

Vermont Housing and Conservation Board
**GUIDELINES FOR APPROVING
BARNs, SUGAR HOUSES OR SIMILAR STRUCTURES
OUTSIDE A DESIGNATED FARMSTEAD COMPLEX**

The Grant of Development Rights and Conservation Restrictions (the “Grant”) used to implement Vermont’s Farmland Conservation Program permits the construction of barns, sugar houses, or similar structures or facilities, but only with the prior written approval of the Vermont Housing and Conservation Board and the partner agencies and organizations which hold the Grant (the “Holders”). Later versions of the Grant streamline this approval process by designating a Farmstead Complex within which new farm buildings can be constructed following only a written notice to the Holders, provided the building is used for non-residential, agricultural purposes.

Approval by the Holders for construction of barns, sugar houses, or similar structures or facilities outside of a designated Farmstead Complex is limited, under the terms of the Grant, to structures which meet the following conditions:

the structure is used exclusively for agricultural or forestry purposes, and
the structure is located in a manner which is consistent with the Purposes of the Grant (or, in early versions of the Grant without a Purposes section, will minimize the loss of the agricultural and forestry potential or the scenic beauty of the Protected Property).

The definition of “agricultural purposes” as used in the Grant shall be the same as the definition of “farming” in 10 VSA §6001 (Act 250) and Section 2.06 of the Accepted Agricultural Practice Rules of the Vermont Department of Agriculture, Food and Markets in effect on the date these Guidelines are adopted.

Under 10 VSA §6001, “farming” means:

- (A) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
- (B) the raising, feeding or management of livestock, poultry, equines, fish or bees; or
- (C) the operation of greenhouses; or
- (D) the production of maple syrup; or
- (E) the on-site storage, preparation and sale of agricultural products principally produced on the farm; or
- (F) the on-site production of fuel or power from agricultural products or wastes produced on the farm.

However, notwithstanding this definition of farming, certain structures intended for agricultural use may be approved only if they are located within a designated Farmstead Complex.

GUIDELINES

I. Use. Requests for the construction of barns, sugar houses, or similar structures or facilities outside of a designated Farmstead Complex may be conditioned or denied by the Holders for the following reasons:

- A. The structure will be used for purposes which are not exclusively agricultural or forestry.
- B. The structure will be used for:
 - (1) storage, preparation or sale of agricultural products principally produced on the farm;
 - (2) raising and feeding fish;
 - (3) agriculture or horticulture in greenhouses which are permanent or affect the use of the underlying soil; or
 - (4) producing fuel or power from agricultural products and wastes produced on the farm.
- C. Structures listed in (B) above require prior written approval but may be approved by the Holders if the structures are located within the Farmstead Complex or, for early versions of the Grant without a designated Farmstead Complex, within a farmstead area.

II. Location, Size and Purposes of Grant. Except for structures permitted within the Farmstead Complex, structures having the following characteristics may be determined to be inconsistent with the Purposes of the Grant due to their impact on soils and other resources.

- A. Any structure that, whether alone or in combination with other proposed structures, driveways and parking areas outside a designated Farmstead Complex, (1) covers or displaces one percent (1%)* or more of the area of prime or statewide soils on the Protected Property, or (2) significantly limits future diversified agricultural use of the Protected Property, may be considered inconsistent with the primary purpose of the Grant which is “to conserve productive agricultural and forestry lands in order to facilitate active and economically viable farm use of the Protected Property now and in the future” (or, in earlier versions of the Grant without a Purposes section, is inconsistent with the requirement “to minimize the loss of the agricultural and forestry potential of the Protected Property”).

* The 1% figure is a trigger for further dialogue among the Holders and not a number used for final decisions. Requests for structures displacing 1% or more of prime or statewide soils automatically elevates the request to a “Class C” approval which requires the written consent of each Holder under the Stewardship Memorandum of Understanding between the Holders. The Holders would then consider the proposed structure’s impact on soils, the efficiency enhancements of the structure in the proposed location, and alternative locations for the structure.

- B. Any structure, whether alone or in combination with other proposed structures outside a designated Farmstead Complex may be considered inconsistent with the secondary purpose or objective of the Grant which is “to conserve scenic and natural resources associated with the Protected Property, to improve the quality of life for Vermonters, and to maintain for the benefit of future generations the essential characteristics of the Vermont countryside” (or, in earlier versions of the Grant without a Purposes section, may be inconsistent with the requirement “to minimize the loss of the scenic beauty of the Protected Property”).

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