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Summary of Testimony to be delivered before
House Agriculture and Forestry Committee
Regarding H. 663

Thank you sincerely for the opportunity to testify.

Your intentions for this bill may be laudable. But, if enacted it would undermine local planning efforts and abridge local control. And some would question whether such legislation is truly necessary, since existing statute provides authority for all manner of rural commercial zoning.

To respect the investment communities are making in their planning efforts, any bill having the support of this committee should match the solution to the real problem. A committee supported bill:

- Should not include vague language that will create loopholes for developers and enforcement headaches for Towns. (“private events such as”... “events that feature agricultural practices” ... “devoted primarily to farming”)
- Should not second-guess decisions made by municipalities about what types of businesses are appropriate in rural areas and how proposals for those businesses should be reviewed.
- Should not corrupt or distort the long established interpretation of “accessory use.” (e.g., Appeal of Green Meadows Center, LLC; Appeal of Tierney, et al.)
- Should not have the effect of nullifying existing bylaws carefully written to address the very businesses you are trying to support.

Gaming, such as showing films or hosting events “for free” in an attempt to buttress a claim that the activity is somehow acceptable because it is “non commercial,” sometimes happens. But, throwing doors open to these activities and limiting a municipality’s ability to review them is not the answer.

For too long, certain interests have promoted the view that zoning can’t apply to businesses if they are conducted by a farmer. From a legal standpoint, that’s not true. Unfortunately, the result has been a growing gap between reality and expectations. That gap is what brings us where we are today.

Looking to the future, the Ag Agency certainly should provide training. As part of this training, the Agency should help inform farmers so they understand basic requirements of local zoning.

Clearly, farmers and communities could also be encouraged to preserve farm buildings. Towns like Shelburne already have zoning that provides owners of existing farm buildings with additional commercial use opportunities. Others should be encouraged to do this as well.