

Meeting topic: Act 250: The Next 50 Years

Meeting summary: This event will highlight early heroics, describe our challenges and opportunities for improvement, offer inspiration from other states and provide time for discussion on key issues.

Event: Vermont Planners Association

Date: May 24, 2018

Location: Vermont Law School, 164 Chelsea Street, South Royalton, VT

Sponsoring organization(s):

- Vermont Planners Association, Vermont Law School, Vermont Natural Resources Council, Vermont Association of Planning & Development Agencies, Two Rivers-Ottawaquechee Regional Commission, VTDigger.org, NNECAPA, and [High Meadows Fund](#)

PowerPoint title: History, Heroics, and Vision

PowerPoint presenter: Diane Snelling

Meeting presenters:

- Presented by the Vermont Planners Association, Vermont Law School, Vermont Natural Resources Council, and VTDigger.org, in collaboration with the Natural Resources Board and the Commission on Act 250: The Next 50 Years

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Good morning and welcome. Thank you to the VPA, especially Peg and the Steering Committee, the Vermont Law School, VNRC, VTDigger, and Representative Amy Sheldon, Chair of the Act 47 Legislative Commission on Act 250: The Next 50 Years.

History, Heroics, and Vision

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It's an honor to be here today and to have this opportunity to share some thoughts and ideas about Act 250 with you. The informal title of my comments is, history, heroics and vision



(photo from UVM Landscape Change Program)

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I've enjoyed the research in preparation for these remarks, and strongly recommend that interested people will read some of the published histories of Act 250 including Professor Richard Brooks treatise, and his recent essays, Paul Gillies, for many articles, but especially, "Act 250, From Birth to Middle Age", "Greening Vermont" by Elizabeth Courtney and Eric Zency, and "The Story of Vermont", by Christopher Klyza and Stephen Trombulak.



(photo from UVM Landscape Change Program)



(photo from UVM Landscape Change Program)



(photo from UVM Landscape Change Program)



(photo from UVM Landscape Change Program)



Natural Resources Board
Central Office at 10 Baldwin Street, Montpelier, VT

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The Natural Resources Board recently moved our offices from the Dewey Building on the National Life Campus to #10 Baldwin Street. The NRB had been in that NL building for many years, so we found some great artifacts as we packed.



(photo from UVM Landscape Change Program)

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One of the best examples is a large binder labeled, “Art Gibb’s Historical Novel About Vermont’s Environment, Act 250 History Starting From 1966 to Present Day” which, although not truly a novel, does contain the kind of information that is familiar to most Legislators -- Drafts, reports, and correspondence. Except, there are very few notes, and I intend to keep researching to see what I can find. The binder also had the, “Passage of Act 250: 1960-1970 written in 1992 by Christopher Bailey, for the History Honors Program, at Dartmouth College.



(photo from UVM Landscape Change Program)

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And, I watched the wonderful Vermont Public Television series, “The Governors,” with Chris Graff interviewing Gov. Deane C. Davis.



(photo from UVM Landscape Change Program)

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To start at the beginning, I'm not a native Vermonter, but I am very local, and I've been around a long time. I'm actually old enough to remember the passage of Act 250.

I know there are a few other old coots in the audience today. In 1970, I was eighteen, a senior at CVU High School, and full of fire about equality and honoring the earth.

Before that however, I remember the building of Interstate I89. It was an exciting time and it seemed there was massive earth moving everywhere. We went on frequent family excursions to view the progress, from the first bulldozers, to placing the signs. The building of the Interstate provided something new and exciting every day, it literally reshaped Vermont. When I see the aerial photos of the half-finished cloverleaf in South Burlington, or the original Cupola Hotel, it's difficult not to time-travel a little.

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The Landscape Change Program, at the University of Vermont, is a virtual collection of images that documents 200 years of Vermont's changing face. We have thousands of views of Vermont as it was and as it is, online and free to everyone.

Left: The State House, Montpelier (1874 and 2000). 1874 photo courtesy of the Vermont Historical Society, photo VHS-96.

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The UNIVERSITY of VERMONT

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Funded by grants from The National Science Foundation and the Lindbergh Foundation

(UVM Landscape Change Program, <https://www.uvm.edu/landscape/>)

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I recently became aware of the UVM Landscape Change Program and their amazing collection of digital images of Vermont. I've spent hours visiting the past. It's well worth looking up, just Google, UVM Landscape Change Program. You can easily search and find hundreds of really wonderful photos of Vermont history. That's the majority of what you see on these slides.



(photos from UVM Landscape Change Program)

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One of the first images I found was the bulldozers breaking ground in a field near South Burlington. It produced an instant memory of the intense curiosity I felt seeing it happen.



(photo from UVM Landscape Change Program)

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It's well known that the Interstate brought big changes to Vermont. Many more people could visit, and stay, in this beautiful state. New types of commerce emerged, and outside perspectives met up with rural ways.



Beginning of construction on Interstate 89, 1961.



1964

(photos from UVM Landscape Change Program)

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I89 was, and is, an incredible feat of design and engineering. I tried, but failed to find the names of the designers. Even with today's traffic, the road continues to be a pleasure to drive.



(photo from UVM Landscape Change Program)



Open field before construction of
Interstate 89, 1961



1962

(photos from UVM Landscape Change Program)



(photo from UVM Landscape Change Program)

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When we imagine transportation for the next 50 years, I hope it will be as beautiful as I89.



Gov. Philip H. Hoff with Mr. Holden, who were both speakers at the completion ceremony of Interstate 89 in Highgate, VT.

(photo from UVM Landscape Change Program)

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Even without the changes of the Interstate, 1960 to 1970 was a dramatic decade. In 1962, Phil Hoff was elected in Vermont as the first Democratic Governor in over 100 years and President Kennedy was assassinated.



Pres. Lyndon B. Johnson signed into law the Civil Rights Act of 1964.

(photo from <http://sanfrancisco.cbslocal.com/2014/07/02/>, "Five Things to Know About the Civil Rights Act of 1964")

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In 1964 the Civil Rights Act passed ...



Shea Stadium, New York, NY, August 1965.

(photo from <https://www.flickr.com/photos/michellerocks/5207375782>)

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... and the Beatles played at Yankee Stadium.



March 7, 1965, Selma, AL.

(photo collage from https://commons.wikimedia.org/wiki/File:Infobox_collage_for_Selma_to_Montgomery_marches.jpg)

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There were riots in Selma in 1965 and in Detroit in 1967. Martin Luther King, Jr. was assassinated in March of 1968, and then, Robert Kennedy, in June.

It was a time of great change and turbulence, and a growing awareness of the need to engage to be part of making the world a better place. Human impacts on the environment were part of the discussions. Rachel Carson's book, "Silent Spring" was published in 1962 and kept gaining momentum.



Bird's eye view of Lake of the Clouds, 1907-1915.



2006

(photos from UVM Landscape Change Program)

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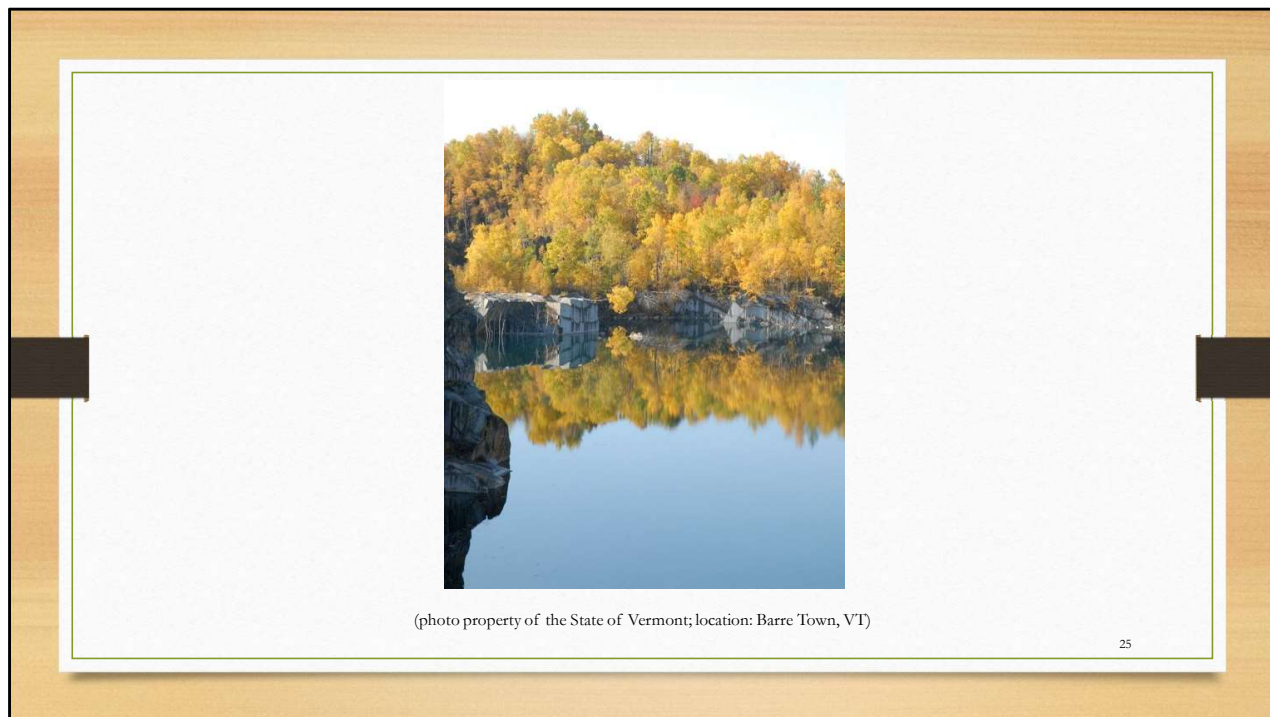
In Vermont, there was a lot of optimism because of Hoff's election. He was a bold thinker and understood the times. He was re-elected in 1964 and 1966.



(photo property of the State of Vermont; location: Danville, VT)

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In 1965 the average median income was \$6,900 and the population was about 390,000 people.



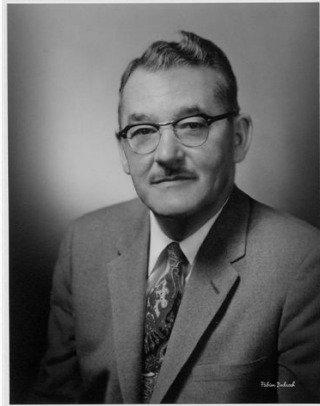
A piece of personal history, in 1966, my father ran against Governor Hoff in his campaign for a third term. Of course, my father lost. He knew he wouldn't win, but he ran anyway, to give the people a choice. Sincerely, it was hard at the time, but it also led to great personal growth.



(photo property of the State of Vermont)

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The knowledge that it was possible to be a candidate of good qualifications and ideas, and still lose, is excellent preparation for the realities of politics.



Deane C. Davis

(sourced from NRB photo archive)

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Deane C. Davis ran for Governor and was elected in November 1968, defeating Jack Daley, the Lt. Governor, and a former Mayor of Rutland.

In the same election, George Aiken was re-elected to the US Senate.



(photo property of the State of Vermont; location: Montpelier, VT)

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Davis had been considered the underdog, he had never run for election, and wasn't well known although he had served as President of National Life for many years. On the VPT GOVERNORS program, Gov. Davis responds to Chris Graff's question, "What made the difference in that election?" by saying, he and his wife went to every town in Vermont twice and some places much more often. He also talks about visiting "centers of influence" which he describes further, as important people that could persuade other people.

Davis was known for being practical.



(photo property of the State of Vermont; location: Burlington, VT)

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The Interstate had brought rapid second home development in southern Vermont. Because there wasn't any regulation, the houses were built on steep slopes with inadequate septic.

Bill Schmidt, of the Windham County Regional Planning Commission, invited the Governor to come see what was happening, and he did.

The scene as described was awful, with sewage running down the hill. Bill continued to be an activist and agitator on behalf of finding a solution and protecting the environment.

In June of 1969 Gov. Davis issued an Executive Order creating a Commission on Environmental Control, to review the situation and deliver a report by January 1970.



Art Gibb

(sourced from NRB photo archive)

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Art Gibb, the Representative from Weybridge, was appointed Chair of the Commission, which is why it has become known as the Gibb Commission. Art Gibb was a retired investment banker who moved to Vermont in 1951 to farm.

He was first elected to the House in 1962 and served on Ways and Means. When the Chair of House Natural Resources became vacant, he asked to be appointed. In 1971, Gibb was elected as a Senator from Addison County and served until 1987.



(photo property of the State of Vermont; location: Coolidge Homestead, Plymouth, VT)

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Even after Hoff's election, The Legislature maintained a Republican Majority.

In 1969, the Speaker of the House was Richard Mallary, who later became Congressman. In 1970, John Burgess became Speaker. The Senate Pro Tem was George Cook in 1969, however, he was then appointed by President Nixon as US Attorney, and Ed Janeway became Pro Tem.

1969 Commission on Environmental Control

Rep. Art Gibb, Chairman	Harry R. Montague
Forrest Orr, Vice-Chairman	Charles Ross
Walter H. Blucher	Dr. Frederic O. Sargent
Robert J. Branon	Robert Schill
Richard Brett	H. Warren Scribner
Rep. Royal B. Cutts	Richard A. Snelling
Dr. Charles S. Houston	John D. Veller
Andrew Johnson	Col. Clayton Wells
Sen. Arthur H. Jones	John D. Hansen, Asst. Attorney General (ex-officio)

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The Members of the Commission, constituted a diverse range of expertise. Here is a list of their names. Unfortunately, there were no women.

The task must have seemed overwhelming.

“We wanted strong controls,” Mr. Gibb said in an interview, “the question was how to do it.”

Advisory Panel

John Alcock
Mrs. Norton Barber
Justin Brande
Roland F. Beers
Henry T. Bourne
Jonathan Brownell
Robert Davison
Robert P. Davison, Jr.
Walton Elliott
Roland Keenan
Sen. Douglas Kitchel
Blake Lawrence
Vic Maerki
Vincent H. Malstrom
Dr. James Marvin

Dr. Maxwell McCormack
Mrs. John S. McCormick
Denning Miller
Frederick H. Mold
Rep. Harry N. Montague
Dr. Milton Potash
Shaeffe Sattarthwaite
William Schmidt
Robert N. Spear, Jr.
Prof. Rolfe Stanley
Mrs. Walter Stockmayer
Miss Shirley J. Strong
Dr. Hubert Vogelmann
Arthur Westing

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Advisory Committee, 3 of who were Women Advisors (The Vermont League of Women Voters and the Green Mountain Club).



Aerial photograph of the Winooski River and Fort Ethan Allen from 1927.



Aerial photograph of current development of the same area from 2004.

(photos from UVM Landscape Change Program)

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The Commission began working during the summer and fall of 1969. The Chair established special committees to report on the issues of Water Quality, High Altitudes, Pesticides, Open Space, and Health. As the facts on the special issues evolved, the Commission wrestled with the structure of the necessary controls.

Walter Blucher, a member of the Commission with real planning experience, drafted an outline, which despite many revisions remained essentially the same in the final version.



(photo from NRB photo archive)

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In January of 1970, the Governor relieved the Commission of drafting the report and transferred that responsibility to the Attorney General, Jim Jeffords. Jeffords eventually enlisted his assistant AG, John Hasen to direct the drafting of the report. He was assisted by multiple legislators and citizens, including Jonathan Brownell.



Aerial photograph of Interstate 89 and the Lamoille River, 1967.



2007

(photos from UVM Landscape Change Program)

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The Commission Report became the basis for H.417 and its process through the Legislature encountered many stops and starts.

Apparently, there was strong support in the House, especially from many of the legislators who had worked on the passage of the anti-billboard law in 1966. The House Natural Resources Committee, and Chair, Royal Cutts, of Townshend, provided strong steady support.

There were many who opposed the state taking such actions, including Rep. Salmon, who later became Governor in 1975.

Also opposed was Sen. Arthur Jones, Orleans/Essex, Chair, of the Senate Natural Resources Committee. Jones had worked on the anti-billboard law but thought that State control of development was a government intrusion.



Aerial photograph of the powerhouse
on the Lamaille River, 1927.



2004

(photos from UVM Landscape Change Program)

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After the usual back and forth, H.417 passed both Chambers and was signed by Governor Davis on April 9, 1970.

In that same spring of 1970, the first Earth Day and the first Green Up Day, were celebrated.

Governor Davis was re-elected in November 1970, again after being considered as the underdog because he had instituted a sales tax and passed Act 250.



Aerial photograph of the White River and the Third Branch of the White River, Bethel, VT, 1927.



2004

(photos from UVM Landscape Change Program)

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The politics of then weren't that different from now. Each of the Legislators, Commission members, Advisors, and citizens who participated in creating Act 250 are heroes. Like all significant legislation the best policy happens when it's possible to collaborate. The legislators of 1969 and 1970 are the same type of individuals who serve today, they care deeply about Vermont, and want to find agreements that create solutions.

Our world is full of people who seek fame and celebrity. When I speak of heroes, I am referring to the kind of people who don't think of themselves that way. It's their passion for an issue that makes them heroic.



Aerial photograph of Main Street in
Burlington, VT, from 1959.



2007

(photos from UVM Landscape Change Program)

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The entire creation of Act 250 was heroic. It remains a vivid example of people thoughtfully doing what they believed was right.

Act 250 is an elegant law, and it deserves to be implemented with the same grace as it was written.

Its goals remain relevant, although it does need to adapt to new knowledge and science.

As you consider the questions posed by Act 47, remember this is an opportunity to create the next phase of a legacy for Vermont.

Please try not to be distracted by current flaws in the program and have the vision to imagine an ideal situation. We must think first about what we hope will still be Vermont in the future. Then, by determining what we want, we can design the right regulation to deliver those outcomes.



(photo from UVM Landscape Change Program)

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As planners, you have a unique role in these discussions because it remains critical that the work of municipalities and regional planning organizations be respected and recognized as an essential part of state-wide thinking.

I'd like to end with a quote from my father, from 1983 when he was Governor. The statement is from a publication, titled, Managing Rural Growth, The Vermont Development Review Process. It was produced by the Environmental Board of the State of Vermont.

"Our challenge is to preserve those things about Vermont for which we love her, while building economic opportunity so that it is not necessary to be already wealthy to enjoy this unusual place.

To meet that challenge, we must begin with a determination to protect our environment. If we fail there, there will be little point to success in the economic arena, because we would have lost that which we wished to be able to afford.

If the prize is gone, the struggle loses meaning. The Vermont environment is the prize."