

P. O. Box 512
Montpelier, Vermont 05601
March 26, 2012

Senate Committee on Natural Resources and Energy
meeting virtually

Subject: S-101 Parent amendment

Dear Committee:

I ask that you oppose sections 10 and 12 of the Parent amendment. These provisions did not make it out of the Senate in last year's S.237 or H.926.

Removing Act 250 from downtown development districts and neighborhood development areas will have almost no effect on the cost of housing.

Act 250 has almost no effect on development in the downtown development districts and neighborhood development areas. If there is a regulatory problem, it is with the local process and the myriad of State permits needed for a project. Act 250 is actually more efficient, because it covers so much in its one permit.

I reviewed the act 250 database for projects that appeared on an agenda in 2019. It turned up 219 projects. Two were located in Winooski's downtown development district. One was a new 16-space parking lot. The other was a covered structure with retractable sides to expand the season of an existing outdoor dining area. Both permits were classified as minor, meaning no hearing was held. One permit was issued in 28 days; the other in 30.

A third project was partly in a downtown development district and partly in a neighborhood development area in Burlington. The project will merge 5 lots, demolish most structures, build a hotel, build senior housing, and build underground and surface parking. One act 250 hearing was held and a recess order was issued. The action then moved out of act 250 and to the City's development review board. Seven months after the recess order, the development review board issued its permit. Action then returned to act 250, which granted its permit 15 days later with no additional hearing. So act 250 did not delay or hinder this project. Most of the time between the act 250 application and permit was at the City's development review board with act 250 on hold.

If there are permit problems within downtown development districts or within neighborhood development areas, act 250 is not the cause. The Burlington project is an example: 2 1/3 months of action at act 250, bookending seven months for a permit from the development review board.

The process for releasing land will be essentially the same as for an amendment to a permit.

Sections 10 and 12 propose a mechanism for release of land from act 250 permits and conditions under certain criteria. This process will not result in any savings to the permit holder. Also, those criteria are too broad and they are inadequate to protect the rights of non-applicant parties and of adjoining property owners.

Placing conditions in a municipal permit and extinguishing the Act 250 permit breaks the connection between the condition and the party whose efforts achieved the condition. That means the party will lose the ability to be notified of all future applications which might alter the municipal permit.

Conclusion and Summary

Please retain jurisdiction of act 250 in downtown development districts and neighborhood development areas.

Please do not allow the release of land from act 250 permits.

That means, please do not support sections 10 and 11 of the Parent amendment.

Thank you for taking the time to read this testimony.

Sincerely,
Thomas Weiss
resident, Montpelier