

VERMONT ENVIRONMENTAL REPORT

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REVOLUTIONIZING ZONING THROUGH TDR

Vermont property owners with land unqualified for development because of zoning regulations may someday share some of the windfall profits available to owners of property zoned for high-density development. Under a concept known as "transferable development rights," development rights would be separated from land ownership. Basically, under the system each landowner would receive a certain number of development rights for his piece of property depending on the kind of use which would be permitted on the land. The owner of property zoned for limited development, for example, would receive more development rights than the owner of land zoned for high density. A person wishing to develop in the high density area would be required to purchase extra development credits from another landowner. Owners of agricultural land, then, could profit from development pressures by selling their development rights without having to sell their land.

This concept of separating development rights from land ownership was the topic of a recent day-long symposium in Montpelier co-sponsored by the VNRC and Save Open Spaces, a Stowe-based group. John J. Costonis, University of Illinois law professor and keynote speaker of the symposium, contended that TDR enables land use planning to take into consideration the economic consequences to private landowners. Stringent zoning with no means of compensation results in a loss of property value. Costonis argued that the TDR concept offers a more economically equitable and politically realistic alternative.

This concept is attracting widespread attention in the legal and planning professions in Vermont and across the nation. A Vermont plan for TDR based on property value is currently being developed by a study group including VNRC Chairman Jonathan Brownell, Planner Leonard Wilson, Bennington Attorney Marshall Witten, St. George Selectman Armand Beliveau, and Planning Consultant David Heeter. The Vermont group believes that in theory the use of TDR can resolve the conflict between property owners and effective land use planning. They feel substantial further research will be required before any workable system can be implemented.

WINOOSKI RIVER BASIN COUNCIL - - CAN CITIZENS OVERSEE A RIVER?

In light of increasing citizen interest in water quality along the Winooski River and its tributaries, the possibility of forming a citizens' watershed council to oversee the Winooski River Basin is now being considered. Concern about siltation of the Stevens Branch, clean up of the Dog River, interest in channel activities along the Mad River Valley, monitoring discharges in the Lake Champlain basin - - these are some interests which could be pursued through such a Winooski River Basin Council.

Spurred on by a suggestion from Environmental Secretary Martin Johnson, the Lake Champlain Committee has taken the lead in organizing a Council, as an extension of their Adopt-a-Stream program. If a favorable response is received from interested residents in the basin, planning efforts will proceed. If you are interested or have suggestions, contact either Emma-Lou Gale at the Lake Champlain Committee (985-3932) or Michele Frome at VNRC (223-2328).

NEWSLETTER CORRECTION: CONSERVATION COMMISSION PICNIC POSTPONED

Last month we announced that the Vermont Association of Conservation Commissions would be sponsoring a public picnic on August 3. That picnic has now been postponed and will be rescheduled for late September or October. Details will be announced in a future VER.

EROSION AND SEDIMENTATION CONTROL - - UPCOMING WORKSHOP

As a result of uncontrolled construction and other land disturbing activities, Vermont is plagued by continuing soil loss, waterway siltation, and water quality degradation. While sedimentation is the single largest water pollutant by volume, it is one of the most difficult to control because it results from widespread activities on the land rather than specific pollution sources.

The Agency of Environmental Conservation is sponsoring a workshop for individual participation and discussion through workshop sessions in the following areas of erosion and sediment control:

Agriculture - - (1) Identifiable Pollutants, (2) Tillage Practices

Forestry and Wildlife Practices - - (3) Natural, (4) Logging

Land Alteration - - (5) Development, (6) Highways, (7) Mining

The workshop will be held in the Auditorium, Randolph Union High School, Randolph, 8:30 A. M. - 3:30 P. M. Advanced reservations, including workshop fee of \$2.50 and choice of two workshop sessions you are interested in attending, should be sent to: Vermont Association of Conservation Districts, Agency of Environmental Conservation, State Office Building, Montpelier. For further information contact Linda Beaudoin, Agency of Environmental Conservation, 828-3357.

VERMONT OPEN SPACES -- GOING, GOING, GONE!

Guest Editorial by Hugo Meyer

The State of Vermont considers itself a leader in protecting the environment and farm and forest open spaces. It has created its Agency of Environmental Conservation, its local planning and zoning boards, its regional planning commissions, its District Environmental Commissions, and its Environmental Board. Yet these agencies are not having as much effect on farm and forest open spaces as the little-known Vermont Property Tax Division. The Division's appraisal policies under the "fair-market" concept are forcing open-space property owners to make decisions which could completely change the character of rural Vermont in the next ten years.

According to State law, land in each town is to be assessed at fair-market value. Under the fair-market value concept of the highest and best use, land is appraised at the value of the latest speculative sale of a relatively few acres. This has resulted in dramatic increases in land assessments in recent years. Many marginal farmers have been unable to produce the extra taxes and have had to sell out to developers.

In the case of forest land, recent appraisals of large woodlots have increased taxes to a level three to four times the annual productivity of the forest. As a result, the long-time holder of forest tracts and woodlots has been unable to generate the cash to pay his taxes. First, for two or three years the owner tries to hang on by "over-cutting" his forest growing stock to get cash. Then, reluctantly, he gives up and starts selling out in 10 to 50 acre parcels. The new owner (generally from a metropolitan area) immediately "posts" his new piece of Vermont. The result: (1) another parcel of wild land is lost and there is no more hunting, fishing, trapping, snowmobiling, hiking, etc., for the general public, and (2) the renewable raw material base for the forest, furniture, wood-working and paper industries is reduced, resulting in lowered year-around employment for Vermonters.

In order to save the rural character and open spaces of Vermont, the 1974 Legislature should insist that a fair "land use" tax be incorporated into any land use plan adopted. This would save many operating farms and delay placing large acreages of forest land on the market for many years. The Salmon administration wants a land use plan which places restrictions on land but opposes a concomitant land use tax. The administration says such a tax has not prevented future development. However, they admit such taxes have delayed development in other states. (All New England states except Vermont have land use tax laws.) But that is the point -- Vermonters need relief for the next ten years until population pressures lessen. Must Vermont stay behind its sister states in protecting its rural environment because of a destructive tax law?

LAND USE STUDY UPDATE

The 13 member Land Use Study Committee is making progress in ironing out philosophical differences, and boiling down the contents of the plan to fundamentals that all parties agree are necessary to any land use plan.

The committee has tackled the Environmental Board's proposal, page by page, struggling with the interpretation and meaning of basic concepts such as rate of growth and land taxation in areas designated for low-density development. There is a general consensus that tax considerations will have to be dealt with head-on if certain areas of the State are to be preserved for conservation.

The new plan will lean heavily on local input in the sensitive area of land use mapping. More provisions for local control will be built into the rewritten version. It is doubtful that the much talked about TDR concept will find its way into the plan. However, transferable rights may well be sanctioned at the local level through some enabling legislation. The committee still has far to go, but optimistic committee members feel the weekly meetings have created a momentum that will produce results.

SUMMER CONSERVATION SCHOOL OPPORTUNITY

Sponsored by the Conservation Society of Southern Vermont, Townshend 05353, 365-7754, this conservation program for children covers camping skills, ecology, and woodsmanship while camping in tents and shelters in the West River Valley Greenway.

Ages 7 - 9: July 14-19, July 28-August 2, August 11-16

Ages 10 -13: July 7-12, July 21-26, August 4-9, August 18-23

COMMENTS

Comments from readers expressing their environmental concerns or Letters to the Editor are always welcome.

VERMONT NATURAL RESOURCES COUNCIL

26 STATE STREET

MONTPELIER, VT. 05602

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Going, Going, Gone!

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July, 1974

*** VNRC TRANSPORTATION BULLETIN ***

VNRC UNDERTAKES NEW HIGHWAY COURT ACTION

What: A lawsuit to prevent construction of a St. Johnsbury interchange connecting Interstate 91 and Route 2, and the 4.3 miles of four-lane relocated Route 2 between St. Johnsbury and Danville to follow.

On What Grounds: The 4.3 mile segment of relocated Route 2 was included in the Highway Department's environmental impact statement for construction of I-91 by St. Johnsbury. We are arguing that this impact statement violates Federal requirements and inadequately examines the impact of the Route 2 highway; Route 2 should be fully evaluated separately before any construction is commenced. Meanwhile, construction of the interchange will irreversibly commit the Highway Department to constructing a new four-lane highway.

Contrary to Highway Department arguments, construction of the Route 2 interchange is not necessary for completion of the Interstate; there are two other interchanges planned for St. Johnsbury. Moreover, halting the interchange need not delay, and could in fact accelerate, Interstate construction.

Who: VNRC has joined with a group of Caledonia County residents, called the Citizens Asking for Reconsideration of Route 2 (CARR), and two local farm owners, VNRC Board Member Catherine Beattie and Leslie Parker, as plaintiffs in the suit. Harvey Carter, Bennington attorney, is representing us.

Why We Went to Court:

- --The highway project will channelize some 4,800 feet of the Sleeper's River and portions of Roy Brook, two major trout streams, and damage the Allright Spring, back-up water supply for St. Johnsbury and Danville.
- --The interchange will take public recreational land and create dangerous traffic conditions in the area of St. Johnsbury schools.
- --The four-lane project will directly destroy several major farms.
- --The highway will generate increased traffic and threaten existing farmland through increased development pressures and rising property tax burdens.
- --Four-lane highways are an unnecessary and undesirable investment on Vermont's tax monies. The 4.3 mile segment alone will cost \$6.5 million. The needs of the State would be better met by improving the existing Route 2 for less money.
- --Re-evaluation of the actual necessity and impact of this four-lane highway project is needed.
- --Court action was the last available recourse. Citizens had tried every other possible means of communicating their views.

What This Means to You: This action is a major element in VNRC's commitment to work for a sane transportation program in Vermont. Court action can be lengthy and costly. Such a commitment cannot be realized without financial support. Donations for the Route 2 case should be made payable to VNRC. We need to hear from you now.

MAKE CHECKS PAYABLE TO VNRC, ROUTE 2 FUND

STATE TRANSPORTATION PLANNING UNDERWAY

The Transportation Advisory Board (TAB), created by the 1974 General Assembly, is preparing a ten-year overall transportation plan for consideration by next year's legislature. Four subcommittees have been formed to resolve the major policy choices raised at a series of public hearings held throughout the State in June. The four study areas are: planning coordination, funding possibilities, regulation and transportation alternatives.

The subcommittees intend to follow an interdisciplinary approach to transportation planning, considering all transportation modes jointly rather than singling out any one form, such as highways. In late July and August the subcommittees will report their findings. The week of September 16-23, the TAB will present the draft of its final plan for public comment through another series of Statewide hearings. For information, contact Bernard Johnson, State Planning Office, 828-3326.

VNRC testified on transportation planning during the June hearings, and hopes that Council members throughout the State will comment on the specific proposals during the September hearings. In our statement, VNRC outlined six goals which future transportation policies should consider:

- 1) Economical use of public funds by utilizing efficient modes of transportation.
- 2) Efficient use of natural resources, anticipating future fuel shortages.
- 3) Roads designed to meet Vermont's needs, not Federal design specifications.
- 4) Adequate transportation for the elderly and other non-automobile driving groups.
- 5) Transportation planning guided by land use choices, rather than vice versa.
- 6) Citizen participation in transportation planning, including involvement early in the planning and decision-making process.

RAILROADS IN VERMONT'S FUTURE

The Interstate Commerce Commission recently conducted a public hearing in White River Junction to gather views on present and future rail needs in Vermont and New Hampshire. Evidence from the hearing will be submitted to the U. S. Railway Association for its consideration in planning a consolidated rail freight corporation to salvage bankrupt railroads under the Federal Rail Reorganization Act of 1973.

VNRC testified at the hearing in support of retaining and increasing both freight and passenger rail services, pointing out that railroads are an efficient form of transportation in terms of fuel and land consumption, and often a preferable form in terms of land use impacts. We stressed that Vermonters do take seriously the role of railroads as an alternative to highway travel within a coordinated overall transportation system.