

From: Alex Weinhaven
Sent: Wednesday, April 14, 2021 10:34 AM
To: House Natural Resources Fish and Wildlife
Subject: [External] S.101 VPA testimony - follow up and language

House Natural Resources, Fish and Wildlife Committee,
re: S.101; follow up on 4/14/21 testimony by Alex Weinhaven, VT Planners Association

The main points of my testimony were:

1. **S.101 is a good and useful bill – all facets of it.** Including: municipal bylaw modernization; extending tax credits to designated neighborhood development areas; removing duplication in State and municipal water/wastewater connection permitting.
2. **Identify new funding is necessary.** New funding to support the municipal bylaw modernization effort is necessary as the existing municipal planning grant program is underfunded (level for 7+ years), overly competitive, and already in great demand for ongoing municipal planning efforts. S.101 as introduced included \$500,000 in special one-time funds for the bylaw modernization program. This was stripped out by Senate Appropriations, and needs to either be re-inserted in the bill or address via the budget or ARPA funding. Addressing Vermont’s housing supply and affordability crisis is important. To do so effectively, funds are needed to help communities update zoning to enable well-planned housing.
3. **Minor revisions would help.** Suggested revisions to the municipal bylaw modernization section:

Section 2(e) - Keep this section similar to sections a-d – i.e., clarifying how the funds can be used. Keep the “shalls”, but revise so they are tied to the intent for the use of the funds rather than specific bylaw adoption outcomes. Revise to read as follows – underlining indicates new wording. This wording also replaces the reference to “unconstrained water and sewer service areas” with smart growth areas.

These funds shall be used to assist municipalities in the adoption of bylaws that support a neighborhood development pattern that is pedestrian oriented and consistent with smart growth principles established in 2791 of this title. Such bylaws shall increase housing choice and opportunity in smart growth areas that are located outside important natural resources areas and are located outside identified flood hazard areas and river corridors, or are suitable for infill development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.

Section 2(f)(1) – Revise this to make it clear that communities with municipal water or wastewater are eligible, inclusive of less traditional soil-based and de-centralized systems. Ensures eligibility for more rural communities.

Identify any municipal water supply and wastewater disposal capacity, opportunities, and constraints, within mapped service areas that are – inclusive of traditional water

and/or wastewater systems and smaller scale municipal systems such as soil-based wastewater treatment and de-centralized water and wastewater systems.

Additional comments:

4. **Increase the tax credit cap with expansion of eligibility to NDAs.** Expanding eligibility for downtown program tax credits to designated Neighborhood Development Areas makes sense. However, this expansion should be accompanied by additional funding so that eligible projects in designated downtowns and village centers aren't adversely impacted. As introduced, S.101 increased the cap on tax credits available through the downtown program from \$3,000,000 to \$4,750,000. This was stripped out by Senate Appropriations, and really should be added back to the bill.

Alex Weinhagen
Vermont Planners Association
Vice President & Legislative Committee Member
aweinhagen@hinesburg.org
www.vermontplanners.org
802-777-3995 (cell/text)
802-482-4209 (Town of Hinesburg – the day job work phone)



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