

VERMONT ENVIRONMENTAL REPORT

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ACT 85 PROVIDES NEW SAFEGUARDS

If municipal and state governmental entities utilize the instruments offered in Act #85, the Capability and Development Plan which will become law July 1, Vermont will have one more layer of protection from detrimental development.

Act #85 sets forth guidelines for district commissions and the State Environmental Board to follow in reviewing development and subdivision applications. The Plan also brings into consideration environmental factors which were not specifically included in Act 250 criteria. Among these are the following important elements: agricultural, forest, and mineral lands, wildlife habitat, and open spaces. Scattered development and new villages will also be discouraged. What may prove to be the most important and useful tool in the Act is contained in Sec. 10, (9) A. under the heading Impact on Growth.

In considering an application, the district commission or the board shall take into consideration the growth in population experienced by the town and the region in question and whether or not the proposed development would significantly affect their existing and potential financial capacity to reasonably accommodate both the total growth and the rate of growth otherwise expected for the town or region and the total growth and rate of growth which would result from the development if approved.

After considering anticipated costs for education, highway access and maintenance, sewage disposal, water supply, police and fire services and other factors relating to public health, safety and welfare, the district commission or the board shall impose conditions which prevent undue burden upon the town and region in accommodating growth caused by the proposed development or subdivision.

The section further states that if the town has a duly adopted capital improvement program the burden of proof that the development will not significantly affect the existing or potential financial capacity of the town or region to accommodate such growth is on the applicant.

These new safeguards should further help preserve the quality of life in Vermont.

Note: The full text of the Capability and Development Plan and the amendments to Act 250 passed by the 1973 General Assembly are available from the State Planning Office, The Pavilion, Montpelier, Vermont.