

Comments on S. 138, Sections 30-34 (3/17/2015)

Dawn Francis, Colchester Town Manager

802-264-5501

The purpose of these sections are to encourage, incentivize and facilitate growth in designated growth centers and new town centers as well as to encourage growth in industrial/enterprise areas recognized by municipal and regional plans. The Town of Colchester has a state designated Growth Center and New Town Center at Severance Corners which is one of the few areas in town served by municipal water and sewer. Town officials are working with the landowners to encourage growth within these designated centers. However, the Town has encountered two recent issues that serve as obstacles to encouraging development in these areas.

Section 30 - Allowance of Civic/Community Uses in New Town Centers

The Town recently received an extension of our New Town Center and Growth Center Designations from the State Downtown Development Board. As a condition of this renewal, there is a requirement for a civic or public building. The Town has historically had a campus of municipal buildings a few miles from our growth center and therefore, the existing statutory requirement for there to be civic buildings in this growth center does not make economic sense for Colchester to invest in a new public building. The same situation may also occur in the future for other communities trying to develop a new town center. We believe language encouraging civic uses or facilities devoted to community use such a farmers' market, public green and gazebo for concerts and recreation field or playground would probably attract more people than a municipal building to the center. We do not believe it needs to be publicly owned for it to be successful. Having publicly owned land in the middle of areas that bring in the highest real estate values and will add to the community's grand list does not make economic sense nor is it likely to be supported by voters who regularly vote down budgets. The community has already made significant public investment and commitments to this area with public infrastructure such as water, sewer, roads, bike/pedestrian paths and public transit as well as staff resources dedicated to planning studies and developing form based codes to allow high quality development.

Section 31-32 – Act 250 amendments for industrial parks with existing permits and Enterprise Zones

Support- These provisions are long overdue and will facilitate timely development in pre-approved parks.

Section 33 – Settlement Patterns

Support – We are concerned that some of our existing and permitted industrial parks will encounter problems and be considered strip or scattered development and therefore, the Criteria 9L changes adopted last session must be revisited.

Section 34 - Act 250 Exemption for Pre-Existing Permits

Support - S.D. Ireland, developer for Severance Corners reports they have encountered a jurisdictional opinion from a District Coordinator that the land area they thought would be exempt from Act 250 (one of the few incentives for a growth center) is now subject to Act 250. There are approved projects that would meet the exemption of 10 VSA 6001(3)(A)(iv)(I)(aa) as they contain 15% affordable housing. However, as these projects are within lands subject to previous Act 250 permits, the proposed affordable housing has been deemed by the District Coordinator to be a material change, pursuant to Act 250 Rule 2(C)(6) and therefore, must go through the Act 250 process. One such project is a vacant parcel that received an Act 250 permit for a gravel parking lot to support a seasonal food truck in 1991 while the other is contained within the New Town Center and construction was begun three years prior to the designation.

We support the language in Sections 30-34 (with a minor change to Sec.30) and believe other growth centers will encounter the same issues and therefore, these changes are needed to incentivize growth in state designated areas as well as industrial parks recognized by local and regional plans.

