

VERMONT ENVIRONMENTAL REPORT

Published monthly by The Vermont Natural Resources Council, a non-profit citizens' conservation organization supported by membership dues and contributions. 26 State Street, Montpelier, Vermont 05602 (802) 223-2328 Chairman, Jonathan Brownell Executive Director, Seward Weber, Editor, Arthur Williams

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LEGISLATURE CONSIDERS LAND USE PLANS

Two versions of a state land use plan have been introduced in the 1975 General Assembly. The adoption of a land use plan is mandated by Act 250, Vermont's primary environmental law. A Land Capability and Development Plan was adopted two years ago but the land use plan failed to pass the legislature last year.

One land use bill (S-70) was developed last summer by a legislative land use study committee. The other (H-201) was drafted for Governor Thomas Salmon by the State Planning Office. The two bills are quite similar, although the Governor's version does contain some additional standards and provisions which would apply if municipalities do not adopt local plans and zoning bylaws within a prescribed period.

Both bills provide a process for towns to prepare plans which would become part of the state land use plan. They define five land use classifications: conservation (lands over 2,500 feet elevation), rural reserve, agricultural, rural development and urban village. In addition, they spell out eleven planning guidelines to which towns must refer in preparing their plans.

A state map of conservation, rural reserve and agricultural areas is to be adopted as part of the state land use plan. Under the Committee's version, however, mapping of agricultural land would be delayed until January 1976. In addition, the Governor's bill requires mapping of rural development zones by January 1977. Except in the case of conservation zones, these maps are largely advisory to the towns. Towns may adjust the boundaries of rural reserve, agricultural and rural development zones during the course of adopting their own land use plans.

Both bills require towns to adopt local plans and certify them as being consistent

with the state land use classifications and eleven planning guidelines. Under the Committee bill, local plans must identify and plan for only the conservation, rural reserve and agricultural areas. The Governor's bill requires planning for the entire town.

Once a town has certified its plan as being consistent with state law, the adjacent towns, regional planning commission and state agencies have an opportunity to object. If no objections are filed, the town plan becomes part of the state land use plan.

If a town fails to adopt and certify its town plan by July 1, 1977, the state map for conservation, rural reserve and agricultural areas becomes effective until the town does adopt a plan. (The Committee version delays the deadline for agricultural areas until January 1, 1978.)

In addition, if a town plan is not certified by the deadline, jurisdiction over development under Act 250 would be expanded. It would allow greater state control of development in conservation, rural reserve and agricultural areas in that town. The Administration's bill strengthens this sanction by providing that the specific guidelines for the land use classification areas will serve as guidelines for making Act 250 permit decisions.

The Governor's bill contains an additional requirement that every town must adopt not only a plan by July 1, 1977, but also zoning ordinances in conformance with that plan by July 1, 1978. Apparently the administration feels that without the ordinances, a town is not equipped to enforce its plan. Failure to adopt adequate zoning by this deadline would mean the same extension of Act 250 jurisdiction to give more state control over local development.

LAND USE PLANS (cont.)

In sum, both bills encourage local planning and control of development. The proposed state land use plan is intended to insure that local planning is done in accordance with state guidelines, and that the state will have greater control in the event local governments fail to act. It appears that both bills are sufficiently similar that a compromise version could be worked out and enacted by the General Assembly this year.

EDITOR'S NOTE: As this newsletter goes to press, a third land use plan, H-250, has just been introduced by Representative Steventon. Next month's newsletter will carry details.

FOREST HIGHWAY #3 - WHO WON WHAT?

EDITOR'S NOTE: Printed below is a letter which was received from John Shuell, a VNRC member living in the Town of Peru. John has been active in the Council's litigation with Peru over Forest Highway #3. The issue in that case was the jurisdictional "reach" of Act 250, a question of considerable importance to town highway projects around the state.

The Council originally obtained a favorable ruling from the Environmental Board, finding that Act 250 did apply to the project. However, the Vermont Supreme Court overturned the decision on technical grounds (see VER Nov./Dec. issue). On January 8, 1975, the Environmental Board refused to reopen the appeal, so the substantive merits of the case were never finally decided. John's letter is as follows:

"The recent article in the Manchester Journal (January 16, 1975) indicates that the Town of Peru won something in the recent decision concerning Forest Highway #3. In fact, the state highway department won the right to dictate to towns what they can and cannot do with their roads by forcing the selectmen to accept state and federal specifications for roads before releasing funds.

"There never was any opposition to the concept that this road should be improved.

The opposition was, and still is, to construction that must conform to state and federal highway design specifications which often disregards scenic and environmental considerations.

"With every passing day, the specifications of the State and Federal Governments for highways are becoming more obsolete. Like most bureaucracies they are slow to change and fail to take into consideration the drastic revisions in the concepts of automobile transport in this country.

"The critical issue is not as Mr. Catlin suggests, "to what extent environmental laws override state laws which give to selectmen the responsibility for town roads," but rather whether the State and Federal Government, by controlling funds acquired by taxation, can dictate to the people how these funds will be used.

"Nobody won anything in this "road battle." The people lost another chance to determine what they want for themselves

VNRC OFFICERS ELECTED FOR 1975

The VNRC Board of Directors' meeting in January reelected Jonathan Brownell chairman. Elected vice-chairman was David Marvin of Johnson who is a maple sugar producer and Christmas tree grower. Hugo Meyer of Woodbury, a timberland owner, was elected treasurer and Seward Weber, executive director, was reelected secretary. John Shuell of Peru was elected chairman of the finance committee replacing Hugo Meyer and A. John Holden of East Montpelier and Anthony Adams of Burlington won places on the executive committee.

NEW REGULATIONS ON WILDLIFE IMPORTATION

The Vermont Fish and Game Board has adopted tough new regulations governing the importation of wild birds and animals. The loopholes which existed in the old law have been eliminated, so that now a permit is required for every imported wild bird and animal. It is expected that the new regulations will considerably reduce the number of "exotics" being brought into Vermont.

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LEGISLATIVE LOG

The following listings presents major environmental bills introduced as of January 30, 1975 in the General Assembly.

No. and Sponsor	<u>Purpose</u>	<u>Committee</u>
<u>Land Use</u>		
H-7 Lawrence	To allow towns to require referendum approval of certain proposed land improvements.	House Municipal Corp.
H-26 Vance	To remove auction sale of private land from Act 250 jurisdiction.	House Natural Resources
H-201 Babcock	State land use plan (Governor Salmon's version, see analysis on page one).	House Natural Resources
S-70	State land use plan (Committee version, see analysis on page one).	Senate Natural Resources
<u>Property Taxation</u>		
H-37 Carse and Guiliani	To tax operating farmland according to productive use and to reimburse towns for tax losses.	House Natural Resources
H-68 Robinson	To require appraisal of property as if it were sold subject to a five year prohibition on development.	House Ways and Means
H-122 Robinson	To repeal the statute permitting municipalities to grant property tax stabilization to commercial owners.	House Municipal Corp.
H-126 Lawrence	To create a Vermont land trust, and enable owners of agricultural and open space land to seduce property taxes by dedicating interests in land.	House Agriculture
H-134 Hoyt	To fix appraisal value for open space land at 20% of fair market value.	House Ways and Means
H-209 Steventon	To provide a deferred property transfer tax on change of land to a more intensive use, with tax rate graduated according to intensity of use.	House Ways and Means
H-225 Babcock	To set appraisal of property at fair market value based on current use.	House Ways and Means
S-2 Gibb	To enable owners of producing farmland to enter into contracts for property tax assessment based on agricultural use value.	Senate Finance
S-51 Wallace	To allow owners of agricultural and forest land to contract for use value appraisal, and to reimburse towns for tax losses.	Senate Finance
<u>Transportation</u>		
H-22 Carracciola	To merge the highway fund and the general fund.	House Government Operations
H-96 Webb and Christowe	To provide for planning and designation of bicycle routes. (H-221 also provides funding for bicycle routes. See bicycle study article on page four.)	House Transportation

LEGISLATIVE LOG (cont.)

<u>No. and Sponsor</u>	<u>Purpose</u>	<u>Committee</u>	<u>NEW 1</u> TH distr tions
<u>Transportation</u>			
H-130 Foster	To provide for designation of scenic roads, which can be altered only after public hearing and only in accordance with standards. (Also H-163 provides for scenic roads, with aesthetic standards for their alteration.)	House Natural Resources	of Ve Fish
H-139 Graf and DeBonis	Amendments related to classification and aid for town roads.	House Transportation	Plan, Advis Salmo Gener
H-184 Kunin and Rosenstreich	To create an agency of transportation.	House Transportation	by th Envir
S-57 Odgen	To require General Assembly approval for further construction of four-lane limited access highways.	Senate Highway and Bridges	Montp from "Guid Vermo
<u>Energy</u>			
H-69 Powell	To provide for regulations governing insulation of buildings and appointment of energy conservation officers.	House Municipal Corp.	of Tw Vermo
H-127 Schaffe and others	To require General Assembly approval before construction of any nuclear power plant.	House Natural Resources	Autom the F uffm the U
S-29 Doyle	To permit exemption of alternative energy production sources from property tax. (Also H-206, Niquette, in House Ways and Means.)	Senate Natural Resources	an b nvir limit ble
S-43 Daniels	To stay construction of nuclear power plants until certain conditions are met.	Senate Finance	<u>NEWS</u>
S-62 O'Brien	To prohibit construction of nuclear power plants.	Senate Health and Welfare	VNR ast onme o be
<u>Other</u>			
H-72 Corskie	To require environmental education in public schools, and other purposes.	House Education	---
H-79 Powell	To provide for purchase and use tax on motor vehicles based on fuel consumption rate.	House Ways and Means	clos
H-89 Hoyt	To exempt transfers of land to conservation organizations from property transfer tax.	House Ways and Means	RC m uden
H-167 Stone	To provide an income credit to farmers based on value of agricultural products sold	House Ways and Means	divi mily
H-168 Stone	To provide for registration fees for pleasure vehicles based on weight.	House Transportation	clos
H-170 Cole	To permit citizen suits by individuals and legal entities for protection of the environment.	House Judiciary	me: dres

For further information on legislation and public hearings, write or call VNRC, telephone: 223-2328.

NEW PUBLICATIONS AVAILABLE

The Council has available for limited distribution the following new publications:

- 1. — "The White-Tailed Deer Resource of Vermont," published by the Vermont Fish and Game Department.
- "Ten-Year State Transportation Plan," published by the Transportation Advisory Board, approved by Governor Salmon, and submitted to the 1975 General Assembly.
- "Bicycling in Vermont," published by the Division of Recreation, Agency of Environmental Conservation, Court Street, Montpelier, Vermont. May be obtained from the Agency; price \$7.50. Also "Guideline for Developing Bike Routes in Vermont," no charge.
- "Getting Around Vermont, A Study of Twenty Years of Highway Building in Vermont, with Respect to Economics, Automotive Travel, Community Patterns and the Future." A study by Benjamin L. Hoffman of the Environmental Program at the University of Vermont. The report can be purchased by mailing to the UVM Environmental Program; price \$3.00. A limited number of copies will be available for direct sale at the VNRC office.

NEWS FROM YOU!

VNRC members attending the annual meeting last December were asked to send us environmentally related news from their areas to be printed in the VER. We hope our

readers will do so. Whatever it is and however it is written, we can use it — and photographs too. We'll follow it up if you send the material, but we need to hear from you.

ENVIRONMENTAL LAW MANUAL AVAILABLE

VNRC members who sometimes are confused by the myriad of environmental laws in Vermont will be interested in a new service offered by the Council. The Council has published a manual summarizing and explaining Vermont's principal statutes and regulations affecting the development of land in this state.

The manual was prepared for a conference sponsored last December by VNRC, the State Planning Office and the Vermont Bar Association and funded by a grant from the Conservation Law Foundation of New England.

The manual's loose-leaf form will allow updating as changes occur in the law. It is a handy reference guide for anyone who wants to keep up-to-date with Vermont's environmental laws and regulations.

The cost of the manual is \$6.00 per copy (binder not included) and the Council will also provide an updating service for 1975 for \$5.00.

Please send in the order form as soon as possible so that we will know how many copies to produce. The manuals will be mailed in March. Checks should be made payable to "VNRC - Law Manual." A copy of the manual is available for inspection at the VNRC office.

VNRC MEMBERSHIP FORM

Enclosed are my dues for \$ _____ for 1975 VNRC membership. () New; () Renewal

Student	\$ 5.00	Non-profit Org.	\$15.00
Individual	7.50	Associate	25.00
Family	10.00	Business	50.00

Enclosed is my additional contribution of _____ to support VNRC program.

Name: _____
Address: _____

ORDER FORM - LAW MANUAL

I wish to order _____ copies of the Manual @ \$6.00 each (binder not included). \$ _____

I also want to subscribe to the updating service for _____ Manual(s) for 1975 @ \$5.00 per manual. \$ _____

Total Enclosed \$ _____

Name: _____
Address: _____

COMPREHENSIVE BICYCLE STUDY AVAILABLE

Act 220 of the 1973 Adjourned Session directed the Agency of Environmental Conservation to conduct a study of bicycling in Vermont. The study was directed by Ms. Debbie Barlow and may be purchased from the Division of Recreation, Agency of Environmental Conservation (see publications).

"Bicycling in Vermont" is a comprehensive report dealing with a broad range of factors relating to bicycling. Some of the interesting observations from the report are:

There are over 154,000 bicycles in Vermont, or about one for every three people.

85% of all bicycling is done for pleasure or exercise—the remainder for transportation.

Bicycle trips of five miles or less are competitive with automobile trips of the same distance as far as time or convenience are concerned.

Only the towns of Woodstock, Colchester and Burlington have officially designated bike routes. The towns of Bennington, Dover, Hartford, Manchester, Montpelier, Springfield, Waitsfield, Warren and Woodstock are planning bicycle routes.

In 1973 there were 155 motor vehicle accidents involving bicycles. Five of these were fatal. The greatest single cause of bicycle/motor vehicle accidents

is listed as "cyclist turned left into path of car."

A safety education program should be developed by the state and should be part of the curriculum in the second and fifth grades.

As a result of this study two bills have been introduced in the 1975 legislative session to follow up recommendations made in the study: H-83, relates to safety education and H-96, provides for the planning and designation of bicycle routes.

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