

TESTIMONY BEFORE HOUSE COMMITTEE ON NATURAL RESOURCES, FISH AND WILDLIFE

THURSDAY, FEBRUARY 28, 2019

GOOD AFTERNOON, I'M TIM TAYLOR. THANK YOU FOR THE OPPORTUNITY TO SPEAK WITH YOU ABOUT PROPOSED CHANGES TO ACT 250

1. I AM A VEGETABLE FARMER IN POST MILLS, THETFORD FARMING SINCE 1980 ALONG WITH MY WIFE JANET.
2. WE FARM 56 ACRES, MIXED VEG., BERRIES, 18 GREENHOUSES, BEDDING PLANTS GROWING 30,000 LBS OF TOMATOES AND 15,000 LBS OF GREENS. WE HAVE HIRED HUNDREDS OF LOCAL HIGH SCHOOL AND COLLEGE KIDS. NO H2A.
3. SINCE 2011 I HAVE BEEN THE CHAIR OF THE DISTRICT 3 ENVIRONMENTAL COMMISSION
4. DISTRICT COVERS NORTHERN WINDSOR COUNTY, MOST OF ORANGE, 1 TOWN, PITTSFIELD IN RUTLAND COUNTY, AND 2 TOWNS, HANCOCK AND GRANVILLE IN ADDISON COUNTY 15—TEN ACRE AND 15 ONE ACRE TOWNS. POPULATION FROM HARTFORD--10,000 TO GRANVILLE--298.
5. DURING THIS TIME, I HAVE CONDUCTED +/-65 HEARINGS INCLUDING GIFFORD ASSISTED LIVING, B&M REALTY (SCOTT MILNE), AND EXIT 4 (SAM SAMMIS)
6. I AM HERE FOR TWO PRINCIPAL REASONS: I THOUGHT YOU MIGHT LIKE TO ASK QUESTIONS OF SOMEONE ON THE FRONTLINES. I AM HAPPY TO SHARE MY EXPERIENCES WITH YOU ON ANYTHING YOU WOULD LIKE TO DISCUSS. BUT FIRST I WOULD LIKE TO HAVE YOU GIVE THOUGHT TO ONE PARTICULAR CRITERIA OF ACT 250. THAT IS SUBCRITERION 9B.

9(B)

7. 9(B) REQUIRES THE PRESERVATION OF VERMONT'S PRIMARY AGRICULTURAL SOILS. BUT SUCH PRESERVATION CAN OCCUR WITHOUT AN ABSOLUTE PROHIBITION AGAINST THE DEVELOPMENT OF SUCH SOILS.
8. 9(B) IS NEAR & DEAR TO ME. AFTER GRADUATING FROM VERMONT LAW SCHOOL IN 1978, I CLERKED IN NORWICH FOR JONATHAN BROWNELL AND NORRIS HOYT.
9. FOR MANY REASONS, MY WIFE AND I STARTED CROSSROAD FARM IN 1980 AND IN 1982 A DEVELOPER, GEORGE HUNTINGTON PROPOSED BUILDING 10, 2 ACRE LOTS ADJACENT TO OUR 15 ACRE FARM.
10. THE DISTRICT 3 E. COMMISSION DENIED THE APPLICATION RULING THAT IT WOULD REDUCE THE AGRICULTURAL POTENTIAL OF THE P.A.S. (PRIMARY AGRICULTURAL SOILS). AS AN EXISTING FARM, WE WERE IMPACTED. THERE WAS NO EFFORT TO CLUSTER THE HOUSES AND THEREBY REDUCE THE IMPACT TO THE PAS. FINALLY, THERE WAS NO SHOWING THAT THE APPLICANT COULD NOT BUILD ON OTHER LAND HE OWNED.
11. THIS DECISION WAS KEY FOR US: EARLY SOILS, POND SITE. I CAN CONFIDENTLY SAY WE WOULDN'T BE FARMING TODAY WITHOUT THAT DECISION.
12. SPECIFICALLY, LETS TALK ABOUT SECTION (IV) WHICH PROVIDES THAT SUITABLE MITIGATION WILL BE PROVIDED FOR ANY REDUCTION IN THE AGRICULTURAL POTENTIAL OF THE PAS.
13. THERE ARE TWO TYPES OF MITIGATION ONSITE AND OFFSITE. THE KIND OF MITIGATION THAT IS REQUIRED DEPENDS ON THE LOCATION OF THE PROJECT.
 - a. ONSITE: IF PROJECT IS LOCATED OUTSIDE OF DESIGNATED GROWTH CENTERS, THEN ONSITE MITIGATION IS MOST LIKELY REQUIRED.
 - b. OFFSITE: IF THE PROJECT IS LOCATED WITHIN A DESIGNATED GROWTH CENTER, THEN THE APPLICANT MUST PAY A MITIGATION FEE TO THE VHCB.

14. I WOULD LIKE TO SEE THIS DISTINCTION BASED UPON THE LOCATION OF THE PROJECT BE ELIMINATED. I WOULD LIKE TO SEE THE TYPE OF MITIGATION REQUIRED BE BASED UPON THE UNIQUE SITUATION OF THE PROJECT WITH GUIDANCE FROM THE LEGISLATURE AND/OR THE NRB.
15. WHY? LET'S TAKE AN EXAMPLE: GIFFORD ASSISTED LIVING. 30 ACRE PROJECT. THEY WANTED TO DEVELOP IT COMPLETELY OVER TIME. IT IS LOCATED OUTSIDE A DESIGNATED GROWTH CENTER. THEREFORE, THERE IS A PRESUMPTION THAT MITIGATION WILL OCCUR ONSITE.
16. FORGET APPROPRIATE CIRCUMSTANCES FOR A MOMENT.
17. LET'S ASSUME A STATUTORY MULTIPLIER OF 2 FOR EACH ACRE DEVELOPED.
18. THE DEVELOPER MAY ONLY DEVELOP 10 ACRES AND MUST SET ASIDE 20.
19. IF OFFSITE MITIGATION IS PERMITTED, THEN THE FEE THAT IS PAID TO THE VHCB IS DEPENDENT UPON THE DISTRICT.
20. THIS YEAR THE FEE AVERAGES \$2,897 PER ACRE.
21. THE STATUTORY MULTIPLIER USED 2(LOW COULD BE UP TO 3) X 30 acres = 60 acres x \$2,897 = \$173,820 paid to VHCB
22. THE VHCB DOES NOT PAY THE FULL AMOUNT TO CONSERVE LAND. IT LEVERAGES ITS FUNDS ALONG WITH FEDERAL AND LOCAL MONEY.
23. \$173,820 LEVERAGED AT 25% = \$695,280 TO CONSERVE LAND BY VHCB
24. THE VHCB WORKING OFTEN WITH VLT(VERMONT LAND TRUST) LEVERAGES THESE FUNDS = 50% FEDERAL, 25% STATE, 25% LOCAL.
25. ASSUME THE LAND IS APPRAISED AT \$4,000 PER ACRE.
26. OFFSITE MITIGATION PRESERVES +/-175 ACRES BY PERMITTING 30 TO BE DEVELOPED.
27. 100s OF SMALL PARCELS MITIGATED ON SITE, SITTING UNDEVELOPED BUT UNUSED.
28. NO REQUIREMENT THE PARCELS BE FARMED. VLT REQUIRES FARMING.

9(B)iii CHANGES

29. PRESENT LAW: "iii) except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned to minimize the reduction of agricultural potential of the primary agricultural soils through **innovative** land use design resulting in compact development patterns, so that the remaining primary agricultural soils on the project tract are capable of supporting or contributing to an economic or commercial agricultural operation;"
30. THE WORD "INNOVATIVE" caused our Commission problems. Do we need evidence as to how the design is new and different? Does there need to be a constantly evolving architectural or landscape design? Absent evidence, do we deny the plan?
31. I WOULD LIKE TO SEE THE FOLLOWING CHANGE:
 - iii) except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned to minimize the reduction of agricultural potential of the primary agricultural soils **and has been planned to maximize efficient use and development density** resulting in compact development patterns, so that the remaining primary agricultural soils on the project tract are capable of supporting or contributing to an economic or commercial agricultural operation;
32. THIS CHANGE WOULD ASSURE THAT THE PROJECT WOULD THOUGHTFULLY USE THE PAS.

OTHER ISSUES:

FEES AND "ENHANCED DESIGNATION": IN THE PAST COUPLE OF YEARS WE HAVE HAD 3 AUTOMOBILE DEALERSHIPS MOVE INTO A DESIGNATED GROWTH CENTER IN HARTFORD ALONG SYKES AVENUE. 1 EXISTING DEALERSHIP HAS EXPANDED THERE.

THEY HAVE PAID THE FOLLOWING FEES: 4 PROJECTS TOTALING 16 MILLION DOLLARS IN CONSTRUCTION COSTS

1. APPLICATION FEES: \$125,000
2. TRANSPORTATION FEES: \$41,000 FOR SYKES AVE. ROUNDABOUT.
3. OFF SITE MITIGATION FEE: 34,000

3 OUT OF 4 WERE MINORS AND TOOK VERY SHORT PERIODS TO PERMIT

RANDOLPH PROJECT IN AN INDUSTRIAL PARK 3.7 MILLION DOLLARS, APPLICATION FEE OF

\$28,000 AND OFFSITE MITIGATION FEE OF \$31,000. IT WAS A MINOR AND TOOK 35 DAYS TO PERMIT.

FINALLY,

I SEE MY JOB AS GETTING ANSWERED THE QUESTIONS THAT INTERESTED PARTIES HAVE, BUT DON'T KNOW HOW TO FRAME. THE MOST GRATIFYING PART OF MY JOB IS WHEN AFTER A HEARING, A NEIGHBOR COMES UP TO ME AND SAYS SOMETHING TO THE EFFECT, "I know you probably won't side with me, but you listened to me and asked the questions I needed asked. Thanks."