



TOWN OF WAITSFIELD

To: Members of the House Agriculture and Forestry Committee
From: Susan E. Senning, Esq., Waitsfield Planning & Zoning Administrator
Date: January 25, 2018
Re: Testimony on H.663

Personal Background

I moved to Vermont in 2005 to attend Vermont Law School and met my now-husband, Will, who was born in Duxbury. I was a legal intern with Legislative Council in 2008, and then a law clerk for the judiciary committees during the 2010 and 2011 sessions. I know the time and effort you all put into crafting legislation and developing policies to help Vermonters, and I appreciate your public service.

I live in North Duxbury off of Camel's Hump Road and also work in the Mad River Valley. In August 2011, I began my role as Planning and Zoning Administrator for the Town of Waitsfield. I have enjoyed getting to know the residents of the town, and their dedication to honoring the town's agrarian past and working landscape. A portion of my childhood was spent on a dairy farm in Landisville, PA; I have always admired the work ethic and passion for animals and nature that farmers demonstrate.

Policy Justifications for Proposed Bill

I care about farms and want to see agricultural lands flourish in Vermont. Therefore, I completely support the first purpose of the proposed bill stated in Section 1, to "promote and facilitate the economic viability of Vermont's farms." Historically, Waitsfield has had a resource-based economy, founded on agriculture and forestry, but understands the challenges farmers face. The Waitsfield Planning Commission has strived to preserve its rural character while promoting commercial growth in its villages and downtown, in order to protect existing uses against incompatible development. Our latest update of the Town Plan was adopted on December 18, 2017 and can be found online at <http://www.waitsfieldvt.us/wp-content/uploads/2017/12/Adopted-Town-Plan-2017-2025.pdf>. The Land Use Chapter (12) includes a task to review and update zoning standards to ensure value-added agriculture and non-traditional on-farm activities are supported.

The proposed bill, however, circumvents the results of a very thoughtful, lengthy, deliberative local planning process in order to achieve the second state purpose in Section 1, to "increase the consistency across the State of municipal regulation and permitting of accessory activity that supports those farms," which I cannot support. Each Vermont town is different and unique, and the principle of local control has long been embraced by policymakers in this state. Towns go to great lengths to identify scenic areas, natural resources, and agricultural land they wish to protect and conserve through zoning regulations; this bill would disregard that process for these properties and activities.

Preferable Approaches

The approach the proposed bill takes in addressing the struggles that farmers face is not the best available. The balance between the competing forces detailed above is best achieved through local land use policy and zoning. State statute authorizes municipalities to enact creative solutions to

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issues particular to their town. Waitsfield's Zoning Bylaw regulations allow for so-called "agri-tourism" activities on farms through the following conditional uses: Adaptive Reuse of Historic Barns, Adaptive Reuse of Farmsteads, and a Special Events provision. Non-agricultural activities on farms can also be permitted through the Selectboard's Festival Ordinance. These provisions allow for an expanded list of uses that are not otherwise permitted in the underlying zoning district, subject to conditional use criteria. The Waitsfield Zoning Bylaws can be found online at <http://www.waitsfieldvt.us/regs/zoning-bylaws/>.

Many local farms have taken advantage of these provisions and obtained approvals for activities such as seasonal food festivals, music festivals, weddings, art shows, and auctions. Municipal review of these subordinate, on-farm business activities can achieve better results than the one-size-fits-all approach this bill proposes. Local review allows neighbors to have an opportunity for open dialogue and can lead to mutually-agreeable compromise in order to make a project successful. Reasonable conditions can be attached if a project is deemed appropriate in light of conditional use criteria, such as the character of the area.

Farms should not be exempt or treated differently from other businesses. This can lead to significant confusion on the part of administrative officials and property owners. There does not seem to be an overriding policy reason to justify exempting "accessory on-farm businesses" from local regulations instead of an incentive-based approach to enhance farm diversification, for instance.

Details of Proposed Bill

The proposed lead-in language to 24 V.S.A. §4412(11) undermines local control and planning efforts. The proposed definition of "accessory on-farm business" is inadequate because it does not clearly define "accessory" in the lead-in language or in terms of two of the listed subdivisions, proposed (II), and (III). Proposed subdivision (III) would allow for private events that are not related to agriculture whatsoever; without additional limitations or restrictions, the activity may not effectively constitute an "accessory" use.

The policy reason for 24 V.S.A. §4412(11)(C) is unclear and these activities should not necessarily be limited to existing structures. Local zoning regulations would effectively manage dimensional and design standards to allow for appropriate new structures.

Finally, 24 V.S.A. §4412(11)(D) should be revised to include mandatory site plan review for these activities if part of the municipality's zoning regulations.

I sincerely appreciate the opportunity to testify on this proposed bill and important topic. I hope my comments and experiences in Waitsfield are helpful to your deliberations.