

Housing, Econ. Development, EJ Focus Group Meeting of 9-28-23

Feedback on the Conceptual Framework Document

Governance

Timelines and deadlines needed to get to the final hearing quicker and in a consistent fashion.

NRB sitting on major hearings—maybe would help, but it's the minors that need streamlining.

Appeals: while some members feel strongly that the Environmental Court is the most appropriate venue, others are emphatic that appeals should go to a board. Therefore, no recommendation on this. This report will stay out of it and will go to Legislature.

Party status and who can appeal should be discussed. Sentiment that system set up to allow opposition at multiple stages just creating delay and cost.

Fees: The following are concerns that were raised: Consider if the prevailing party be responsible for fees, if there should be a cap on fees, and if there should be more general fund involvement in NRB/Act 250 support.

Feedback on rulemaking-need clarity on if NRB doesn't do appeals why can't it still do rulemaking. We have heard that they don't, and folks don't know why. No link between who makes rules and hears do appeals. Should be with separate body because of separation of powers.

Should extinguish all prior Act 250 permits once an area gets designation (exemption).

Permitting and Efficiency: One sentiment that shocked to see no mention of duplication in the permit process. Broad sentiment that there is too much duplication in the permit process: Need to review all the other permitting authorities. At least reform this on the state level. Consider eliminating Act 250 jurisdiction when ANR and other state permits have been granted.

Question of, if there should be a rebuttable presumption under NRB rules. Even within the Act 250 criteria is there is redundancy between them in some cases—32 criteria of Act 250 have not been looked at for this internal redundancy.

Jurisdiction Feedback

Broad sentiment that Tier 1 is desirable. The hard part is Tier 2, extensive bulk of Vermont land. Should Tier 1A be Tier 1B? E.g., should a Putney with sidewalks and infrastructure be treated same as other Village Centers that don't, because Putney ready for walkable density? Also, NDS areas are drawn too small even in a place like Rutland—so needs to be looked at if used as basis. Question is how to get towns there versus those that don't want exemption.

Some sentiment to get rid if the 5-5 part of triggers.

Some broad sentiment supporting an overall tier approach subject to concerns such as those noted above and also: Concerns about Tier 3 and how to be defined. Could overwhelm everything but Tier 3, for example if Class III wetlands involved as trigger, they are everywhere in state. Tier 3 could overwhelm other tiers. Some will say all wetlands should be in tier 3. Concern that will wipe out the whole state from development potential. Not all natural resources are significant and important.

If we add a road rule or forest fragmentation, then we need to remove some criterion or trigger. Don't want to add triggers unless we remove ones that are not working, like 10-5-5. But would a 4-5-5 rule increase sprawl by spreading it out? Instead, increase the number of units in Tier 2C to achieve density. How does going from 5 to 3 discourage sprawl? Has opposite

impact—being more permissive on units would allow for more density. Allow more density—that is the goal even in 2c.

Also concern that 75% of VT forestlands in private ownership—owner rights an issue. What if a 20-50 acre holding is in connective habitat? Some sentiment that road rule is a blunt instrument and not good idea compared to applying existing Act 250 criteria. Road rule could still be gamed.

Some small communities are not equipped, and Act 250 exemption isn't appropriate and that's ok, so challenge is to determine who are and what questions/resources needed? Some towns don't want the help.

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