

Agency of Agriculture, Food & Markets
116 State Street
Montpelier, VT 05620-2901
www.VermontAgriculture.com

TO: Peter Shumlin, Governor

FROM: For Charles R. Ross, Jr., Secretary, Vermont Agency of Agriculture, Food & Markets
Deanne B. Mitchell Deputy Secretary

DATE: June 15, 2015

RE: Acquisition of Development Rights – Alexander and Michelle Brace, Ferrisburgh

Your approval is requested for the acquisition of development rights, conservation restrictions, option to purchase, and right of enforcement of the United States on 46.58 acres of farmland in Ferrisburgh owned by Alexander P. Brace and Michelle C. Brace.

The Ferrisburgh Selectboard and the Addison County Regional Planning Commission indicate their support of the conservation of this parcel, as evidenced by the attached letters.

I. Description of Property

Alex and Michelle Brace are taking a big plunge. They bought this 46 acre property in August 2012 and in October they bought the remaining interest of their 357 acre home farm. The home farm (a.k.a. Lotta Vu Farm LLC) was conserved in 1999 but their new parcel is not and they want to add it to the mix.

The previous owners, the Bodette family, submitted a pre-application in 2008. The application was approved and an appraisal was completed but disagreement among the family and the tangled estate settlement after their mother died made it difficult to proceed. Their intent was to conserve it first then sell the land. The Bodettes kept the farmhouse and 19 acres for a later sale but Alex was tired of waiting so made an offer on all the cropland. It is less than two miles from the home farm and it fits in well with their dairy operation.

The two parcels of 20 and 26 acres are almost all agricultural soil; 4 acres (9%) are prime and 40 acres (86%) are statewide. The 26 acres is one large meadow and Alex is planning to install drainage tile with the proceeds from the easement sale. Alex and his father Phillip have rented it since the early 1990's after Harland 'Bub' Bodette sold his cattle business.

Most years Alex plants over 200 acres of corn and 300 of hay. About 150 acres of that is on rented land so buying the 46 acres adds stability to their operation.

For its size, there's a lot of road frontage – over 2,000 feet and the property also abuts the conserved Vanderwey farm. The stretch of prime soil has good septic capacity so it's no surprise that the appraiser determined a relatively high easement value. However, to boost their approval chances, Alex and Michelle have agreed to a generous 17% bargain sale. Since their May application was deferred they have received several attractive development offers so they realized their first bargain



sale offer of 22% was a bit too generous. Nevertheless they feel a \$27,000 bargain sale is still very generous.

II. Need

The sale development rights will ensure the land remains in agricultural production and help to stabilize the farming operation by increasing the Braces' land base.

III. Source of Funds

The purchase price for the easement with the option to purchase at agricultural value is \$133,000. VHCB approved a grant for this project in the amount of \$137,000 (\$133,000 for easement purchase and \$4,000 for third-party costs). Financial leverage for this conservation effort includes a \$27,000 bargain sale equal to 17% of the easement purchase.

A landowner contribution is not required due to a bargain sale of over 5% of the easement value.

**APPROVAL AND ACCEPTANCE OF
DEVELOPMENT RIGHTS IN REAL PROPERTY**

Now come Peter Shumlin, Governor, and Charles R. Ross, Jr., Secretary, the undersigned, and hereby approve and accept the Grant of Development Rights, Conservation Restrictions, Option to Purchase and Right of Enforcement of the United States for 46.58 acres, more or less, of land owned by Alexander and Michelle Brace located in the Town of Ferrisburgh Vermont, by the Vermont Agency of Agriculture, Food and Markets. The Grant is to be recorded in the Land Records of the Town of Ferrisburgh.

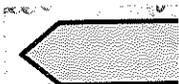
This action is taken pursuant to the authority vested in the Governor and the Secretary of the Vermont Agency of Agriculture, Food and Markets by Title 6, Chapter 1, Section 14 of the Vermont Statutes Annotated.

8/14/15
Date

STATE OF VERMONT

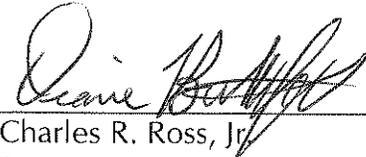


Peter Shumlin
Governor



8/12/15
Date

VERMONT AGENCY OF AGRICULTURE,
FOOD AND MARKETS



For Charles R. Ross, Jr.
Secretary

Deputy Secretary



Sign
here

Vermont Land Trust

Brace Farm
Town of Ferrisburgh
Addison Co., VT

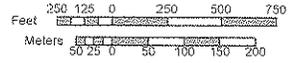
May 2015

VLT Project #131370 VHCB #2014-060

The Brace Farm Conservation Plan is based on 2011 DigitalGlobe-Microsoft orthophotos.

1:5,000

1 inch = 416.7 feet



Reference(s):

- 1) "Plat Showing a Subdivision of Lands of Jeanne H. Bodette Family Trust, Tupper's Crossing and Boltford Road, Ferrisburgh, Addison County, Vermont" by Ronald L. LaRose, dated November 21, 2011 and revised April 23, 2012.
- 2) "Plat of Survey for Harland Bodette & Jeanne Bodette in the Town of Ferrisburgh, VT" by John A. Marsh, dated May 14, 1967.

Protected Property
Building Envelope

West Building Envelope ± 1.0 acre

East Building Envelope ± 2.0 acres



This map is not a survey or subdivision plat, and should not be used or construed for such purposes. It was prepared without the benefit of field measurements or extensive title research. It is intended solely to assist the owner(s) of the conserved land and the holder(s) of the conservation easement in the administration and interpretation of the conservation easement by clearly depicting the presumed boundaries of the protected property, calculating the approximate acreages, and showing the approximate locations of any excluded lands, farmstead or homestead complex, farm labor housing complex, or special treatment areas.

THIS MAP IS NOT A SURVEY

ACREAGE INFORMATION'

Tillable	34.03 acres
Woods	9.41 acres
Open Water/Wetland	0.14 acre
Building Envelope(s)	3.0 acres
Total Protected Property	± 46.58 acres

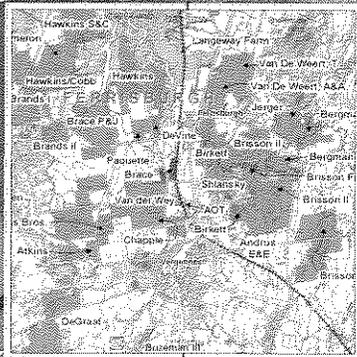
' All acreage is approximate, and exclusive of public road rights of way

Reviewed and Accepted by:

Alexander P. Brace _____ Date

Michelle C. Brace _____ Date

Duly Authorized Agent of Vermont Land Trust, Inc. _____ Date



187000

187000

187000

448000

448000

448000

Jensen, Sylvia

From: Moncrief, Monica - NRCS, Colchester, VT <Monica.Moncrief@vt.usda.gov>
Sent: Thursday, March 12, 2015 3:19 PM
To: Nancy Everhart; Elizabeth (eegan@vhcb.org); Jensen, Sylvia; Smith, Stephanie; Allen Karnatz; Nolan Riegler; Rick Peterson
Subject: Haz Mats

Hi,

The haz mats for the Husk and Brace projects have been completed and no issues were found at the time of the review.

Thanks,

Monica Moncrief
Legal Instruments Examiner
Natural Resource Conservation Service
356 Mountain View Drive, Suite 105
Colchester, VT 05446
802-951-6796 ext 227
Fax: 855-794-3677

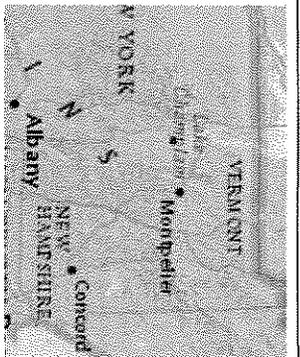


1: 5,616
July 6, 2015



285.0 0 142.00 285.0 Meters
WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 468 Ft. 1cm = 56 Meters
© Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



LEGEND

NOTES

Map created using ANR's Natural Resources Atlas

Jensen, Sylvia

From: Coppolino, Patricia
Sent: Monday, July 13, 2015 11:26 AM
To: Jensen, Sylvia
Subject: RE: Brace Farm - Ferrisburgh

Hi Sylvia, I don't see any records for this property.

*Trish Coppolino,
Sites Management Section, Chief
Brownfields Program Manager
p. 802.249.5822*

*1 National Life Drive - Davis 1
Montpelier, VT 05620-3704*

<http://www.anr.state.vt.us/dec/wastediv/SMS/brownfields-home.htm>

From: Jensen, Sylvia
Sent: Monday, July 13, 2015 11:23 AM
To: Coppolino, Patricia
Subject: RE: Brace Farm - Ferrisburgh

Correction, the Braces have owned the land since 2012.

From: Coppolino, Patricia
Sent: Monday, July 13, 2015 11:22 AM
To: Jensen, Sylvia
Subject: RE: Brace Farm - Ferrisburgh

I thought they were just leasing?

*Trish Coppolino,
Sites Management Section, Chief
Brownfields Program Manager
p. 802.249.5822*

*1 National Life Drive - Davis 1
Montpelier, VT 05620-3704*

<http://www.anr.state.vt.us/dec/wastediv/SMS/brownfields-home.htm>

From: Jensen, Sylvia
Sent: Monday, July 13, 2015 11:21 AM

To: Coppolino, Patricia
Subject: RE: Brace Farm - Ferrisburgh

Alex & Michelle Brace (dairy farmers) in Ferrisburgh

From: Coppolino, Patricia
Sent: Monday, July 13, 2015 11:21 AM
To: Jensen, Sylvia
Subject: RE: Brace Farm - Ferrisburgh

Hi, I am doing this now – who is the owner of the land?

*Trish Coppolino,
Sites Management Section, Chief
Brownfields Program Manager
p. 802.249.5822*

*1 National Life Drive – Davis 1
Montpelier, VT 05620-3704*

<http://www.anr.state.vt.us/dec/wastediv/SMS/brownfields-home.htm>

From: Jensen, Sylvia
Sent: Monday, July 13, 2015 8:28 AM
To: Coppolino, Patricia
Subject: FW: Brace Farm - Ferrisburgh

Good Morning Trish:

Have you been able to review this property ? We want to move this documentation to the Governor's Office later today.

Sincerely,
Sylvia.

From: Jensen, Sylvia
Sent: Monday, July 06, 2015 11:18 AM
To: Coppolino, Patricia
Subject: Brace Farm - Ferrisburgh

Good Morning Trish:

Can you please review your database to determine if Alex & Michelle Brace (dairy farmers) in Ferrisburgh have no outstanding violations.

The parcel of land (attached maps) has been rented by the Braces for approximately 20 years. They will be purchasing the land once a conservation easement is sold.

Sincerely,
Sylvia.

Jensen, Sylvia

From: Scruton, Dan
Sent: Thursday, July 09, 2015 8:45 AM
To: Quenneville, Randy; Roberts, Carrie; McNamara, Katherine; Mitchell, Mike; Marckres, Henry; Mehlenbacher, Shelley
Cc: Haas, Kristin; Jensen, Sylvia
Subject: RE: Verification of Compliance - Brace Farm - Ferrisburgh

Nothing in Dairy

From: Quenneville, Randy
Sent: Thursday, July 09, 2015 8:40 AM
To: Roberts, Carrie; McNamara, Katherine; Mitchell, Mike; Marckres, Henry; Mehlenbacher, Shelley; Scruton, Dan
Cc: Haas, Kristin; Jensen, Sylvia
Subject: RE: Verification of Compliance - Brace Farm - Ferrisburgh

I have nothing from the meat inspection side. Thanks

Randy J. Quenneville

Meat Programs Section Chief
Vermont Meat Inspection Service
Vermont Agency of Agriculture, Food and Markets
116 State Street, Montpelier, Vermont 05620
802-828-2426 Fax 802-828-5983

The Vermont Agency of Agriculture's mission is to facilitate, support and encourage the growth and viability of agriculture while protecting the working landscape, human health, animal health, plant health, consumers and the environment.

From: Roberts, Carrie
Sent: Monday, July 06, 2015 11:26 AM
To: Quenneville, Randy; McNamara, Katherine; Mitchell, Mike; Marckres, Henry; Mehlenbacher, Shelley; Scruton, Dan
Cc: Haas, Kristin; Jensen, Sylvia
Subject: FW: Verification of Compliance - Brace Farm - Ferrisburgh

Please see below and report your findings directly to Sylvia.

Thank you!

Carrie A. Roberts
Administrative Assistant
Div of Food Safety and Consumer Protection
Agency of Agriculture, Food & Markets
116 State St
Montpelier VT 05620-2901
802-828-2426
Fax: 802-828-5983
Carrie.roberts@state.vt.us

From: Jensen, Sylvia
Sent: Monday, July 06, 2015 11:14 AM
To: Roberts, Carrie
Subject: Verification of Compliance - Brace Farm - Ferrisburgh

Good Morning Carrie:

Can you please have the folks in Consumer Assurance review their databases to determine if Alex & Michelle Brace (dairy farmers) in Ferrisburgh have no outstanding violations.

The parcel of land (attached maps) has been rented by the Braces for approximately 20 years. They will be purchasing the land once a conservation easement is sold.

Sincerely,
Sylvia.



Sylvia P. Jensen
Land Use Administrator
VT Agency of Agriculture, Food, and Markets
116 State Street
Montpelier, VT 05620
sylvia.jensen@state.vt.us
(802) 782-3388
www.vermontagriculture.com

Jensen, Sylvia

From: Marckres, Henry
Sent: Monday, July 06, 2015 11:29 AM
To: Jensen, Sylvia
Subject: Brace

No violations in Consumer Protection

Henry J. Marckres
Chief
Consumer Protection
Vermont Agency of Agriculture, Food & Markets
Tel. – 802-828-3458



Tel. (802) 877-3429
Fax (802) 877-6757

Town of Ferrisburgh
PO Box 6, 3279 Route 7
Ferrisburgh, VT 05456
Email: ferrisburghclerk@comcast.net

Gloria Warden, Town Clerk
Garrit Smits, Treasurer
Pam Cousino
Ass't. Town Clerk/Treasurer
Ken Wheeling
Zoning Administrator

January 21, 2015

VLT
Allen Karnatz
P.O. Box 850
Richmond, VT 05477

RE: Husk and Brace properties

Dear Allen:

This is in response to your letter of December 30, 2014 for the Vermont Housing and Conservation Board (VHCB) purchase of the development rights on portions of the Elson and Anna Husk and Alex and Michelle Brace properties in Ferrisburgh.

The Selectboard discussed the project at their meeting on January 20 and support this project that will permanently protect portions of their properties from development as shown on the maps that were attached to your letter.

If we can be of further assistance please feel free to contact me by mail or at ferrisburghselectboard@comcast.net.

Sincerely,

FERRISBURGH SELECTBOARD

Loretta Lawrence
Chair

Addison County Regional Planning Commission

14 Seminary Street

Middlebury, VT 05753

www.acrpc.org

Phone: 802.388.3141

Fax: 802.388.0038

May 16, 2014

Mr. Brit Haselton
Vermont Land Trust
P.O. Box 850
Richmond, VT 05477

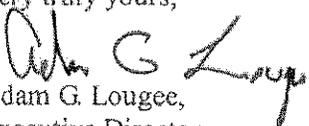
Re: Purchase of Development Rights of land owned by: Alex and Michelle Brace and Elsa and Anna Husk of Ferrisburgh; Albert and Jeanne Choquette, Brian and Lucinda Kayhart of New Haven; Patrick and Melanie Harrison, Kilby-Harrison, LLC and David Spencer of Addison; and Steve and Susan Pratt of Whiting.

Dear Mr. Haselton:

This letter responds to the request that you sent to the Commission concerning the Vermont Land Trust's application to VHCB to purchase the development rights of the above noted farmland. The Addison County Regional Plan strongly supports preservation of agricultural lands. For example, "Support of development patterns that will maintain the historic character of the region; namely urban centers and villages separated by rural countryside"; and "Strengthen diversified sustainable agricultural and forest industries" are listed as two of the Overall Goals of the Plan. Addison County Regional Plan, Overall Goals, Subsections A and I, page 1.0-3 (December 14, 2011). Additionally, the Agricultural Lands Policies identified in Chapter 4 of the Regional Plan, Natural Resources, policy goal number 2 states the Regional Planning Commission shall, "Encourage the protection of the quality and quantity of agricultural lands. Farm tracts of sustainable size, individually and as a critical mass, should be encouraged." Id., Future Land Use, at p. 4.1-9. The purchase of development rights for these important pieces of productive farmland will help to achieve both these goals and policies.

This letter constitutes the support of the Addison County Regional Planning Commission of your application. Please call me if we can provide you with any further assistance or if you have any questions or concerns regarding this letter.

Very truly yours,


Adam G. Lougee,
Executive Director

agl

cc: Towns of Addison, New Haven, Ferrisburgh, and Whiting
Executive Board

Addison	Bridport	Bristol	Cornwall	Ferrisburgh	Goshen	Leicester
Lincoln	Middlebury	Monkton	New Haven	Orwell	Panton	Ripton
Salisbury	Shoreham	Starksboro	Vergennes	Waltham	Weybridge	Whiting



