

VERMONT ENVIRONMENTAL REPORT

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ACT 250 PLANS READY SOON

PUBLIC HEARINGS UPCOMING

Drafts of Vermont's proposed land use and land capability plans will be distributed later this month preparatory to the holding of a series of state-wide public hearings. The two documents, which will be presented to the governor-elect and the 1973 General Assembly after their adoption by the Environmental Board, represent the climax of an ambitious developmental regulation program which began in 1969 with the formation of an investigatory commission by Governor Davis.

The Governor said last month he is "not hopeful" the two plans will be adopted by the legislature this winter because they will be "controversial." Several legislative leaders however have taken issue with the Governor, feeling the plans will find a sympathetic audience in the 1973 Assembly.

Meanwhile, Environmental Board Chairman Ben Partridge has been visiting personally with a number of influential legislators to discuss the content of the plans. Partridge plans to have the documents printed in a newspaper format and promises they will be given the widest possible distribution preparatory to the public hearings.

PERU DAM APPLICATION STILL PENDING

A second hearing will be required to determine whether the Water Resources Board will allow Forest Mountain Estates to dam Flood Brook in Peru. Developer Lawrence Scalera wants to create a 15-acre lake providing frontage for about a third of the lots in his 126-acre subdivision.

The findings from the first hearing, held by the Board's referee, showed a need for expert testimony on the effect such a dam would have on fish and wildlife habitat. Other questions for which insufficient evidence was presented for a decision relate to whether the dam would be for the public good including its effect on downstream flow and its flood control capacity.

NORTH - SOUTH SUPERHIGHWAY
NOW UNDERWAY IN TWO STATES

Highway Department maps and planning documents indicate that in a decade or two roads built to interstate standards may well cross at the Bennington bypass now being built. A superhighway connecting Albany with New Hampshire's coast would carry east-west traffic across southern Vermont. North or southbound vehicles would travel between Connecticut and central Vermont on a super version of Route 7.

Several steps have already been taken on the east-west route. Governor Deane Davis has confirmed Vermont's plans to build a new highway from Bennington to the New York border where New York has agreed to meet it with a new stretch from Albany. Bypasses are in the planning stages in Wilmington and West Brattleboro.

The north-south superhighway is well underway in Vermont and Massachusetts. From the Massachusetts border to Rutland it is largely being built in two lanes on a four-lane right-of-way with the additional lanes to be completed when money is available. Most of the western Massachusetts segment is in the planning or impact statement stage.

Fearing that these new highways are in effect being built piecemeal so that their total effect is not considered, a group tentatively called "Which Way Vermont" is organizing in southwestern Vermont to inform area residents about the long-range highway plans and urge broad transit policy consideration.

Although Judge James L. Oakes ruled that no impact statement was needed for Bennington bypass since there was an independent need for the design regardless of whether it were part of a larger system, he did require impact statements for other sections of the new Route 7.

The Highway Department expresses its philosophy in its first impact statement which covers the Bennington to Manchester section. In contrast to the Environmental Agency's draft recreation plan emphasizing the state's limited resources and need to provide recreation for Vermonters, the Highway Department says: "As the ravenous demands of urbanization consume the already meager reserves of open space in that belt (Boston to New Jersey), that mass of humanity is going to be forced further and further afield in ever increasing numbers in recreational pursuits and for part time and full time living accommodations. This vast legion is not to be denied. Within another 15 or 20 years Vermont highways will be glutted with hoards (sic) compared to present volumes. Either we plan and build our transportation system now to accomodate this unwanted increase or we shall strangle on them."

ENVIRONMENTAL EDUCATION PROGRAMS
SHOWING SIGNS OF LIFE IN VERMONT

State government's role in environmental education is beginning to move from lip service to commitment of resources. Despite politicians' insistence that Vermont's environment is a priceless asset, the state has so far spent very little to educate Vermonters in this area.

There are some stirrings this fall, however, both at the Education Department and the Agency of Environmental Conservation. Both have hired coordinators for environmental education. Robert Goslin, who became an education program coordinator in the Education Department's Division of Instruction in July, attended the recent National Environmental Education Conference in Berkeley. The University of Miami graduate and former modern language chairman at Castleton State is responsible for curriculum development in environmental science, adaptive physical education, and bilingual education.

The Environmental Agency's first environmental information and education officer came in October. Ed Belak is a graduate of Cornell in wildlife management and the University of Wisconsin in environmental communication. He sees as part of his responsibility the identification and coordination of the numerous independent environmental education projects in the state.

As a step toward revamping its approach, the Environmental Agency is completing preparation of a conservation education policy statement. It is expected to emphasize the need to broaden content from knowledge of nature to man's entire relationship to the environment and change teaching methods from informing students to involving them.

Meanwhile the traditional conservation programs in such departments within the agency as Forests and Parks are enlarging their focus. A new record-keeping system shows that the 20-plus county foresters spent almost 1,200 man-hours and reached nearly 7,000 people in the educational part of their job during three months last spring. While originally they advised only on forestry practices, their spectrum is widening under the new national Community and Urban Forestry Program and the state's Act 250. They along with other state and federal officials often advise schools on their outdoor centers. About 60 schools now have such centers.

The V.N.R.C. has received a \$5,000 grant from the U.S. Office of Environmental Education to develop a coordinative educational strategy encompassing elementary, high school, college and adult programs. It would be conducted in cooperation with existing public and private organizations.

A SPECIAL REPORT:

THE SPECTACULAR SPECULATOR, OR
LEARNING TO LOVE THE LOOPHOLE

To some people, selling Vermont land is no different from selling livestock or second-hand furniture; the fastest way to get the highest price is to hold an auction. You may have to do some maneuvering to get around the delay complying with Act 250 but the exemption for lots over 10 acres seems to provide the necessary loophole.

It takes time to find a purchaser able to come up with enough money to buy several hundred acres at once. If you divide it into 20 lots, however, it isn't taking much of a risk to assume you can gather enough city folk or mini-speculators usually eager to pay \$500 to \$600 an acre for smaller parcels.

How do you do it? A favorite way seems to be finding some friends to buy a farm, paying perhaps \$50,000 for 200 acres. Get the land surveyed into lots of at least 10 acres, the tactic which may avoid Act 250. Advertise widely and on a Saturday afternoon sell each lot to the highest bidder for a total take of perhaps \$100,000. If questioned about your methods, blame Act 250 for the checkerboard development which breaks up traditional units.

Noel Lussier is one of the state's most prominent practitioners of this art. The Hardwick real estate broker has been auctioning land about five years. He has had a dozen auctions so far this year with as many more scheduled before next July. Most have been in northern towns such as Albany, Craftsbury, Greensboro, and Kirby. They average about 100 acres but have gone as high as 300 or 400.

Lussier told the Hardwick Gazette recently, "They come to an auction for a trade. . . just like antiques or cattle. If they overpaid me they wouldn't come." From his point of view the lots, which he says are bought mainly for summer camps by city residents, provide more taxes to the towns without placing any demands for services.

But, as one observer noted, most of the lots are sold with no roads, no water, no sewage, no knowledge-of-neighbors, much less any consideration of whether they might be the headwaters of a trout stream or in harmony with the area's land use patterns.

Lussier's former partner, William Hill, blames the dividing up of large tracts in this manner on the state's lawmakers. Nearly everyone has to buy at least 10 acres even if they need less because of the difficulties of complying with Act 250, he complained in a letter to the Burlington Free Press. "Farm and forest land is being divided into 10-acre lots which are taken out of farming forever," he says, "and most of the land is allowed to grow up to alders and brush. For example, 100 acres of good farm land is divided into 10 10-acre

THE SPECTACULAR SPECULATOR, OR
LEARNING TO LOVE THE LOOPHOLE (Con't)

homesites when 10 acres or an acre each would have been adequate and could leave up to 90 acres for agriculture or other uses. If we do not eliminate the 10-acre requirement soon what will Vermont look like?"

Officials at the Agency for Environmental Conservation see the solution as bringing land transactions such as the auction of 10-acre lots under Act 250. They doubt that such sales are exempt from the law as the brokers believe. The Agency thinks laying out rights of way, necessary for interior lots on former farms, may be enough to qualify a tract as a development under the act.

Noel Lussier opposes a capital gains tax on real estate sold within a short time after it is acquired. He voiced his objections to any such tax in a letter to the Burlington Free Press. The high land prices are the result of the demand, not the fault of the brokers who are providing a service, he said.

Records indicate that such a service can be quite profitable, however. In early 1972, for instance, the following transactions took place. Lussier and Hill purchased a 350 acre farm with buildings for \$85,000 or about \$243 an acre. It was resold in pieces of various sizes at a wide range of prices. Eleven and a half acres brought \$12,000 or \$1,043 an acre. The buildings and 110 acres sold for \$66,000 or \$600 an acre. The brokers also sold the farmer a house in their development.

Assuming that the remaining land sold at an average of \$500 an acre and that the brokers realized the usual rural real estate sales commissions and mark-up on the development home, the potential profit from this one deal is more than \$100,000.

SPRUCE MOUNTAIN ACQUISITION
EXPECTED TO BE DECIDED SOON

Directors of Chamonix Chalet Properties are expected to reach a decision this month concerning the continued pursuit of negotiations to bring Spruce Mountain under public ownership.

Acting for the State of Vermont, the Nature Conservancy has instituted discussions with the Massachusetts-based developers who have proposed a 1,000 campsite development on 2,400 acres in the towns of Plainfield, Orange and Groton.

Davis Cherington of the Conservancy feels the eventual sale of the land to the state is only a "remote possibility" and that other alternatives should be explored to preserve the tract.

Cherington sees the Spruce Mountain case as an example of the failure of towns to determine which lands within their jurisdiction are suited for recreational or conservation purposes.

STATE NOW SUGGESTS MODIFICATION
OF SKI AREA REGULATION POLICIES

Proposed amendments to regulations offered by the Agency of Environmental Conservation to regulate development on state-owned lands leased to ski areas reflect several suggestions put forth by ski industry representatives. The revisions, which would be the subject of a second public hearing on December 1 if sufficient interest is expressed, relate primarily to the submission of long-range plans.

The proposed regulations are designed to minimize the impact of development associated with the ski industry on the environment and on communities within a ski area's economic periphery.

The suggested revisions specify that no new regulations could negate any previously existing lease agreements with the state; that the secretary of the environmental agency may "waive or modify" the requirements for submission of a long range plan; that, upon petition by the ski area, any or all segments of a long range plan can be kept confidential; that the secretary has the authority to "waive or modify" the requirement that annual plans be submitted to the agency and that the stipulations relative to the undergrounding of utility lines may also be waived if so stipulated by the Public Service Board.

Objections to these proposed revisions must be received in writing by November 24 from a minimum of 25 persons in order for a hearing to be convened.

WATER RESOURCES BOARD REVISES
VERNON YANKEE OPERATING PERMIT

Amendments to two previous permit orders have been issued by the Water Resources Board following the recent round of hearings associated with the activation of Vermont Yankee.

The new order reinstates the use of a mixing zone, a concept incorporated in the Board's original 1968 decree but omitted from its revised order of 1971. It also increases from 90 to 93 degrees the maximum allowable temperature of discharges from the plant and relaxes the restrictions with respect to icing caused by the operation of the facility's cooling towers.

Finally, the amended permit order requires Vermont Yankee to submit an evaluation of its monitoring system to the Water Resources Board prior to February 28, 1973. The date coincides with the expiration of the term of Walton S. Elliott on the board.

The Board's Findings of Fact issued with the amended order twits Connecticut, Massachusetts and the Federal Power Commission for impeding the shad and salmon restoration program on the Connecticut.

PROBLEM IN MARSHFIELD LAND TRANSFER
SUGGESTS REAL ESTATE REFORMS NEEDED

A land transfer in the Town of Marshfield has exposed a growing Vermont problem -- the failure to provide pertinent information relative to zoning ordinances by realtors. Richard and Marie Wolverton, formerly of California, recently purchased a 106 acre tract of land in Marshfield through Capital Realty in Montpelier without any knowledge of the Marshfield interim zoning ordinance. The Wolverton property was considered by local planning commission for possible "Forestry and Conservation" zoning designation. The Wolvertons appeared before the planning commission to request approval of their proposed right-of-way, which incidentally, was situated on a steep grade yet was neither located nor surveyed. The permit application was denied. Subsequently the Wolvertons were able to acquire a better planned right-of-way from other land owners, which was then approved by the commission. If the land had been designated for non-residential use, however, their options for development could have been severely restricted. The case raises the question of the responsibility of the seller to the prospective buyer. Belmont Pitkin, a Marshfield planning commission member, pointed out the need for both realtors and owners to inform the buyer of town ordinances relative to land use. Pitkin went on to observe that "the Wolverton case makes dramatically clear that state legislation is needed to control this type of negligence."

ADDRESS BY THE GOVERNOR-ELECT
WILL HIGHLIGHT ANNUAL MEETING

Vermont's new governor will be the featured speaker December 12 at the V.N.R.C.'s annual meeting. It will be held in the Woodstock Inn beginning with registration at 4 p.m. A brief business meeting prior to the dinner will include an election of new directors and reports on the Council's 1972 activities. The business session will be limited to VNRC members and representatives of member organizations but the general public is invited to the dinner and the speech by the new governor. He is expected to discuss his environmental proposals for the 1973 General Assembly.

The business meeting will be from 4:30 to 6:00 followed by a cash bar and dinner from 6:00 to 8:00 and the address by the new governor. Those interested in registering are invited to detach this segment of the V.E.R. and mail it to the Council with the \$5.50 fee prior to December 4.

ENVIRONMEMO

Vermont's new governor will have an immediate opportunity to establish a "new majority" in at least one vital regulatory area. Five of the nine members of the Environmental Board will see their terms expire in February... The Rev. Brendan J. Whittaker, Chairman of the District I (Rutland) Environmental Commission, has resigned...The Central Vermont Audubon Society is presenting a series of three wildlife films in Montpelier beginning November 28...A case study of the controversial Act 250 application and appeal involving the expansion of the Bolton trailer park will be published this month by the EPIC project; send a quarter to the VNRC if you want one... Dave Hazelett of Stowe a 1972 Dartmouth graduate has joined the VNRC's EPIC project as a staff member...The utilization of revenue-sharing funds for municipal conservation or land acquisition programs is viewed as highly unlikely by Bob Stewart, executive director of the Vermont League of Cities and Towns..."Terrific opposition" is anticipated by the Adirondack Park Commission to a land use and development plan which will be presented to the New York Assembly this winter involving 3.5 million privately owned acres within the park...Marshall Burk has resigned as executive director of the Maine Natural Resources Council...Despite extensive discussion of the necessity for the state to acquire additional land, particularly in mountainous areas, a law now on the books to accomplish such a purpose, (S-18 of 1970) has never been used...

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