

October 22, 2018

Commission on the Future of Act 250  
Vermont State House  
Montpelier, VT 05602

**To the Members of the Commission:**

Vermont's Act 250 Land Use law was designed to allow democratic participation in decisions affecting development throughout the state and is why Vermont continues to look like Vermont. The ten criteria offers a framework that has allowed citizens, town officials, and other stakeholders to participate in a manner that—as it was intended--integrates their vision and values in ways that may limit and shape impending projects that potentially impact our future. These concepts were innovative and ahead of their time and are often very successful in supporting the highest and best use of Vermont's communities and landscape.

**I fully support the concepts behind Act 250 Land Use law.**

My comments evolve from having been a party to a proposed Act 250 project in my town (East Montpelier); from having a decades-long interest in community development, including affordable housing; from my background with organic agriculture & homesteading going back to the 1970s; and my awareness that permacultural concepts of sustainable land management and food system design will be required to mitigate against the socio-economic & ecological impact of global climate change on our communities.

I understand that there is a strong movement to weaken Act 250 rules in favor of easier commercial development. It is a mistake to yield to economically- or politically-driven forces that will compromise both the democratic participation in the future of our communities and the physical environment in which we all live.

I cannot over-state the need to sustain Act 250 as a tool that towns, local environmental and advocacy groups, and individuals can use so that all future development takes into account the land-based and humane values behind considerations that must be taken when one goes through the Act 250 process. It is a false dichotomy that poses economic growth against the environment and democratic process that oversees Act 250—and especially in the face of global climate change. Sustainability and resilience demands we make careful considerations to assure all community development is complimentary to a climate change economy based on local self-reliance and innovations. Act 250 has the potential to facilitate this necessary outcome.

**Positive Highlights of Act 250**

- 1- some citizens can participate.
- 2- 10 criteria are thoughtful and specific
- 3- my experience of the process and administrative support for me as a citizen was mostly positive

4- the public nature of Act 250 and my party status allowed others with an interest to reach out and support our mutual best interest

5- despite the odds against us, our small citizen action group was effective in protecting our community resource ... (to a point)

### **Challenging requirements/ outcomes of Act 250**

1- many citizens are unable to participate for various reasons (that should be explored), including time, money, experience, and (far too often) misuse of political power.

2- citizens are often up against more powerful interests—whether it be a state agency or a developer—with more money, legal funds, and expertise that gives unfair advantage.

3- the cost of fighting an appeal (especially against moneyed interests) is prohibitive.

4- once a permit is issued, there is no oversight of the project to assure it is in compliance, and

5- enforcement appears to be non-existent.

6- when state agencies are the developer, they have undue influence or weight when another state agency (NRB) is overseeing enforcement

### **Upgrading Act 250 to address 21<sup>st</sup> Century Concerns**

The process of reviewing Act 250 to meet 21<sup>st</sup> Century concerns is important and must take into full consideration the serious challenges we face in these evolutionary times. While politics and economies might be fickle and fluxuate over time, **our dependence** on our landscapes and ecosystems are not. We need clean water to drink, clean air to breath, and our close-knit communities to sustain us through challenging times—personal, economic, or political. Regardless of any national political trends, the facts of physics rule—regardless of whether we choose to believe them or not. Resilience requires that we pay attention and adapt to the practical needs of our communities and all of their inhabitants in a post-carbon, climate change economy.

Act 250 was initially devised to promote democratic process. This must be maintained and made **more inclusive**, not less. People with long-time residential status in our communities should have more weight than moneyed interests.

The original proposed law included a **statewide planning process**. This should be re-instituted in a fashion that **seeks out** the innovators in climate science, agro-ecology, silvaculture, and energy efficient designs in housing, community space, transportation, and community resource development (which includes care of seniors, children, and the most vulnerable among us), including community-scaled energy production and new economic models.

Finally, I want to acknowledge that one of Act 250's initial goals was to protect "historic patterns" of community development and agriculture, and that we may need to alter exactly what that means. For example, historic Vermont villages were generally built along waterways that—in recent years, and predicted to accelerate

into the future—are now prone to flooding. While we generally refer to Vermont's agricultural heritage as dairy farms (and maple sugaring operations, and beef, or sheep at one time), we have also watched how the history of dairy farming based on market economy boom and bust cycles, is reflective of parallel cycles of unsustainable growth and modernization. We now see that there are new models of more diverse agricultural practices that are likely to be more sustainable and resilient. Vermont produces only about 90% of its food supply, with the rest shipped in from elsewhere. This trend needs to be reversed.

In a post-carbon economy, we may need to consider clustering affordable sustainably-designed housing on what was once considered a "traditional" dairy farm property: Households of families and individuals, clustered using a land trust or cooperative economic model, organized to holistically manage that property; using best practices to produce diverse agricultural and value-added products, with many administrative and social services available on site—from child care and senior care, to web design and marketing. Vermont can be producing most of its food and fiber products, offering full employment to residents who can walk to work because they live there.

How this translates to flexibility in Act 250 Land Use (and development) law is a conversation that—as I referred to earlier—must be **more inclusive** of individuals who are innovative and experienced and live in our communities as residents; and facilitated by those with skills to implement democratic dialogues as part of the process **to develop a statewide plan** based on what we—as Vermont residents—need to live: Food, clean water and air, and affordable housing in communities where every life is valued.

Thank you for your considerations.

*Renée H. Carpenter*