

Dear Honorable Representatives,

I am a resident of South Burlington and recently elected to the South Burlington City Council. I am writing in my personal capacity.

I am concerned with two provisions in S.100 (an act relating to housing opportunities made for everyone).

First, the provision that requires municipalities to allow 5 units/acre across any “district” that is “served by water and sewer infrastructure that allows for residential development” needs to except areas that have been identified for environmental protection.

In South Burlington, these include hundreds of forested acres designated for natural resource protection (“NRP”) by South Burlington in 2006 under 24 VSA 4423 (with mechanics for transferring development rights to areas where South Burlington believes development is appropriate), the conservation portion of our Conservation Planned Unit Developments (PUDs) under 24 VSA 4417 (a conservation PUD requires a landowner to conserve a portion of his or her land, in exchange for developing densely on the remainder -- minimum of 4 dwelling units per acre with incentives for higher density) and habitat blocks and corridors designated by South Burlington in March of last year (after extensive consultation with environmental consultants).

These areas today allow no (or only very limited) development. For instance, the NRP areas allow for one single family or duplex home on 15 acres if no “non-NRP” portion of a lot is available for development. Habitat blocks also generally do not allow for development, except in very limited circumstances where substantially all of a parcel is habitat block.

Second, I am gravely concerned with the provision that would prospectively preclude municipalities from enacting building codes that are stricter than the State codes (unless the municipality gets a charter change, which is a very onerous and uncertain process). I think this effectively precludes other towns – for instance – from enacting an ordinance like South Burlington’s new construction ordinance (which requires new homes to generally use only renewable energy). South Burlington is also considering other building code enhancements (like requiring Solar PV on new commercial buildings).

Municipalities like South Burlington have been the incubator of critically important policies to address our climate crisis. In the face of our climate crisis, my fervent hope has been that these forward looking policies would be adopted by neighboring communities. Eliminating the ability of municipalities to be the laboratories for these policies is indefensible. This provision should be eliminated, or narrowed to allow municipalities to enact polices that prohibit natural gas, require solar PV or require electric car chargers.

I urge you to adopt the recommendations of our Director of Planning & Zoning (Paul Conner) to address the above.

Respectfully, Andrew Chalnick