

Tom Blakely For Vermont Newsletter: Failure to Communicate

The Bennington Banner picked up my campaign announcement and ran it on page 1 (thank you Banner!) It also showed up on their Facebook page, where it got a couple of positive comments, a picture of a clown, and a “good luck” that I'll take as a sincere wish for the success of my campaign. I'm not sure what to make of the clown – maybe they don't like my photo?

But the first response is the one that really got me thinking: what's my view on Act 181? Now, I usually do my best thinking between 2 and 5 AM, when I really should be sleeping. Whatever happens to be on my mind kicks my brain into overdrive and there's no off switch. Tonight it's Act 181, so instead of sleeping I'm writing this.

Act 181 was intended to ease some of the burdens on development created by Act 250 by creating 3 tiers with differing development requirements. Tier 1 allows development in areas like downtowns, village centers and designated growth areas with few or no Act 250 permit requirements. Tier 2 provides for moderate permitting requirements for infill and growth areas with existing water/sewer service. This is good. I'm all for infill development, especially for housing, which we desperately need. Plus it favors high-density housing, which preserves neighborhood walkability that can be a real attraction to people like me, who would mostly rather walk than drive. Plus, towns should be able to do the kind of planning that says “here's where we'd like to see new development happen.” All good so far.

Tier 3 is where it gets sticky, especially for rural landowners. This tier, which includes critical natural resources including high-elevation forest blocks, headwater streams, wildlife corridors and other sensitive natural areas, falls under stricter permitting rules. It doesn't prevent development, but projects in these areas will be subject to more reviews, and possibly more delays. Depending on location, it may *not* have much impact on smaller projects such as single-family homes.

This isn't just about environmental impact. Other factors considered include repeated flooding in the area and the cost of extending roads, sewer and water. Vermont's ongoing housing shortage will also be taken into consideration, which should actually help someone wanting to build a home in an area designated Tier 3.

Based on comments I have read, the most controversial part appears to be the so-called “road rule” that says any new private road over 800 feet long, or any

combination of road and driveway over 2000 feet, will trigger an Act 250 environmental review. This also, at least on the surface, appears reasonable, since prior to Act 181, and depending on the location, the review may have been required in any event.

As you might expect, opposition appears to be from rural areas, small towns and land owners, who see Act 181 as placing a burden on their development efforts and/or limiting what they can do with their land. Some say that as a result of Act 181 small towns will slowly die without the ability to grow, and that farmers and other land owners will suffer financially by not being able to use their undeveloped land for other purposes. Some also object to the maps used in defining the three Tiers being created by local Development Review Boards, whose members are typically not elected, and they would like to have more say in the process.

Some of those opposed to Act 181 have been gathering and demonstrating in Montpelier to express their displeasure. I applaud their use of peaceful demonstration to raise awareness of their position and to try to influence the legislative process: that ability to exercise free speech is part of what makes America great.

It's always a challenge to balance development and environmental stewardship. In many cases there are clear reasons to limit development: disruption of ground or surface water systems, and destruction of wildlife habitat, especially involving threatened or endangered species. There are other considerations as well. A large part of Vermont's economy depends on tourism, and the unique beauty of our State is part of what draws people here.

But it takes more than tourism to keep Vermont going, and like it or not, economic growth is essential. We need to be able to create new economic opportunities, build more affordable housing, and provide good paying jobs, both in our larger towns and cities, and in small towns and rural areas. Act 181 was an attempt to provide some guidelines for that growth.

I suspect that the person asking about my views on Act 181 really wanted me to say "I support it" or "I'm opposed to it." In reality, I support parts of it – like the creation of development zones – but I think that the question, given that we need economic development, of what should trigger a full environmental review is more nuanced than the parts of the Act, particularly the "road rule", allows. And yes, it may be true that some rural lands will see a decrease in property value, particularly for development purposes. In some cases those lands may represent the bulk of the owner's wealth, and there is no provision for compensation. I can see why someone in that position, or

someone planning to build a home in Tier 3 who now faces additional regulatory costs, would object to the provisions in Act 181.

But here's what really makes me wonder about the Act 181 controversy. Much of what I am reading is about how surprised folks are about its upcoming implementation. It was passed in 2024, and it's now 2026, but people are feeling blindsided by it. Much of the work in mapping took place in meetings and technical work groups. I have to wonder where their legislators were, for the last two years, and what, if any, action they took to inform their constituents? Other local organizations, like the local Chamber of Commerce or other community groups, could have been involved as well.

I don't know whether it was possible, for example, for a legislator to track the process and inform people, giving them the opportunity to express their concerns earlier in the process. If there was no way to track the progress, I would argue that the process was flawed. If the information was available before now, it should have been shared. Part of being a "representative" is that you represent the interests of your constituents. You cannot do that if you don't inform them of what is going on in the legislature and other rule-making bodies, or if you don't listen to their opinions and concerns.

My concern is that *what we have here is ... failure to communicate*, and that's not good. Regardless of on whose shoulders the failure lies, it appears that is what happened. My promise is to keep you informed when I am elected, and to do everything I can to prevent any such failures.