

Chair Sheldon,

I am sorry due to schedules we were not able to participate today or tomorrow on the committee discussion of this bill.

Please find below some comments for the committee.

- The exemption is too large. One acre of improvements is a lot. 133 State Street is roughly a 0.4 acre building.
- The exemption is too broad. Towns, through plans and zoning, have done a lot of work about what should go where. Even the current allowance of AOFBs throughout towns is too much. Regional plans like ours have been asked to have policies about what kinds of development are appropriate where, and we have. To take all of this work and through it out for a variety of commercial uses is too much. Half of our region you could build AOFBs in, but there are tens of thousands of acres where you could not. This provision should be changed to be more like mobile home parks and other things, in that towns cannot prohibit then in all areas, but they can limit them to certain areas. In many of our towns the regional plan is the most detailed map of such areas.
- The limitation of AOFBs having to be connected with farms is not what people think. This is not just where dairy farms exist. I can have 3 acres of pasture and raise and sell 6 pigs and be a farm. I can do that throughout towns since they cannot regulate my pig raising under zoning. I can be on a class 4 road or in the middle of the forest. Now that I have a farm, I can have an AOFB.
- What an AOFB is, that is being given wide enabling under the bill, is not well understood even in its current context. Is it a restaurant? A wedding hall? I just have to have a “social event” that “features” a “qualifying product”. The qualifying product does not have to be mine. Maple syrup from Canada is a qualifying product. If my wedding guests in my wedding hall on the lot where I raise 6 pigs all get a bottle of Canadian syrup I would say I am an AOFB. The exemption would require my “tract of land is primarily devoted to farming” (which is not currently required of AOFBs) but since I only use a half-acre of my lot for my wedding hall and parking, and I have three acres of pasture, I would still enjoy an Act 250 exemption.
- Act 250 and its relation to state permits is not well-recognized. Simply put, many local zoning reviews permit development that does need a state permit, especially wetlands permits, but those permits are never sought or issued. There is no requirement for towns to send these to the wetlands folks for review. Yes, the permit is still required by law from the owner, but the state never hears about it and these go on endlessly.

Thanks for considering this bill seriously.

Sincerely,

Kevin

Kevin Geiger | Director of Planning, AICP CFM



128 King Farm Road | Woodstock, VT 05091

802-457-3188 x3003

trorc.org | [facebook](#) | [youtube](#)

This email is not a legal opinion and is part of the public domain.