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**Sent:** Tuesday, May 19, 2020 4:41 PM

**To:** Ann Cummings <ACUMMING@leg.state.vt.us>; Mark MacDonald <MMacDonald@leg.state.vt.us>; Michael Sirotkin <msirotkin@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Becca Balint <bbalint@leg.state.vt.us>; brock@leg.state.vt.us; Christopher Pearson <CPearson@leg.state.vt.us>

**Cc:** Faith Brown <FBrown@leg.state.vt.us>

**Subject:** [External] S.237 - VPA interest and feedback

[External]

Senate Finance Committee,

I see that you are discussing S.237 tomorrow afternoon. The Vermont Planners Association (VPA) is very interested in this bill. If the committee is inclined to move the bill forward, we would appreciate an opportunity to provide testimony prior to a committee vote. This is not a simple or non-controversial bill. As such, we hope the committee will allow additional time for discussion and testimony.

The finance related portions of the bill are an excellent investment in planning and implementing much needed affordable housing; however, it's unclear if these measures are possible given the projected revenue shortfalls due to the covid-19 issue. Section 3, limiting deed restrictions and covenants (typically by homeowners associations), is also a step forward in furthering State and municipal planning goals for affordable housing (e.g., accessory dwelling units) and economic development (e.g., home occupations), although it will have limited effect as drafted since it will not apply to restrictions in existing deed or covenant language.

Section 2, required provisions in municipal land use planning, is extremely problematic on many fronts. Although the goals are worthy, these provisions have the potential to hamstring community-level land use planning. Laying down broad statewide edicts is the wrong approach to guide municipal land use planning. Targeted requirements blended with changes to permissible types of regulations, and municipal education/outreach are much better ways to effect positive land use regulation changes at the municipal level.

Section 8, Appropriate Municipal Panel involvement in Act 250, is also problematic for logistical reasons. It is important to have a process to get rid of existing Act 250 permit conditions in designated centers exempt from Act 250 review. Unfortunately, the bill proposes a rather convoluted mechanism to accomplish this, which requires municipal development review boards (AMPs) to be involved. This needs substantial rework. The process should focus less on unnecessary connections to municipal permits, and more on a protocol for Act 250 District Coordinators and District Commissions to accomplish this.

With a membership of over 150 Vermont planners, VPA would be happy to engage in conversation about the most effective ways to bolster housing production via land use regulation change. Such a conversation seems well suited to a summer study committee with recommendations to spur consensus and action in the 2021 legislative session. Please let me know if VPA can be of assistance, with perspective from planners who are working directly with communities and developers every day to address Vermont's housing crisis.

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