

EXHIBIT 1

TOWN OF SWANTON
P. O. BOX 711, 1 ACADEMY STREET
SWANTON, VT 05488
802-868-7418

townadmin@swantonvermont.org

November 8, 2024

Brittany and Blade Shumway
Shumberries LLC
200 Middle Road
Swanton, VT 05488

Re: Determination of Exempt Agricultural Activity

Dear Mr. and Mrs. Shumway:

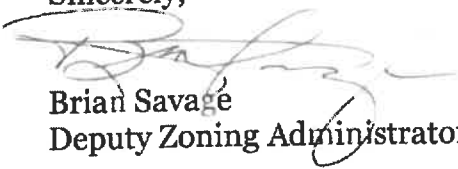
Based on the representations in your February 6, 2023 application for conditional use permit, I write to inform you that I have determined your proposed pick-your-own strawberries, produce, and roadside stand to be exempt from land use regulation by the Town of Swanton under 24 V.S.A. § 4413(d)(1)(A). I also understand the Vermont Agency of Agriculture made a similar determination on October 28, 2024.

In part, you have described your farm operation as a U-pick strawberry farm with a farm stand selling pre-picked fruit, and it therefore meets the definition of farming in Section 2.16 of the RAPs by meeting the provisions listed below: (a) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural, viticultural, and orchard crops; and (e) the on-site storage, preparation, and sale of agricultural products principally produced on the farm.

I understand the Vermont Superior Court, Environmental Division recently issued a Decision on Motions in *In re 8 Taft Street*, a case where the Court determined that the property owner's duck raising and outdoor cannabis cultivation operations were exempt from municipal zoning regulation under that same statute. Decision on Motions, *In re 8 Taft Street*, Docket No. 23-ENV-00120 and Docket No. 24-ENV-00003 (August 7, 2024, Environmental Division, Walsh, J.). While that case is apparently under appeal to the Vermont Supreme Court, I consider this decision to be controlling.

The soft-serve component of your application which the Development Review Board of the Town of Swanton approved in its February 27, 2023 Conditional Use Permit remains subject to that Permit and is not subject to any agricultural exemption.

Sincerely,


Brian Savage
Deputy Zoning Administrator