

**Summary of Discussion by Environmental Focus Group, Act 250/NRB Study
September 28, 2023**

A presentation was made on the status of the Act 250/NRB Study, summarizing Tier 1, Tier 2a, 2b, 2c, and Tier 3 areas, as well as the Road Rule. A question was raised about Tier 2b villages, whether they should include more than just core village areas by adding Neighborhood Development Areas as well. The core and NDAs would expand the size of the Tier 2b villages—defined as having either sewer or water and either permanent zoning or no permanent zoning.

There was some pushback against the concept of exempting Tier 1 communities from Act 250. A question was raised whether current state permits (other than Act 250) and local zoning and subdivision regulations are robust enough to ensure environmental protection in Tier 1 communities. Also, the quality of the infrastructure – sewer and water – is also important.

VNRC will be discussing the recommendations next week.

There was general support for adopting a new Road Rule. Discussion arose over the trigger for the Road Rule to involve Act 250 review. The proposed Road Rule would trigger jurisdiction if the combined length of the new roads and driveways were over 2,000 feet. The previous Road Rule was 800 feet, but only counted roads, not driveways. That led to developments with roads less than 800 feet (but lots of long driveways) not triggering jurisdiction. There was also confusion over what constituted a new road because the prior road rule resulted in litigation over whether improving old logging roads constituted building a new road.

Some participants advocated a Road Rule of less than 2,000 feet, perhaps keeping the 800 feet from the old road rule but counting both roads and driveways. Since the concern is forest fragmentation, there was also discussion how to tailor a road rule to limit penetration into forest areas. One idea was to keep the 2,000 foot jurisdictional trigger of roads and driveways but also add another trigger of any road or driveway that penetrated a forest area beyond 1,000 feet from an existing road.

Mapping was recognized as a clear need for jurisdictional purposes, and a process for developing those maps is needed. Act 174 maps for energy siting have been drafted. VCGI maps could also be very useful in addition to other resources.

The Tiers designation process would require clear criteria and involve the municipality, the Regional Planning Commission, and a state agency.

Under governance, a suggestion was made to add someone with an environmental science or ecology background to the NRB.