

## NRB - Comments

---

**From:** dsnedeker <dsnedeker@nvda.net>  
**Sent:** Thursday, December 17, 2015 12:49 AM  
**To:** NRB - Comments  
**Subject:** Comment on Red Barn Brewing

Hello:

The Northeastern Vermont Development Association (NVDA) is the combined Regional Planning Commission (RPC) and Regional Development Corporation (RDC) for the 3-county region of VT known as the Northeast Kingdom (NEK). As such, we assist communities such as Danville, VT (and our other 49 communities) with their Town Plans and land use regulations; and start-up businesses such as Red Barn Brewing with their business needs.

From our local planning and zoning officials we are often made aware of violations of local regulations that come about because the landowner didn't realize a local permit was needed for their project. In the vast majority of these situations (while acknowledging that there have been exceptions) we see the local bodies rectify the situation by making the landowner go through the permitting process as they should have to begin with. As long as the landowner is willing to comply, there is not an increased or extra cost for this late filing. If the landowner is unwilling to comply, a formal violation notice is issued.

Similarly, we are aware of a few instances where an Act 250 permit was needed 'after the fact'. Most developers in VT are aware of Act 250 and its triggers/thresholds, but persons who are essentially starting to grow a business on their home property may not be. We believe that to be the situation with Red Barn Brewing.

Upon seeing the notice of Act 250 application from Red Barn Brewing, NVDA was interested to learn if the project satisfied the following:

- 1) Was the project supported by the Danville Town Plan (and Zoning Bylaw)? In the opinion of NVDA it was.
- 2) As this appeared to be a start-up business, was the business connected with VT's business development resources? In the opinion of NVDA after consultation with the business, the owners were not connected with available business resources. *Resources have been provided after the fact.*

As a quasi-governmental organization, NVDA is fully aware of the need for local and state permitting for development projects. We are consulted on this often, from both local officials and developers and we assist where we can. We are also aware that many small businesses in our region begin growing on their own personal property (with limited financial resources), and that they are uncertain of the need for local and state permits. This is especially true when the proposed business is contained in an existing building on a landowner's private property. I believe that this is the situation that Red Barn Brewing is now in.

In our estimation, Red Barn Brewing initiated the Act 250 permit process immediately after the new business was made aware that their project was commercial in nature and a permit was required. After NVDA was made aware of the need for a state permit, the business was contacted and we offered both permit assistance and business planning assistance. The business also made NVDA aware of the limited financial resources available to this start-up business – primarily personal capital.

To repeat, once they were made aware of the need for a permit, the business applied for an Act 250 permit as they were fully willing to comply. The need for accessible and flexible capital is crucial for start-up businesses, and Red Barn Brewing indicated this was their situation as well.

The proposed assessment of \$2,550.00 and the waiver amount of \$1,912.50 exceed the lowest minimum penalty of \$750.00 by a range of \$1,162.50 – 1,800.00. This seemingly excessive penalty (beyond the minimum) that is being proposed is a significant amount of capital for many small, start-up businesses and can be used for the purchase of equipment, website development, or any number of small business needs.

Knowing that available capital is critically important to start-up businesses such as Red Barn Brewing, NVDA – in its role as a regional development corporation – would urge the deciding body to reconsider and recommends lowering the penalty amount to the lowest minimum penalty of \$750.00. We believe that the mistake of Red Barn Brewing was not intentional and the proposed penalty is excessive for a small, start-up business.

We thank you for your consideration and the opportunity to respond.

Sincerely,  
David Snedeker  
Executive Director, NVDA

Sent from [Mail](#) for Windows 10