

Senators and engaged citizens,

My name is Arabella Holzapfel. I am a member of the Ferrisburgh Planning Commission and am also a delegate from Ferrisburgh to the Addison County Regional Planning Commission (ACRPC). My service in these roles informs what I'm about to say, but my words and opinions are my own and are not those of either the Town of Ferrisburgh, its Planning Commission, or ACRPC.

The Town of Ferrisburgh owns a property at the corner of Routes 7 and 22A near Vergennes. A recent proposal came forward for a car dealership there. Based on the new Criterion 9L guidelines, the Agency of Natural Resources submitted an analysis of the proposal to the ACRPC. The Act 250 Committee of ACRPC drafted testimony it was ready to submit to the District 9 Environmental Commission which nixed the dealership. The developers decided against going further with the proposal. I count myself among the town residents – perhaps a minority or a slim majority - who are pleased that there will not be a car dealership at that corner. I count myself among the vast majority of Ferrisburgh residents who appreciate the efforts to curb sprawl that are represented in the new Criterion 9(L) guidance. At the same time, I believe virtually everyone in Ferrisburgh wants to see some kind of development occur on the property in question.

After the dealership proposal was withdrawn, I had a follow-up conversation with members of ACRPC's Act 250 Committee to learn more about the new "law of the land." Members of that committee feel that no proposal for that property that requires Act 250 clearance will meet the new Criterion 9-L guidance, and this would hold true regardless of any modifications the Town of Ferrisburgh might make to its Town Plan, zoning regulations, or design standards. Whether that is "true" or not, that is the perception of many people in influential positions, and that is why I'm here.

I value the work that the legislature, the Agency of Natural Resources, the Natural Resources Board, and other organizations have done to implement stricter guidelines on sprawl, and I do not want to see "the baby thrown out with the bathwater." From my perspective, based on what I've learned from the proposal described above, I ask the Senate Committees to consider the following three points:

1. **Unique attributes of the property matter** – be they geographic, historical, or otherwise. In the case of this property, a parcel that included the property in question was purchased by the State of Vermont in the 1990s, and conservation easements were placed on a significant portion of the parcel. VTrans then developed a park and ride and deeded the remainder to the Town of Ferrisburgh, specifically for development. <see map showing parcel deeded to Town of Ferrisburgh highlighted in pink> The Town of Ferrisburgh plans to use the proceeds from this proposal to purchase a property that is adjacent to the town offices in an effort to build on the Ferrisburgh town center. The current Criterion 9-L guidance does not provide for consideration of this kind of situation. As Ferrisburgh Planning Commission member, Walter Reed, III, has said, “As a townsperson I see a parcel of land in Ferrisburgh that the AOT bullied their way in, used the land for their best interest, and then dumped the remaining parcel back to the town and are now telling us we can't develop it.” Another FPC member, Keith Wagner, a landscape architect, pointed out, “Criterion 9L in planning terms is not offensive, however, in typical fashion, the State likes to create one law that blankets everything and doesn't explore or even consider the projects on an individual basis. Controlling 'sprawl' is certainly a good thing. However, not every use is suitable as an 'in-fill' candidate, as the Criterion is trying to encourage.” I believe the Criterion 9-L guidance should be implemented in a way that honors unique characteristics of properties besides what can be judged from a GIS map.
2. **When identifying existing settlement patterns, asphalt matters.** The ANR analysis of the project described the landscape on the opposite side of Route 7 and the opposite side of Route 22A as supporting the identification of the project as “strip development.” The acres of asphalt that comprise the highways themselves – and the environmental destruction that went into building them – seem immaterial to ANR in defining an “existing settlement pattern.” This seems ludicrous to me. Like it or not, *existing* settlement in our society is defined by asphalt. When one looks at a GIS map, the driving range/hay-field on the other side of Route 7 seems vast. <see GIS map showing parcels and surrounding roads and lands> But if you're a human being standing on that parcel near the corner,

the expanse of asphalt in the foreground is much more impactful than the driving range that seems far away for a pedestrian. In my opinion, the roadways and/or parking lots that are adjacent to a property is a more important determinant of whether or not a property is in an “existing settlement pattern” than what is on the other side of a vast expanse of asphalt. I find it hard to comprehend that ANR’s analysis of this property – with Route 7 on the East, Route 22A on the South, a VTrans Park-and-Ride on the West, and a church (with a parking lot) within sight to the North – is determined to be “outside an existing settlement pattern.”

3. **Town Plans matter.** I joined our town’s Planning Commission a year and a half ago - shortly after it started revising its town plan. We have undertaken surveys and will soon have multiple public hearings so we know our town plan, as much as possible, reflects a vision for our town that is a consensus of town residents – what’s important to preserve, and where the economic development that our society seems to need can happen with the least impact to important natural and cultural attributes. As the town immediately south of the Chittenden County line, Ferrisburgh is under a lot of development pressure. At the same time, many in town want to see more employment opportunities available locally. Working with the ACRPC and many town residents, the Planning Commission is developing a town plan that can respond to these pressures and more. Based on what I’ve read in the NRB’s Criterion 9L procedure, and the way it was implemented in the case of the property on the corner of Routes 7 and 22A, the State of Vermont does not seem to honor the local voice that is represented in a town plan and the zoning regulations that flow from it.

As I’ve said, I do not want to see Criterion 9(L) gutted, but I think some modifications may be in order. Specifically, it is important to provide for the facts that unique attributes of a property matter, that asphalt matters, and that Town Plans matter. I thank you all for your service to the people and towns of Vermont.