

To whom it may concern:

I have prepared my remarks in a written format to save time.

My intent of appearing before you tonight is not to criticize Act 250, for we think the intent was good at one time. The statute has now been in place for 50 years, and as with all laws the application and interpretation of the statutes by those in charge of the doing so is key to the law's success. But for every law/statute enacted, situations arise that were not envisioned or expected. These situations need to be interpreted as they relate to the particular situation. Example – thou should not commit murder, but what about the situation of war or self defense.

Constraints of time prevent me from going into details of my problem. Suffice it to say that it arose out of an Act 250 decision involving 2.14 acres of a total of 5 acres.

Recently upon trying to have this decision reversed after several of its initial restrictions per statute no longer apply i.e. it is now in a growth area of town as where previously it was not; and whereas it's minimal acreage cannot sustain a family in this growing neighborhood. The only way we could have this reconsidered was to have a new hearing taking months and to pay thousands of dollars in fees.

After 2 years of frustration and many conferences with authorities involved in these decisions, we have some suggestions for you to consider in rewriting or amending ACT 250.

- Make it possible for someone in the agricultural department or Act 250 Agency to make a decision after the commission rules. The commission's report regarding our 2.14 acres stated that, yes, the soil is primary agricultural soils, but must be capable of supporting or contributing to an economic or commercial agricultural operation. A letter from Dr. Robert L. Parson, Phd and professor of Department of Community Development and Applied Economics at UVM's letter attached addresses the contribution to an economic and commercial agricultural operation in a letter dated June 2017 very well. He has since passed away.

We went from the Act 250 Agency to Agricultural Department being told no one could make a different decision without us going through the Act 250 Environmental Commission again. In our case, this would have meant looking at exactly the same parcel of acreage the commission had already commented on.

- Develop an additional procedure for a person to follow after the commission's ruling, instead of having to go to the superior court environmental division within 30 days. This would prevent (eliminate) the expense of a filing fee, lawyer's fees and time lost before construction of building.
- The requirement of archeological studies is very expensive for the small landowner; it is for academic purposes (knowledge) and again delaying construction.

To whom it may concern:

I have prepared my remarks in a written format to save time.

My intent of appearing before you tonight is not to criticize Act 250, for we think the intent was good at one time. The statute has now been in place for 20 years, and as with all laws the application and interpretation of the statutes by those in charge of the doing so is key to the law's success. But for every law/statute enacted, situations arise that were not envisioned or expected. These situations need to be interpreted as they relate to the particular situation. Example - thou should not commit murder, but what about the situation of war or self defense.

Constraints of time prevent me from going into details of my problem. Suffice it to say that it arose out of an Act 250 decision involving 2.14 acres of a total of 2 acres.

Recently upon trying to have this decision reversed after several of its initial restrictions per statute no longer apply i.e. it is now in a growth area of town as where previously it was not, and whereas it's minimal acreage cannot sustain a family in this growing neighborhood. The only way we could have this reconsidered was to have a new hearing taking months and to pay thousands of dollars in fees.

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- Develop an additional procedure for a person to follow after the commission's ruling, instead of having to go to the superior court environmental division within 30 days. This would prevent (eliminate) the expense of a filing fee, lawyer's fees and time lost before construction of building.

- The requirement of archeological studies is very expensive for the small landowner; it is for academic purposes (knowledge) and again delaying construction.

- The flood plain requirement should be used with a degree of “common sense”; taking into account where the land is situated in today’s world, i.e. does flooding occurring in the area in recent time, not just because the digging shows a layer of soil indicating the area was flooded at one time in history. We all know that our Vermont land was flooded millions of years ago.
- Come up with a decision regarding how many acres are needed to be able to support or contribute to an economic or commercial agricultural operation: Is it 10, 20, 50, 100, etc.? State a figure.

When I asked the District Agent how our 2.14 acres could be supportive economically, the answer was – “a strawberry patch, blueberry patch or Christmas tree farm.”

At a symposium on farming, Clark Hinsdale of VT Farm Bureau was asked about sustainable farming in VT and his answer was “There is no such thing as sustainable farming in VT.”

Dr. Parson also addresses this.

- The statute says that if the land is in a “designated growth center”, this should be taken into consideration. Our land is in such an area in Colchester. Refer to attached letter from Sarah Hadd, Colchester Planning and Zoning director.

There needs to be a process whereby an individual land owner, not a construction company, can financially afford to abide by these ACT 250 rules as it applies to their small land holding when trying to sell their property.

Thank you for taking the time to consider these suggestions.

Selling our home in Colchester was reduced in value substantially by these restrictions. Therefore we feel a revision of Act 250 needs to occur. We are more than willing to talk to you individually or as group.

Dr. H. Clinton and Carol Reichard
388 Anna’s Court
Colchester, VT 05446

802-497-3036

Application #4C0151-1

*Sept 12, 2018
H. Clinton Reichard*



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There needs to be a process whereby an individual land owner, not a corporation, can financially afford to abide by these ACT 250 rules as it applies to their small land holding when trying to sell their property.

Thank you for taking the time to consider these suggestions.

Selling our home in Colchester was reduced in value substantially by these restrictions. Therefore we feel a revision of Act 250 needs to occur. We are more than willing to talk to you individually or as a group.

Dr. H. Clinton and Carol Reichard
388 Ann's Court
Colchester, VT 05440

802-497-3036

Application #4C0121-1

*Dr. H. Clinton
Carol Reichard
Nov 15, 2018*

Robert L. Parsons, Ph.D. & Professor

**Department of Community Development and Applied Economics
203 Morrill Hall
Burlington, VT 05405-0106**

**Ph: 802-656-2109
bob.parsons@uvm.edu**

June 19, 2017

Dear Mr. Keibel,

This letter regards property owned by Dr. H. Clinton Reichard, Rt 7, Colchester, Tax Parcel #14-024010. The property in question consists of 16 acres of which 3 acres is assigned the best use of "sustainable agriculture."

Dr. Reichard asked for my professional opinion on the feasibility of the parcel being used for farm production. Below is my opinion as an Agricultural Economist for University of Vermont Extension. I was not paid for this opinion.

This 3 acre section has been in open land since 1948. While agricultural use may be the desired use for the land based on soil type, drainage, and slope, it has not been in agriculture. Agriculture is defined as "cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products." While this land has been open, it has not been used for agriculture.

Could this land be used for agriculture? In a direct sense yes but practically no. One could build a fence and graze 3 acres but one could sustain only a couple of animals for an entire grazing season without feed supplementation.

One could rent the land to a local farmer to make hay, of which Dr. Reichard has not been able to do for 44 years. In his lack of success, it seems that local farmers do not consider the 3 acres worth the effort for the potential yield.

One could produce vegetables, flowers, sweet corn, or another intensive crop on this land, but again the owner has not found a taker.

What is the owner expected to do? The land has economic ownership costs of taxes, insurance, and opportunity cost of the investment. Is the owner to let someone use the land for nothing? Is the owner to allow someone to buy the land from his for below market rate? It seems that the concept of "sustainable agriculture" as applied to this parcel does not include any consideration of the economic leg of sustainability, which also includes social and environmental sustainability as part of the 3 legged sustainability stool.

What is the value of this land by the town of Colchester? According to Dr. Reichard, the land is valued at \$150,000 for non-ag use. The value for ag use is set at \$1,400 to \$2,400 per acre by the Town of Colchester. Land value in agriculture is generally based on what one can make farming the land. In the Midwest, there is a direct relationship between crop profitability, land value for sale and rental value. Rent can provide an owner a reasonable return on their investment in land.

In Vermont, the rental value of ag land ranges from around \$100 per acre for land located next to large scale dairies in Franklin County to someone farming land for nothing in the southern part of the state. Some vegetable farming land with available irrigation brings higher rents. At \$100 rent, and if one expected a 10% return on their investment, the land would be valued at \$1000. But in this case, Dr. Reichard has not been able to rent the land for 30 years and if he cannot rent the land, it may likely not be worth its assessed value for agriculture.

To look at it another way, if the value of this land is \$150,000 per acre, someone purchasing the land at market value would pay \$350,000. When finances at 55 interest for 20 years, the payment would be \$2323 per month or \$27,879 per year. Now what crop can someone produce that would provide the farmer profits to make \$27,879 per year for land payments plus pay for their own labor and management? Possibly marijuana but that likely is not that possibly profitable.

If the land would be sold to a farmer at the assessed value of \$1400-\$2400 per acre, say at \$2000 per acre, I'm sure a farmer could, with intensive vegetable production, pay for the land. But this is asking Dr. Reichard to take a loss of \$244,000 to sell the property at agricultural value. Is this what the town of Colchester desires?

While the mission of preserving agricultural land is noble, we need to realize not all 3 acre parcels of farm land are necessary to preserve as farmland. The breaking up of farmland into non-contiguous segments may help preserve open land but is not necessarily the preservation of working farms and farmers. Working farms and farmers require an economic return to justify effort, management, and capital investment.

So I come back to the question of whether this land's best sustainable economic, social, and environmental use is agriculture. If one has been looking unsuccessfully for agricultural users for 40 years, is this land still best use for agriculture?



Dr. Robert Parsons



Colchester
VERMONT

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www.colchestervt.gov

July 28, 2017

Clinton & Carol Reichard
388 Annas Court
Colchester, VT 05446

RE: 5770 Roosevelt Highway, Tax Map 14, Parcel 24-1

Mr. & Mrs. Reichard:

I am in receipt of a June 19, 2017 letter regarding your property at 5770 Roosevelt Highway from Dr. Robert Parsons. In this letter, Dr. Parsons raised the question of the desired future land use for this area. The above reference property that you own on Roosevelt Highway is subject to an Act 250 permit condition that requires a portion of the property to be set aside for agricultural use based on the classification of the soil. This restriction prevents the property from being developed or otherwise used.

The property is located in the Exit 17 Neighborhood Area in the Colchester Town Plan that was adopted in 2014 and last amended in 2017. The area is listed as Village Mixed Use on the Town's Future Land Use Map. Page 11 of the Town Plan states that the area is "a long-term economic future village mixed use area". While the area currently has infrastructure deficiencies, it is zoned for mixed use development and the Town continues to work to address these deficiencies. Page 12 of the Town Plan states: "The CCRPC ECOS Plan has identified the need for additional industrial parks in the Chittenden County area and the lack of land that is possible for this needed growth. Exit 17 with its proximity to Interstate 89 would be considered an ideal area." Agriculture may conflict with the future land use plans and become increasingly difficult as the area continues to build out and develop.

The location of the Roosevelt Highway property is between an existing house and a veterinary clinic with a multi-family structure across the street. In speaking to several of the existing small berry or truck farmers in Colchester over the years, I have learned that these parcels area not worthwhile for their endeavors as many of the accoutrements of their operations, air guns to scare off birds, create conflicts with neighbors. No new agricultural endeavors have been implemented in the last two decades in this neighborhood. The Town's future land use plans for the area would create further conflict with agricultural operations.



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Should you have any additional questions regarding the Town's longer term plans or if there is anything else I can assist with please do not hesitate to contact me at 802-264-5602 or via email at shadd@colchestervt.gov.

Sincerely,

July 28, 2017

Clinton & Carol Richardson
388 Anna Court
Colchester, VT 05445

Sarah Hadd
Director of Planning & Zoning

RE: 2770 Roosevelt Highway, Tax Map Id. Parcel 24-1

Cc: Property File

Mr. & Mrs. Richardson

I am in receipt of a June 19, 2017 letter regarding your property at 2770 Roosevelt Highway from Dr. Robert Parsons. In this letter, Dr. Parsons asked the question of the desired future land use for this area. The above reference property that you own on Roosevelt Highway is subject to an Act 250 permit condition that requires a portion of the property to be set aside for agricultural use based on the classification of the soil. This restriction prevents the property from being developed for other uses.

The property is located in the East VT Neighborhood Area in the Colchester Town Plan that was adopted in 2014 and last amended in 2017. The area is listed as Village Mixed Use on the Town's Form Land Use Map, Page 11 of the Town Plan states that the area is "a long-term economic future village mixed use area". While the area currently has infrastructure deficiencies, it is zoned for mixed use development and the Town continues to work to address these deficiencies. Page 12 of the Town Plan states: "The CORPC ECOS Plan has identified the need for additional industrial parks in the Colchester County area and the land on which is zoned for this needed growth. East VT with its proximity to Interstate 89 would be considered an ideal area." Agriculture may conflict with the future land use plans and become increasingly difficult as the area continues to build out and develop.

The location of the Roosevelt Highway property is between an existing house and a veterinary clinic with a multi-family structure across the street. In speaking to several of the existing small farm or truck farmers in Colchester over the years, I have learned that these parcels are not workable for their endeavors as many of the requirements of their operations, air guns to scare off birds, create conflicts with neighbors. The new agricultural endeavors have been implemented in the last two decades in this neighborhood. The Town's future land use plans for the area would create further conflict with agricultural operations.