

ACT 250 A LITTLE  
SCARY!!??  
Act 181 & S325



1980 farm is born  
42 years farming-56 acres  
2006 Orange County Farm  
Bureau "Farmer of the Year"  
Past President VVBGA  
Taught UVM "Sustainable Veg."





# CROSSROAD FARM

Home

113

113

Post Mills  
Congregational Church

244

244

POST MILLS

113

244

Post Mills  
Airport



Chair District 3  
Environmental  
Commission  
2011-2022

Chair Thetford  
DRB & Planning  
Commission  
1985-1992; 2003-  
present

Thetford  
Representative to  
TRORC Board

1978 VLS  
Graduate

+ Clerkship



**THE ORIGINS OF ACT 250. *A Talk With Former Governor Deane C. Davis***  
***1989 Interview for "The Environment Report"***

*"We found open sewers running into the ditches....People were up in arms."*

As I look back I'm actually amazed at what we did get. Really this whole thing, Act 250, runs counter to Vermont's tradition with reference to the use of land. I mean, Vermonters feel land is sacred, and we don't want anybody messing around with our land, much less the government. But now I do think the ethic of environmental control is pretty well established in Vermont. I know there [were attempts] in 1971,1972 while I was still in office, to scuttle the Act. Every one of those failed. Watching that happen, and what has happened since then, I've made up my mind it would be pretty hard for anybody to scuttle Act 250 now.

The need, the desirability, in Vermont's case anyway ... to bring some kind of orderly approach to what's going to be done with Vermont's land, is pretty solid in the political end of it, and the social, philosophical field is pretty well established.

The next big test to come on Act 250 is if and when we have a major [economic] depression. As for you, VNRC must continue its great work of educating and making people think about Act 250 and the need for it. [VNRC] was in on the genesis of it more than any other organization, so you have the background and history to carry on with this. •

THE SENATE  
PASSED 2  
SIGNIFICANT  
AMENDMENTS  
WITH DIRE  
CONSEQUENCES  
FOR PRIME  
AGRICULTURAL  
SOILS (PAS)

FOCUS MY TALK ON PRESERVING AGRICULTURAL SOILS—INTERIM EXEMPTIONS AND TIER 1(B)

*adequate for wastewater disposal. Housing units constructed pursuant to this subdivision shall not count towards the total units constructed in other areas. This exemption shall not apply to areas within mapped river corridors and floodplains except those areas containing preexisting development in areas suitable for infill development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.*

1. REQUIREMENT  
THAT TOWNS  
HAVE ZONING  
& SUBDIVISION  
BYLAWS IS  
ELIMINATED

*(4) Notwithstanding any other provision of law to the contrary, until January 1, 2030, no permit or permit amendment is required for the subdivision for or the construction of 50 units or fewer of housing with at least 20 percent of the units with mixed income housing or mixed-use development, constructed or maintained on a tract or tracts of land, located within areas of a designated village center and within one-quarter mile of its boundary served by public sewer or water services or soils that are adequate for wastewater disposal.*

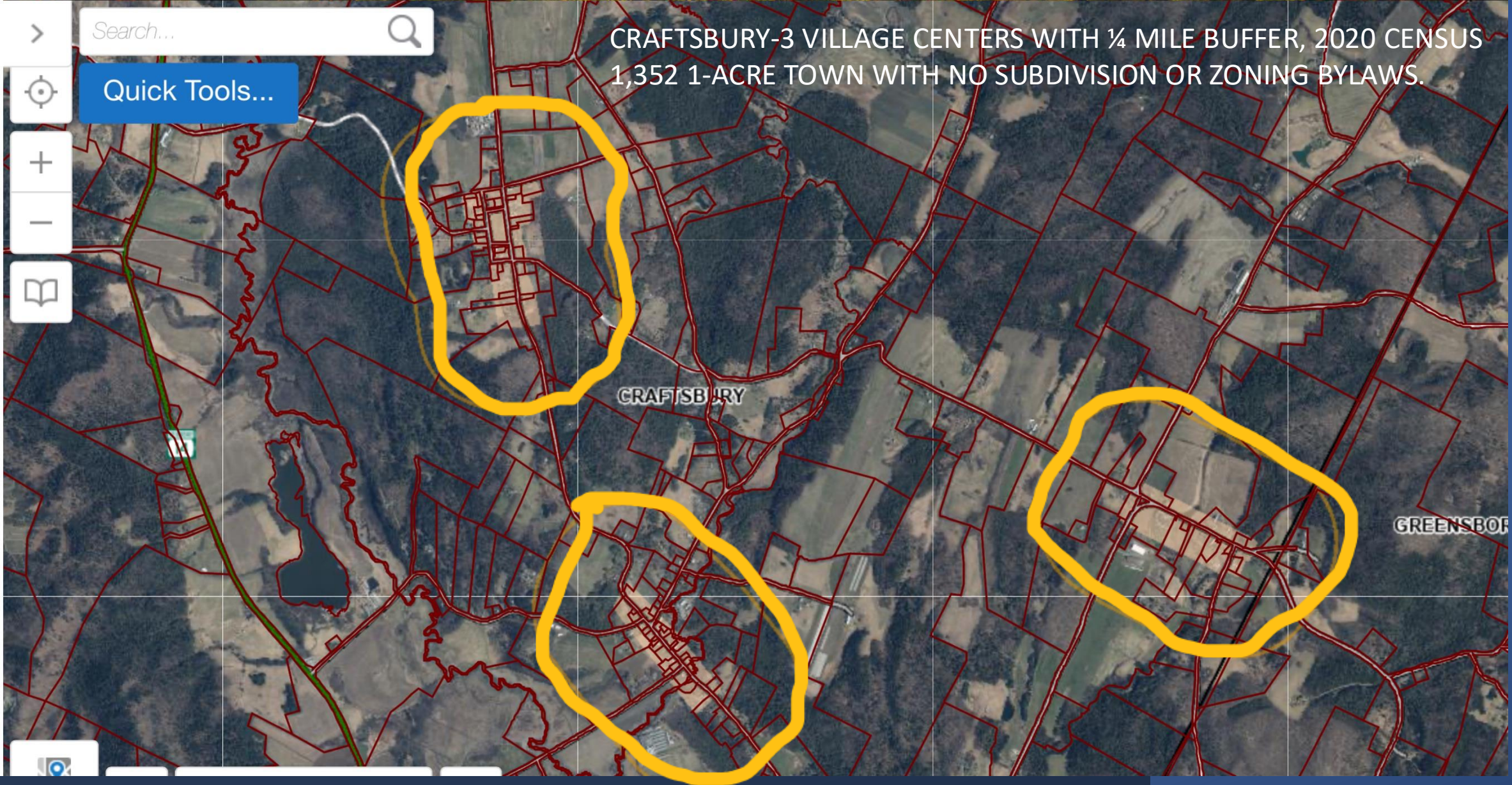
*Sec. 5. 2024 Acts and Resolves No. 181, Sec. 22 is amended to read:*

2. REQUIREMENT  
THAT THE  
UNITS MUST BE  
LOCATED 10  
ACRES OR LESS  
IS ELIMINATED.

*Sec. 22. TIER 3 RULEMAKING*

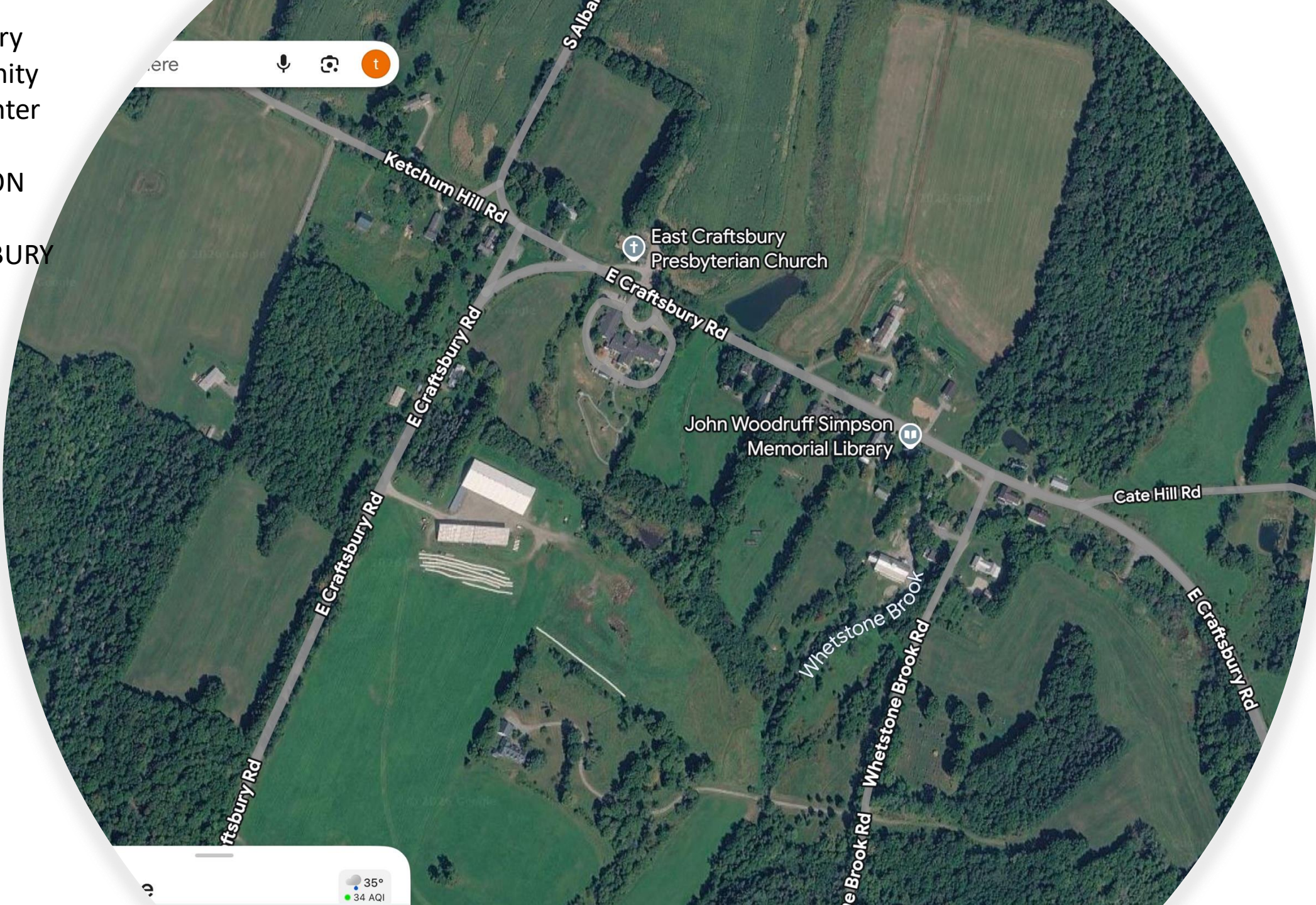
*(a) The Land Use Review Board, in consultation with the Secretary of Natural Resources, shall adopt rules to implement the requirements for the administration of 10 V.S.A. § 6001(3)(A)(xiii) and 10 V.S.A. § 6001(46) and (19). It is the intent of the General Assembly that these rules identify critical natural resources for protection. The Board shall review the definition of Tier 3 area: determine the critical natural resources that shall be included in Tier 3*

CRAFTSBURY-3 VILLAGE CENTERS WITH ¼ MILE BUFFER, 2020 CENSUS  
1,352 1-ACRE TOWN WITH NO SUBDIVISION OR ZONING BYLAWS.



Craftsbury  
Community  
Care Center

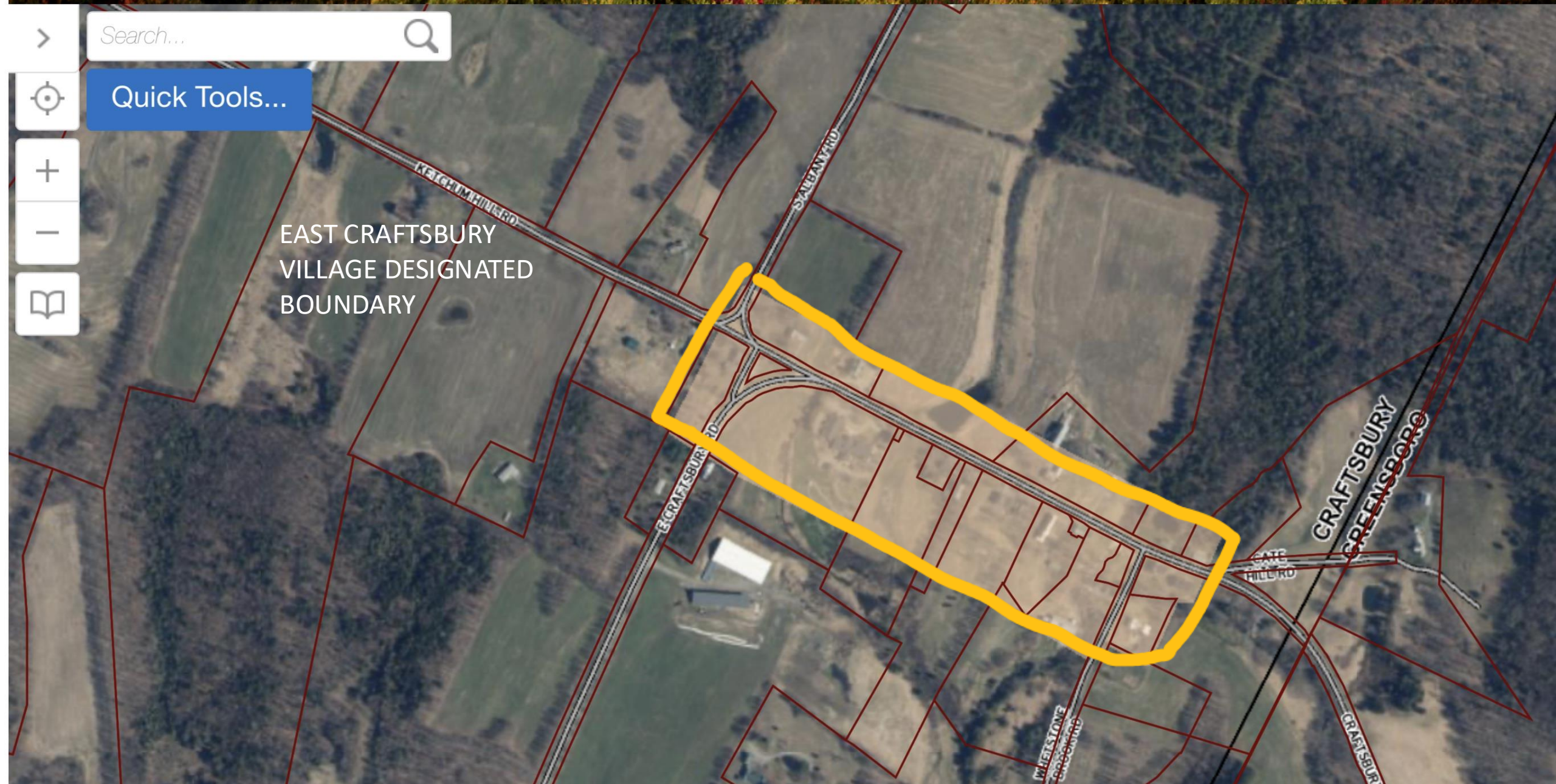
FOCUS ON  
EAST  
CRAFTSBURY



Search...

Quick Tools...

EAST CRAFTSBURY  
VILLAGE DESIGNATED  
BOUNDARY



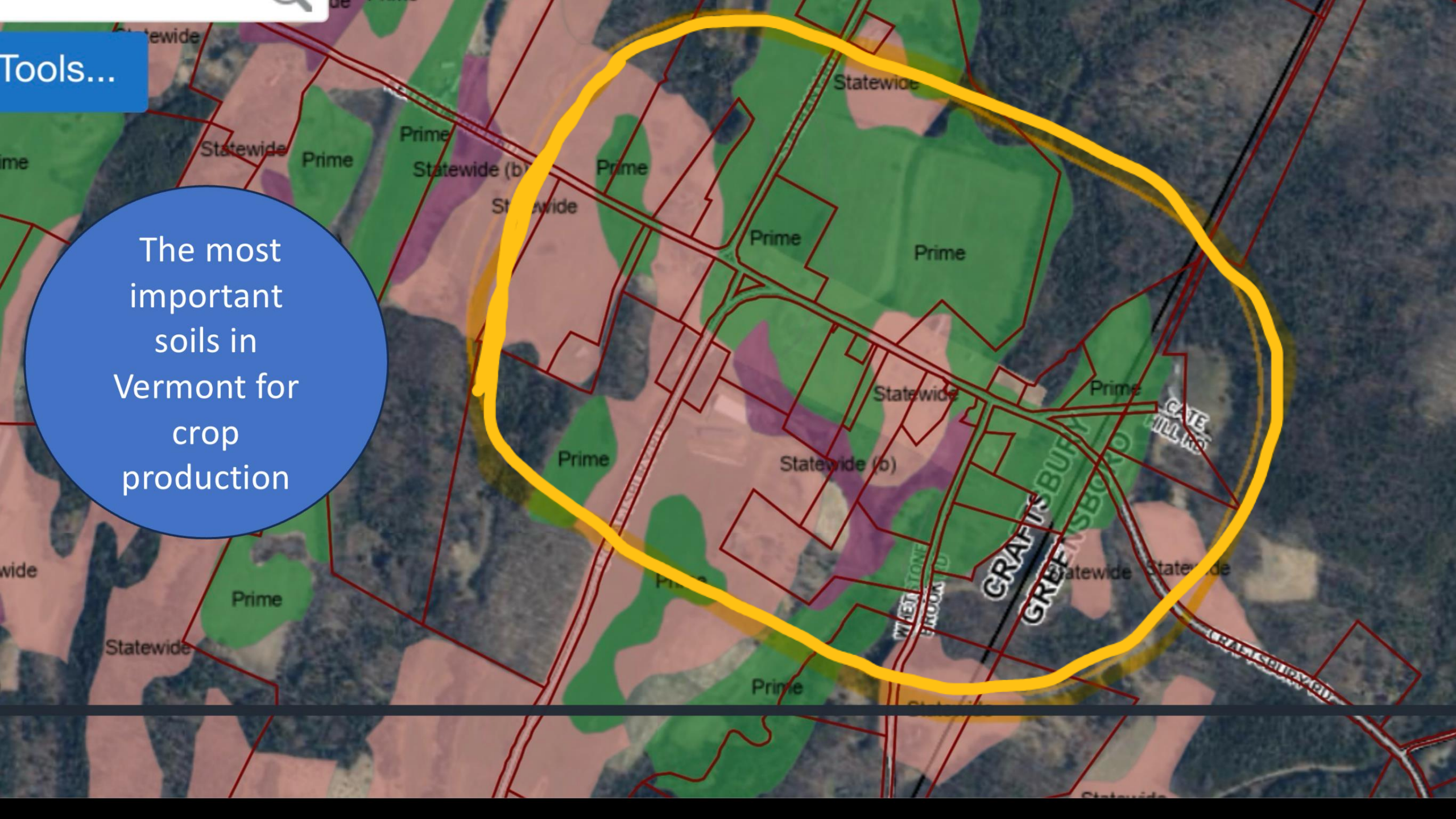
Red line = 1.320 feet or ¼ mile

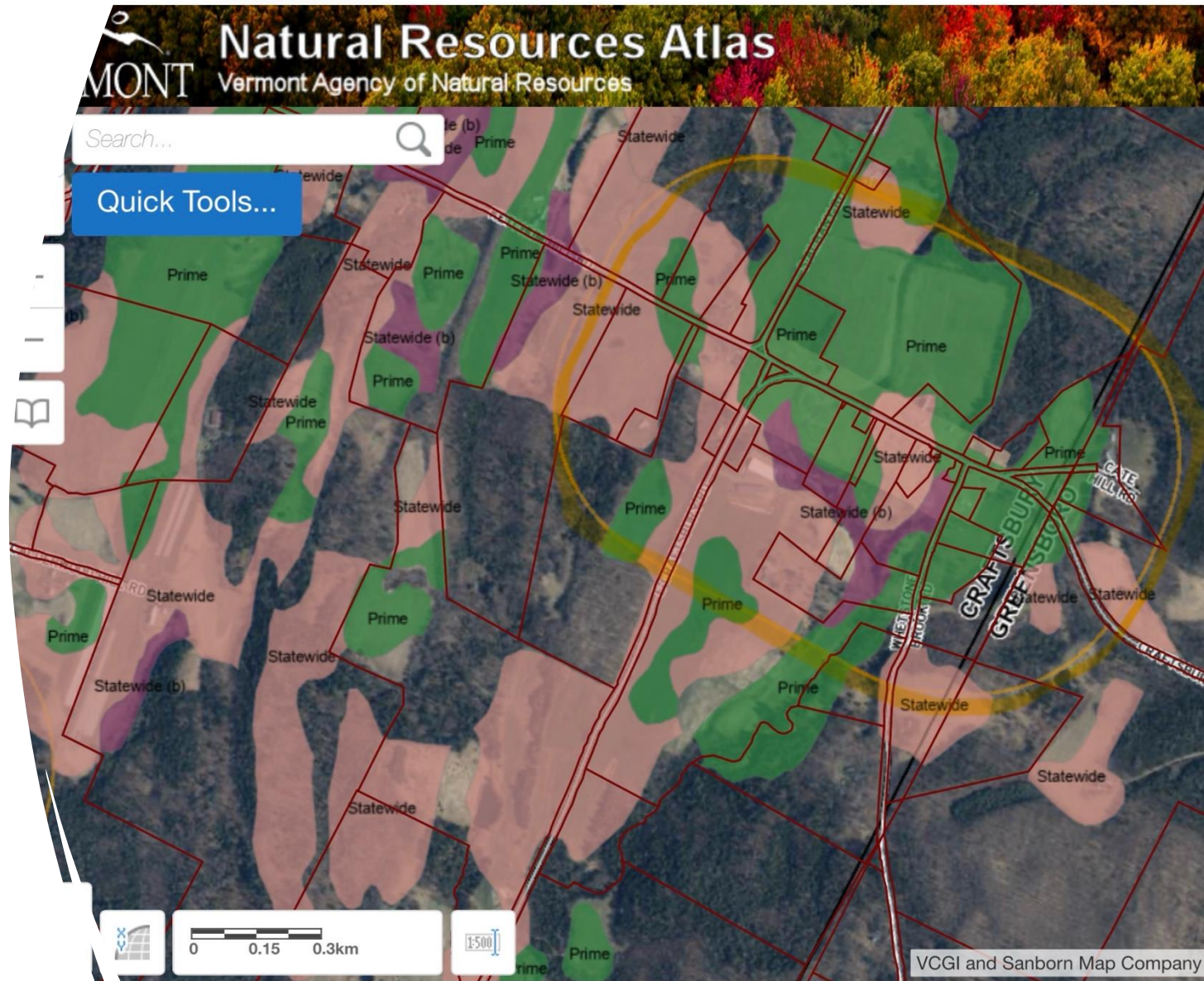
EAST CRAFTSBURY WITH ¼ MILE BUFFER FOR TIER 1(B) & INTERIM EXEMPTION



Tools...


The most important soils in Vermont for crop production





- IF THE AMENDMENTS BECOME LAW, THEN THERE WILL BE NO TOWN OR STATE ACT 250 REVIEW AS TO SITE PLAN I.E. CLUSTERING, MITIGATION FOR 50 UNITS ON ANY AMOUNT OF ACREAGE.

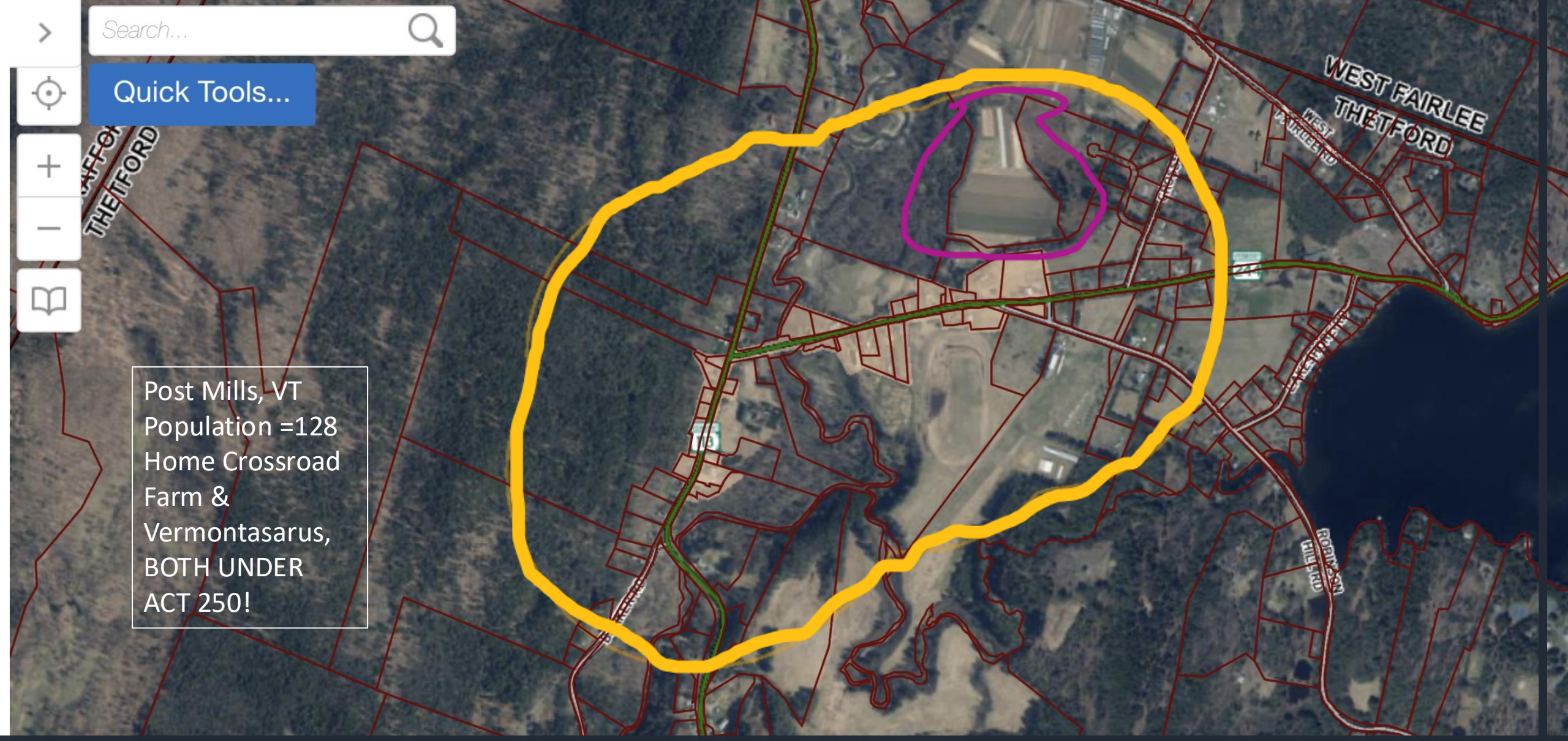
> Search... 

 Quick Tools...




Post Mills, VT  
Population =128  
Home Crossroad  
Farm &  
Vermontasarus,  
BOTH UNDER  
ACT 250!



# VERMONT Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov

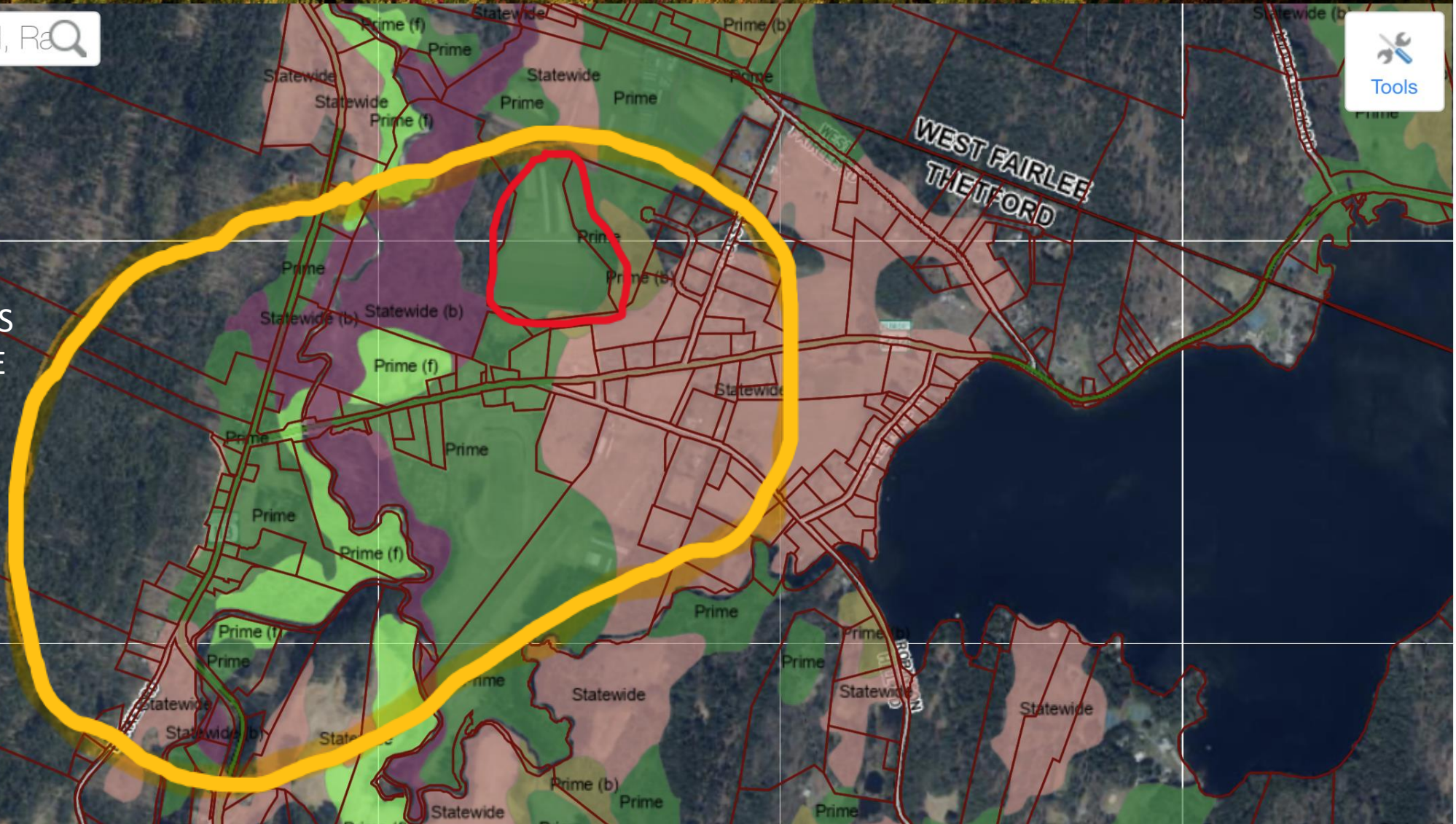
4884 east bethel road, Ra

Quick Tools...

Navigation icons: Home, Location, Zoom In, Zoom Out, Layers

Tools icon and text: Tools

PART OF  
CROSSROAD  
FARM 15 ACRES  
AGAWAM TYPE



LATE 1980S  
PROPOSAL TO  
BUILD 56 UNITS  
ON 79 ACRES IN  
POST MILLS  
VILLAGE



# THE BALANCING ACT OF ACT 250 FOR LONG TERM SUSTAINABILITY

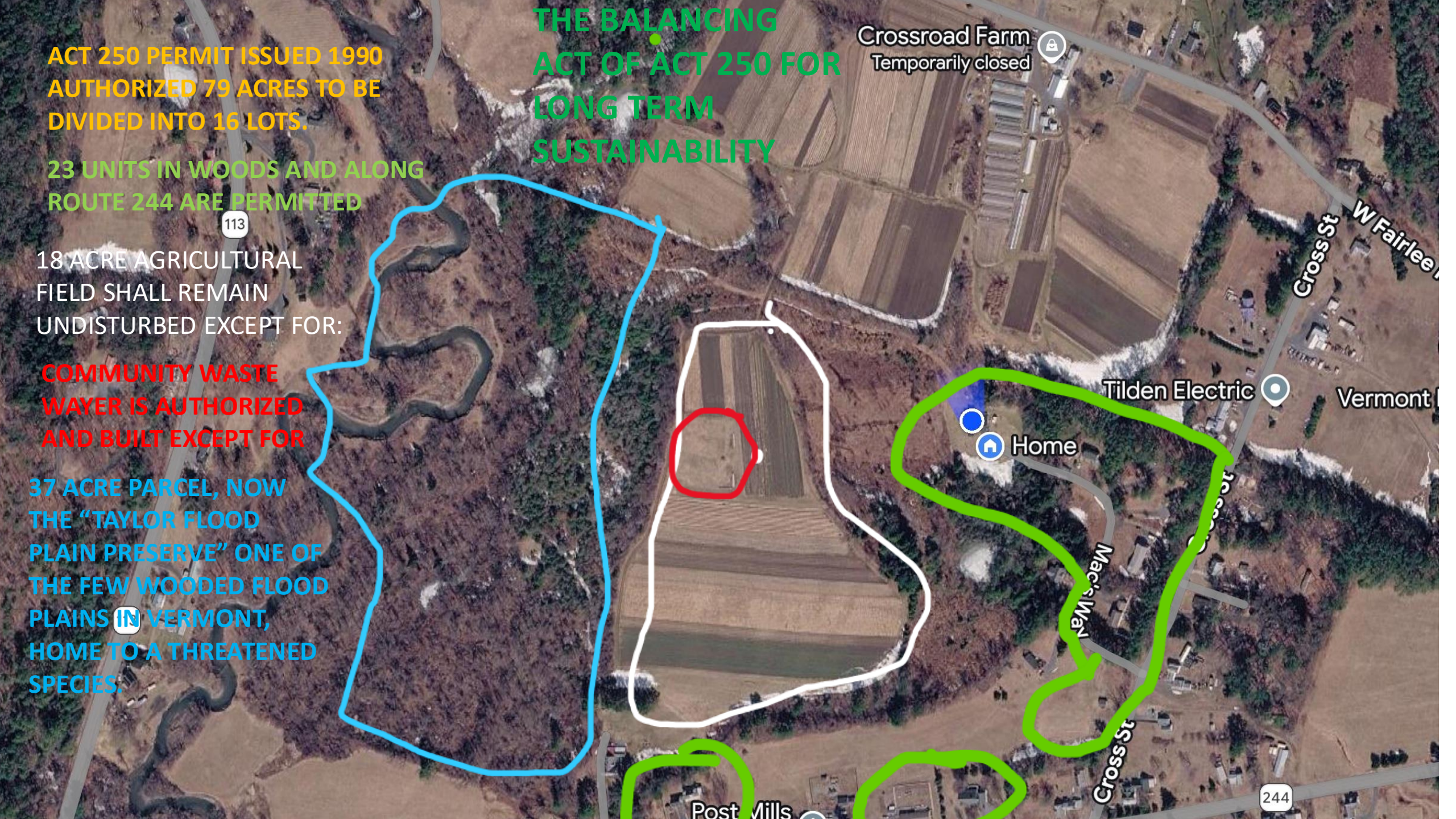
ACT 250 PERMIT ISSUED 1990  
AUTHORIZED 79 ACRES TO BE  
DIVIDED INTO 16 LOTS.

23 UNITS IN WOODS AND ALONG  
ROUTE 244 ARE PERMITTED

18 ACRE AGRICULTURAL  
FIELD SHALL REMAIN  
UNDISTURBED EXCEPT FOR:

COMMUNITY WASTE  
WAYER IS AUTHORIZED  
AND BUILT EXCEPT FOR

37 ACRE PARCEL, NOW  
THE "TAYLOR FLOOD  
PLAIN PRESERVE" ONE OF  
THE FEW WOODED FLOOD  
PLAINS IN VERMONT,  
HOME TO A THREATENED  
SPECIES.



(4) Notwithstanding any other provision of law to the contrary, until January 1, 2030, no permit or permit amendment is required for the subdivision for or the construction of 50 units or fewer of housing with at least 20 percent of the units with mixed income housing or mixed-use development, constructed or maintained on a tract or tracts of land, located within areas of a designated village center and within one-quarter mile of its boundary served by public sewer or water services or soils that are adequate for wastewater disposal.

#### SUGGESTIONS:

1. Remove this entire amendment. OR
2. Reduce the number of housing units from 50 to 10 in 1-acre towns and 25 in 10-acre towns including for Tier 1(B) AND
3. Restore the 10 acre or less requirement for siting the units in all designated village centers. AND
4. Reduce interim exemption timeline to 2028 (all interim exemptions in S325)

decision or statutory change will not affect the validity of the remainder of these guidelines.

### 3.100 Legal Standards

10 V.S.A. § 6001(3)(A)(xii) defines “Development” as follows:

(xii) The construction of a road or roads and any associated driveways to provide access to or within a tract of land owned or controlled by a person. For the purposes of determining jurisdiction under this subdivision, any new development or subdivision on a parcel of land that will be provided access by the road and associated driveways is land involved in the construction of the road.

(I) Jurisdiction under this subdivision shall not apply unless the length of any single road is greater than 800 feet, or the length of all roads and any associated driveways in combination is greater than 2,000 feet.

(II) As used in this subdivision (xii), “roads” include any new road or improvement to a class 4 town highway by a person other than a municipality, including roads that will be transferred to or maintained by a municipality after their construction or improvement. Routine maintenance

#### ROAD RULE LAW & GUIDANCE



(vi) The intent of this subdivision (xii) is to encourage the design of clustered subdivisions and development that does not fragment Tier 2 areas or Tier 3 areas.

10 V.S.A. § 6001(3)(A)(xii).

The law becomes effective on July 1, 2026.

### **3.200 Definitions**

Unless otherwise defined here, terms used in this guidance have the meaning given to them in 10 V.S.A. Chapter 151 and the Act 250 Rules:

“Road” is as defined in 10 V.S.A. § 6001(3)(A)(xii)(II) or a constructed vehicular access to or within a tract of land that will serve a commercial, industrial, or residential development. A road is not a recreation trail as defined in 24 V.S.A. § 4303(37) nor a driveway as defined herein.

“Driveway” means a constructed vehicular access that will serve a commercial, industrial, or residential development of up to three lots or units. Duplexes shall be counted as one unit. Accessory dwelling units shall be excluded from unit

# Road Rule Examples

- Entryway to 1-3 lots, could have 2 duplexes each (6 units) + 3 ADU for a total of 9 units and does not trigger Act 250 jurisdiction as long as total access is not longer than 2,000 feet.
- Entryway to 4 or more lots or units the entryway is now a “road” and must be 800 feet or less and the total of road and driveway must be less than 2,000 feet to not trigger jurisdiction.

# TIER 3 THOUGHT

- THOUGH YOU MAY BE A GENERATIONAL OWNER OF FARM AND WOODLAND, MANAGING AND CONSERVING FOR YEARS, THAT STILL DOES NOT MEAN THAT THE “EXPERTS” WHO HAVE STUDIED FOR INSTANCE, HABITAT CONNECTORS, CAN NOT BE OF SERVICE TO HELP GUIDE THE PROPOSED DEVELOPMENT IN A CRITICAL NATURAL RESOURCE AREA.
- JURISDICTION LIMITED TO INVOLVED LAND
- CRITERIA LIMITED TO IMPACT

