



Bennington County Regional Commission

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To: House Committee on General, Housing, and Military Affairs

From: James Sullivan, Executive Director – Bennington County Regional Commission

Date: August 28, 2020

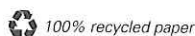
Subj: Comments on S.237 regarding promotion of additional housing in Vermont communities

My comments are offered from the perspective of a professional planner who has worked on land use and housing issues in Vermont for over 30 years, but do not represent a formally approved position of the Bennington County Regional Commission (BCRC) or any other regional planning commission or planner.

I fully support the overall objective of the legislation: the encouragement of additional housing where it is most needed and where it can most efficiently and safely be accommodated. I especially applaud the provisions that support and provide resources for planning for housing and related infrastructure, and for reducing unnecessary regulatory barriers to housing development in compact centers.

A few of the provisions would benefit from some additional evaluation, and possible modification, because they may not be as effective as intended and in some cases may have unintended negative consequences. Specific points to consider include:

- Prescriptive use of minimum lot sizes. Higher housing densities, often coupled with non-residential uses, are often better accomplished through increased densities, rather than minimum lot sizes. Many communities have historic development patterns that are not compatible with one-quarter or one-eighth acre lots, but which can which can accommodate higher densities in the form of multi-family and mixed-use buildings on somewhat larger lots. For example, the BCRC recently assisted the Town of Pownal with an update to their land use regulations; Village zones may now include multi-family and mixed-use buildings with up to eight units on one-quarter or one-half acre lots, densities higher than mandated by S.237, but on larger lots that are consistent with the town's character and preferences. Similarly, Bennington and Manchester, the other towns in our region with municipal water and sewer systems serving their village centers, allow for high-density housing, incorporating innovative form-based standards to ensure that new development is consistent with their planning objectives for both housing development and community character.
- Location of mandated high-density housing. In some instances, municipal water and wastewater infrastructure may have been extended to address public health or environmental concerns in areas not generally appropriate for high density development. It would be unwise to require allowances for high density development in these areas that may be relatively distant from historic/designated downtowns and village centers. In addition to encouraging sprawl inconsistent with state land use goals, such development could compete with development in designated centers.



- Potential for discouraging investment in needed infrastructure. Many communities in Bennington County include village centers where local plans have long called for additional residential and mixed-use development; however, that development has been unable to occur because of a lack of supporting water and/or wastewater infrastructure. In other towns, these centers may need such infrastructure first and foremost to address existing public health or environmental concerns, or just to keep an existing business operating (often in addition to a desire for new infill development). Mandates for small lots resulting from implementation of needed infrastructure improvements may have the undesired effect of discouraging the local government from addressing those critical needs in light of objections to a potential future land use pattern that is inconsistent with local sensibilities. (Noting that the same densities can often be achieved with a density, as opposed to lot-size based approach, as discussed above).
- Opportunity to implement the state’s new manual on Enabling Better Places: A Zoning Guide for Vermont Neighborhoods. This recently completed handbook provides a range of excellent tools for encouraging higher density housing and mixed uses in downtowns, village centers, and surrounding neighborhoods. It would seem to make sense to let towns, villages, and regional planning commissions work through planning processes based on these principles to develop and implement solutions that are best suited to each individual community. I can say with certainty that the great majority of towns and villages in our region are entirely supportive of these principles and objectives, and the BCRC currently is working with nearly every one of our communities to update their land use regulations to reflect these approaches. Allowing for locally-identified approaches to achieve the same goals also might avoid the need for a potentially cumbersome “substantial municipal constraint report.”
- Towns in our region that currently have both municipal water and sewer systems (Manchester, Bennington, and Pownal) have provided for high-density housing and mixed-use development in their designated centers/service areas, much in line with the objectives and standards proposed in S.237. While high land and building costs are significant factors limiting housing development in other communities, the main issue thwarting development of additional housing, impeding compact mixed-use development, and even preventing infill and the full occupancy and use of existing buildings, is the lack of infrastructure; sometimes water – always wastewater. Local governments need to have barriers to development of this infrastructure removed through low-cost feasibility studies and pathways to development/expansion of systems that are fiscally attainable for small rural communities.

Thank you for your consideration of my comments.