

**Comments on proposed S.237 as Passed by the Senate  
Offered by Charlie Baker, Executive Director  
Chittenden County Regional Planning Commission**

**9/4/2020**

Chittenden County Regional Planning Commission (CCRPC) appreciates the Legislature's commitment to solving Vermont's affordable housing challenges. Now more than ever, it is our duty to collectively repair long-standing inequitable housing policy. These comments are informed by the CCRPC Board and municipal planners through CCRPC's Planning Advisory Committee.

1. CCRPC is in favor of increasing density, infill and missing middle housing in areas planned for growth. Therefore, **CCRPC appreciates and fully supports** the following proposed amendments in Section 2:
  - a. **Planning for water and sewer in municipal plans** (Section 1 - 4382 (a)(4))
  - b. **Improving language regarding Accessory Dwelling Units** (Section 2 – 4412 (a)(1)(E)&(F))
  - c. Prohibition on municipalities banning development on **existing lots 1/8 acre in size** if able to connect to municipal sewer and water (Section 2 – 4412 (a)(2)(A))
  - d. Requirement for **duplexes** to go through the same development review process, and held to the same standards, as single family homes in areas “served by and able to connect to a water and sewer system” (Section 2 – 4412 (b)(1)(C))
2. CCRPC also **strongly supports the complementary policy of Act 250 exemptions in Downtowns and Neighborhood Development Areas**, when balanced with forest fragmentation criteria and protections in outlying areas, as proposed in H.926.
3. In addition, as proposed to the House Commerce and Economic Development Committee, CCRPC supports the request from TIF district municipalities for an additional year to incur debt since 2020 is a lost year from the pandemic, especially because TIF districts are a helpful catalyst for affordable housing development.
4. CCRPC has the following **recommendations for improvement regarding the following topics**:
  - a. Use of minimum lot size to achieve compact downtown/village form: Minimum lot sizes may not be the right measure to achieve the desired form in communities of all scales. Instead, we recommend using development density thresholds. Suggested bill language – Section 2, page 5, 4412(b)(1)(A):

*(A) No bylaw shall have the effect of prohibiting the creation of housing with a minimum net density of:*  
*(i) 4 dwelling units per acre within any regulatory district allowing residential uses served by and able to connect to a water system operated by a municipality; or*  
*(ii) 8 dwelling units per acre within any regulatory district allowing residential uses served by and able to connect to a water and sewer system operated by a municipality.*
  - b. Geographic area of applicability for inclusive development provisions: The amendments under 4412(b) provide an opt out for proven municipal constraints (4412(b)(2)(A)(ii)). These constraints should include geographic locations that are not planned for growth, but have a water/wastewater line (i.e. Champlain Water District transmission lines outside of service areas); and municipalities with limited wastewater capacity that want to concentrate future growth in Village, Town Center, Downtown and Neighborhood Development areas rather than existing suburban areas.
  - c. Ideally the Substantial Municipal Constraint Report would be used to identify those communities where additional technical assistance and funding should be directed, rather than a penalty for communities who face constraints. Perhaps, these communities should be a priority for Municipal Planning Grant funding.
  - d. Lastly, while not a component of S.237, increasing density will require funding resources for municipal wastewater infrastructure capacity in addition to these enabling statute amendments.