 feet. Another proposal I see is to apply it to land with a slope of 15 percent or more. There are many property owners who will be negatively impacted by these changes, including myself. I have invested a considerable sum into a camp on an existing 10 acre parcel in the town of Lunenburg in Essex County. My long term plans are to convert this camp to a home to live in at some point in the future, putting in a well and a septic system at that time as it is just a primitive camp at this time, along with a small addition at that point (likely under 500 square feet to add). This cabin sits at about 1,750 feet elevation. The land rises to about 2,300 feet in elevation above it, so my cabin is neither at nor near the peak of this tiny mountain, nor is it visible from any distant point on the landscape. The land itself is identified in the VT ANR Atlas as having slopes greater than 15 percent. However this is not accurate. My land has multiple plateaus that level out to much less than 15 percent slope, including that spot where the cabin lies, with steeper terrain in between. Is the existence of some steep terrain on a 10 acre parcel to mean the entire parcel, including areas that are not steep, will be subject to regulation?

I am concerned that a blanket application of Act 250 to locations above 1,500 feet will essentially make my property worthless to me as it has been my intent from day one to retire to the property when financially able to do so. I am also concerned that the ANR's faulty GIS data (which until last fall showed my lot as being several hundred feet from where it actually is) will incorrectly identify a property as meeting the 15 percent slope threshold when the location of a given project is not on a steep slope. I am a forester by education and profession. I take conservation seriously and want to see Vermont's landscape protected from excessive development. But Essex County certainly does not have a problem with excessive development at this time. I am also not wealthy and would struggle to attempt an Act 250 permit process to live in a cabin that already exists when I make the improvements necessary to reside there. I can also say unequivocally that there is a considerable difference in the ecology of a forest at 1,500 feet as compared to one at 2,000 feet. Act 250 should be aimed at the most sensitive areas, not at broad swaths of towns which should be subject to local decisions in terms of development. The state's septic regulations already prevent development of unsuitably thin or wet soils.

A minor conversion of use such as from a pre-existing camp to a dwelling should not be subject to Act 250 in this situation. I believe the 2,000 foot elevation threshold, which would protect actual ridgelines and more fragile ecosystems than those found at 1,500 feet, is more reasonable in applying Act 250. I believe that application of Act 250 as it has been proposed which would apply it very broad swaths of VT, to lands purchased by people never expecting Act 250 to apply to minor improvements, may constitute a regulatory taking of my property and others' under the Fifth Amendment to the U.S. Constitution. This would result in costly payouts by the state as compensation should courts rule in our favor on this point, which would be likely if Act 250 is written too broadly rather than being aimed at protecting sensitive areas which is in the public interest. I urge you to add some common sense exemptions to cover situations like I described above and to use the 2,000 foot threshold as opposed to the 1,500 foot threshold.

Thank you for your consideration,

Casey Jennings