

# Vermont Environmental Report

## After the Pyramid decision

### How Should Vermont Use Its Reprieve?

The ink is hardly dry on the October 12th decision of the District No. 4 Environmental Commission that denies the Pyramid Mall application to construct a \$10 million enclosed shopping mall in the semi-rural Town of Williston.

But already lawyers, planners, public officials and interested citizens are sifting through the 68-page decision, pondering its meaning, and raising serious questions about the planning process for developments of the size of a Pyramid Mall, and about Act 250 itself.

The Pyramid application was one of the largest development projects ever to come under Act 250 review. The mall would have had two large department stores, 80 smaller shops, and would have been built on a 200-acre parcel of land.

According to the developer's timetable, construction of the Mall was to have begun as early as the Spring of 1978. But the Act 250 hearings that began in August, 1977 dragged on and on, and the final testimony was heard just a few months ago. It was a marathon process.

It was also expensive. To make its presentation in the case, the State of Vermont spent a reported \$200,000. The developer spent over \$2 million.

The hearing process tested the stamina of all parties on both sides of the case. The burden was particularly acute on the three-member District Environmental Commission. The hearing process posed another test as well. It was a sharp challenge to the workings of Vermont's fundamental land use and development law -- Act 250.

Now that the Commission has rendered its decision, the Pyramid Company must decide whether to appeal the case to the State Environmental Board, or to the Superior Court, or to modify the project.

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"Wearying," "fatiguing," "excruciating," -- these words were used by more than one participant in the Pyramid Mall review

hearings to describe the enormous task of gathering the information that was demanded in the Act 250 process. Behind these words lie more than just a personal reluctance of the participants to contemplate what a future hearing process might be like, should there be another case involving a development of the size of a Pyramid Mall. Behind these words lie the fear that the State of Vermont, or a District Commission, or a given community might not be able to summon the necessary resources, a second, a third time, to make a convincing presentation in an Act 250 review process.

John Ponsetto, the attorney who coordinated the State's presentation in the Pyramid case, had this to say, "I really question the ability of the State to muster their resources to handle very many of these applications (of the size of a Pyramid Mall) on a case-by-case basis." Ponsetto wondered aloud if a District Commission which had spent its energies on a review of a case like Pyramid would be willing to endure the same process with another development proposal in the near future. Ponsetto speculated that rather than do this, a Commission might simply resign en masse.

Jeff Squires, a planner with the Central Vermont Regional Planning Commission in Montpelier, played an active role before the District No. 4 Commission in the Pyramid case. Squires notes that the District Commission in Central Vermont will soon be considering an application by the Juster Associates to build a 220,000 square foot enclosed mall in Berlin. "The whole game will have to be played all over again," Squires says.

Squires feels that the Pyramid decision has broken important new ground. As he sees it, the District No. 4 Commission has made a judgment that a free-standing shopping mall of the size of Pyramid can definitely prove harmful to existing urban centers.

But can the judgment on Pyramid be made to stick on the

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