

## TESTIMONY BEFORE HOUSE ENVIRONMENT AND ENERGY COMMITTEE

THURSDAY, JANUARY 25, 2024

GOOD MORNING, I'm Tim Taylor. Thank You for the opportunity to speak to you about some of the very important parts of H 687.

1. For those of you who might not know me I am a retired vegetable farmer, having farmed for 43 years in Post Mills Vermont with my wife Janet. Our farm, thanks to Act 250 grew to 56 acres of mixed vegetables, berries, and 20 greenhouses. Among other crops we grow about 30,000 pounds of tomatoes per year.
2. For 12 years I was the Chair of the District 3 Environmental Commission. The district towns as large as Hartford, 10,668 and as small as Granville, 301.
3. I have served on the Town of Thetford Development Review Board for the past 20 years and am presently its Chair.
4. And finally, for what is worth, I graduated from Vermont Law School in 1978 and clerked for Jonathan Brownell, one of the authors of Act 250.
5. **At the outset, I would just like to say that this proposed piece of legislation is magnificent work. I am no authority, but it is quite difficult to go through the statutes and piece together all the changes. Additionally, I feel it strikes a balance between exemption in our centers and review and scrutiny in our critical resource areas.**
6. There are several important keys to this bill upon which the rest of it sits.

### PLANNING, REVIEWING, LEGISLATING AND SUPPORTING

- a. **Planning and Mapping: Always to be a part of Act 250 but much neglected. I believe with the planning and mapping mandates in this bill, the number of contested cases will be greatly reduced. It is almost like municipal zoning. You look at a map, it informs you what zone you are in; then there is a list of what is permitted and what is "conditional" i.e needs a hearing or at least minor review.**
  - b. **The reviewing, legislating (or rule making) and supporting is the establishment of new, improved, professional board, The Environmental Review Board.**
7. Without these 2 anchors, the rest of the bill and the fundamental change to location-based jurisdiction fails. I prefer to call the change location-resource-based jurisdiction. I do because for the first time we are taking a piece of land, seeing where it is located, and then examining what resources it possesses.

8. The definitions of connecting habitat, forest block, fragmentation, habitat, critical resource area, and rural and working lands area are clear and succinct.
9. I think I could apply the new Forest Block and Connecting Habitat sections of Criterion 8(A) without additional rulemaking. However, rulemaking is also helpful. The ERB would play a big role.
10. I am not sure what mitigation is according to section 6094. I see a 6093 for mitigation of PAS.
11. The mapping is a critical key to the success of this Act 250 revision. A picture is worth a thousand words cliché.
12. I wish the legislature would mandate that each of the 125 towns 47% of Vermont's 262 towns (137 do) which do not have zoning and subdivision regulations must by a certain date promulgate them.
13. I very much like the "500 foot rule" I am going to call it. It recognizes the importance of protecting our critical resources, especially prime agricultural soils in "rural working lands area." This is Tier 2 with teeth.
14. "xii) The construction of improvements for commercial, industrial, or residential use on a tract or tracts of land more than 500 feet from the center line of a State or town highway located in a rural and working lands area. This shall not include existing residential buildings or the construction of a garage or other buildings incidental to residential use."
15. I do not like the 4 lot rule for subdivision. It is not the number of lots that is significant, it is the size of the lots. 10 1 acre lots clustered on the forest side of a 40 acre agricultural field is less impactful to the critical resource PAS, than a 3 lot subdivision of 13 acres each is on that same field. The former triggers Act 250 but leaves 30 acres to be farmed; the latter, most likely removes the 40 acre piece from active, productive farming. Maybe any proposed subdivision in a "rural working lands area" of any existing lot or any existing lot over certain number of acres, say 5, would require a jurisdictional opinion.
16. I am strongly in favor of permitting municipalities to apply for and receive "Planned Growth Area Designation". The larger municipalities as a rule have the sophistication and resources to go it alone. However, they do not always get it correct. (B&M Realty).
17. I am also in in favor of making permanent the Act 250 jurisdictional threshold for a permit from units to 25 for downtowns, neighborhood development areas, village centers with zoning and subdivision bylaws, and growth centers as long as the projects do not impact critical resource areas such as primary agricultural soils. This is not in H. 867.
18. The new requirements for the RPCs are excellent and necessary. However, I believe this planning should be bottom up too. I think the planning should, and perhaps will be done with each town's planning commission. The citizens of each town need to be involved in this vital work if it is to be successful.

**19. FINALLY, AS CLIMATE CHANGE RAGES ON, WE NEED TO STRIKE A BALANCE BETWEEN BUILDING AFFORDABLE HOUSING, PROVIDING AN EQUITABLE EDUCATION, AND PRESERVING LAND TO FEED THOSE WHO LIVE IN THOSE HOMES AND THE CHILDREN THAT ATTEND THOSE SCHOOLS.**

\*\*\*OTHER ISSUES: EXEMPTION MEANS A LOSS OF FEES

FEES: IN THE PAST COUPLE OF YEARS DISTRICT 3 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.