

NRB Act 250
Housing, Economic Development & Env. Justice Focus Group
8/31 Meeting Notes

Designated or Established Growth Areas

Should they be fully exempt from Act 250?

--Generally, in agreement with this. Aim is to remove barriers to/promote needed housing and job creating uses.

--Important to note centers weren't designed for housing, we are putting housing in there. We need to understand what that means to be a growth center; how additional centers or growth areas would be added/who adds? Potential role for regional commissions—local and regional levels need to guide
Use population density as indicator-Rutland is starting.

--NDA's have great criteria and is consistent with where we are headed

https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/State-Designation-Programs/CPR-NDA-Application-Guidelines.pdf

--Purpose of designated areas is to streamline the review, so get Act 250 out of it.

--But: Need to be mindful of rural areas--becomes an equity concern, as to whether rural municipalities have capacity to participate and not be left out of both needed growth opportunity and relief from duplicative reviews.

--Redundancy and duplication of review processes—also sequential review processes taking excessive time—all are key shared concerns.

--Lack of sewer and water is real limitation and it's not Act 250

--Concern about rural sprawl is more of a one-off issue, like one more house being built at the end of the road, not an Act 250 issue. "Rural sprawl" tends to be a label that is over and misused.

--Rural areas are the majority of VT. There are great areas of development with municipal water and sewer, just couldn't expand. --Can't say if no water and sewer, no development at all.

--Also issue of being just outside a designated center—cases where a proposed project 500 feet away under similar conditions falls under Act 250—this is a frustrating problem.

25 Unit Provision Under Home Act—Opinions on Benefits

--25 Unit Under Home Act is too restrictive and arbitrary given the housing issue. Population density instead of units for residential housing could be used in larger munis. Could be a scaled system allowing for more units in denser areas—redevelopment of housing to higher density and projects that typically are more than 25 units are disincentivized or made more costly by falling under Act 250.

--If affordable and workforce housing is the goal, how can we better incent it, it's just not housing.

--Act 250 generally isn't a barrier to affordable housing or housing with services. The resistance is generally on the local level.

--Walkability and access to services are also important

--Can't be affordable housing or middle housing—need to look at both—“missing middle”—very little investment but high regulation for that segment of market=workforce housing/middle income housing.

--Need to determine where we need development—expand the PHP program beyond the designated areas. Caps on PHPs have been lifted once—a population-scaled process is in place and could be built on.

--Designated areas need to also be more than a little circle

--Why not use the 25 units statewide regardless of designation or location-will get to more equity and parity for housing statewide.

--Need consistent application statewide. Won't happen unless mandated requirements.

--25 units in 5 years in 5 parts is more accurate. The 5 years, 5 miles standard has had more impact than the number of units—it is a disincentive probably as much, if not more than the units & years, and drives contractors to move from town to town, only creating limited housing. It should be removed or aligned—keep contractors in their community. RE community pushed for 25-5-5 everywhere but didn't get it.

--So many of these projects are very fact specific, so across-the board number limits don't apply equally well.

Tier 3—Natural Resource Protection

--Need to understand where the natural or sensitive resources such as forest blocks are—ski areas sit in many of them—could there be a buffer around such areas to allow for growth as economic job centers?

--In general, the forest blocks concept needs to take into account the existing dense development and room for additional use.

--Mapping of resources is an issue—needs to be complete and then understood as to what standards will be based on them—this is not complete/decided.

Commercial and Industrial Areas

--Needs to be a bigger scope than the designated growth areas. Industrial parks that have been master permitted and have adequate services should not have to go through Act 250 permit amendments for each tenant or change that subsequently happens. Still have munis involved, so once approved, any ensuing projects should be just subject to local requirements.

--Redundancy of some permits is also an issue in this—e.g., if there is a stormwater permit, etc.

--Also legacy Act 250 permits on large land tracts (100s of acres) long in past—when a new use is proposed it gets entangled in the old permit—there is no vacation process for old trailing permits for uses that are gone or never occurred.

--Trails—need to look at recreation industry, where there is duplication in other permits—Rule 71. There is too much ambiguity around the definition of trails, will be an issue with forest blocks.

Governance

--More rulemaking or at least determinations by NRB would contribute to more consistency which is needed across the District Commissions. --need more oversight, accountability, standards for district coordinators-seems to be a management issue—stronger NRB would help

--Different NRB make-up—very mixed opinions about a professional board.

--Advocate or ombuds person or state level specialist/navigator? Not much feedback on that.

--Appeals are costly in time, if not money and become a vehicle for just opposition to projects. Some opinion that appeals will stay with the E-Court.