



## 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- Addendum

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Thank you all, again, for the opportunity to testify on H.663. It was fun to be back at the State House and in a witness chair after so many years.

As a follow up to a question I could not answer this morning, and to my best knowledge, Waitsfield has the following farms and wedding venues:

- Farms (11 total):
  - Turner (dairy)
  - Spaulding (corn)
  - Gaylord (beef)
  - Kenyon (beef)
  - Carpenter (leases land out for cattle)
  - Neill (beef, corn)
  - Joslin (beef)
  - Geiger (bees, maple, horses)
  - VonTrapp (dairy)
  - Hartshorn (vegetable)
  - Lareau (vegetable)
  - DeFreest farm is in Fayston but their cattle are on farms in town
- Wedding venues (6 total):
  - 1824 House
  - Kenyon's
  - Round Barn
  - Skinner Barn
  - Farm on the Mad River
  - Lareau Farm Inn

I wanted to follow up with several points I gave in my testimony that I did not include in the original written testimony. They are as follows:

- The existing regulatory structure for land use planning and zoning is adequate. Zoning Administrators around the state work hard to explain the framework, policy goals, and other rationales for the rules we apply and enforce. We aim to get property owners and residents of our towns to buy into the process and these types of bills undermine that effort.
- The list of exemptions in 24 V.S.A. §4412 is growing and makes a complex system even more confusing for regulators and users.
  - Renewable energy, agriculture, and silvaculture activities are often exempt from local zoning regulations. Floodplain restrictions often apply differently to farms which can cause harm.
  - In many cases, if the state rules are being violated, then the local official may enforce a violation because exemptions are only if the property owner is in compliance with

state regulations. It becomes a burden for local officials to know all of these nuances/grey areas of the law. As a result, many violations are ignored and/or go unenforced.

- Treating farms or any other entity differently from other business enterprises creates tension among townspeople who often feel as though the bar is higher for non-agricultural property.
- This bill eliminates the ability of a local body to deny an application if, through conditional use review, it deemed it “inappropriate.”
  - Waitsfield just spent several years revising our Zoning Bylaws and several months involved meetings with farmers to identify appropriate areas of town for the conditional use “Adaptive Reuse of Farmsteads” based on thoughtful policy reasons.
  - This bill would effectively negate or supersede those decisions and force the town to approve, albeit with conditions, activities it has deemed inappropriate for these areas.
  - If conditions were so restrictive as to force the property owner not to pursue the project or business, then the property owner could appeal the decision. This is not an effective approach to the policy reasons stated.
- Specific revision requests include:
  - Redefine “accessory on-farm business.” The phrase should not be defined using the term “accessory” which should be defined separately. Put the total number of event/days of these activities or a percentage of gross annual sales resulting from these activities in relation to days or gross sales from the principal agricultural activities. Otherwise, (II) and (III) could end up being the principal use on the farm.
  - Require site plan review (if a town has adopted this process) for these activities, if you move forward with this bill.
  - Revise the definition of “farm” to apply this exemption to farms that are “in compliance with” RAPs, not just subject to them.