

Housing, Economic Development, Environmental Justice
Meeting Notes 8/17/23

Governance:

Jack posed question: When you think of Act 250, what do you think about, do you run into concerns?

- Fees are an issue, being collected 3 times for applicants.
- Is timing an issue? To pay the full fee and then have project denied is an issue.
- Also, difficult to pay all of them at the same time. Is there a way to spread them out, make it easier over time, not always up front especially when there are capital costs.
- Regional commissions—DC is important to preserve the local and regional boards. Need technical expertise for support.
- On the record appeal allows the CT to define the definition of a permit
- Return fees when applications aren't successful.
- Increased until count is applied just to downtown? No, also where there is zoning.
- Consistency and predictability needed.
- Facilitators need to review and revise the second bullet in our memo
- How does part-time make things better? Generally, have full time job.
- Concern about conflict of interest and transparency
- Should appeals go through a board rather than the court? Was there consensus it should stay in the court. Wasn't true consensus.
- Fees in VT vs. other states?
- Time and money with court-if de novo at DC, to appeal can be a waste of time.
- Neighbors use appeals to delay and if lose should pay—1 person can delay.
- Limit appeals to those that have been raised in the administrative process-some sort of process to winnow out issues early on—needs resources-Ombuds support possibility or attorney support so anyone can participate.
- An administrative process could be used--put a flag and continue the process to resolve the question. This is separate from professionalizing.

Have 4 more meetings, in terms of process-Jack noted that FG members please do forward thoughts to steering committee person to help with the layering.

Jurisdiction

- Protection of natural and sensitive resources
- Tiers might create another layer that doesn't exist. If town has robust planning, then maybe there would be an exemption.
- More parity and equity needed in review and in boards
- Boards in past deferred to agency.
- Should there be an exemption from Act 250?

- Act 250 approval given but then must go back if want to develop within that approved project.
- Single portal where applicant deals with all of it. Look to NC—in economic area—“triangle.”
- Rural areas make more sense but not in designated areas—already so much—was push back. Need balance with economic development—can’t have such strict rules per se for rural areas. Need clear definitions of what is a sensitive area.
- How to use high priority housing approach? Is there a role for the regional planning commission here? We don’t want to hinder housing and economic development.
- What problem are we trying to solve?
- How do we treat critical infrastructure that is being developed to support current development? An issue with utilities—towns with zoning can stand those projects up.
- Act 250 protects lots of sensitive resources. State has list of rare and natural areas that get longer every year. It may have an opposite effect—projects avoid Act 250.
- Best way to make Act 250 work is to avoid it.
- Tiers are too blunt—what types of development do we want to incent? Housing, yes. Thinking about critical areas. We need a list of criteria and jurisdiction that relates to what we have now.
- 5 year and 5-mile criteria need to be looked at.
- Many private property owners own large forest blocks, and they should be respected as the investors.
- SC members invited FG members to reach out to help inform them.