

Written Testimony on S311 for the Senate Committee on Economic Development, Housing and General Affairs

From the Village of North Bennington

Who We Are

The beautiful Village of North Bennington is rich in character, in history, and with a populace that is energized by community involvement. We are 1,600 strong living on roughly 400 parcels. We are a village organized around the Paran Creek which is dotted with historic mill buildings. It is the home of two of Vermont's past governors and one of the State's premier colleges. Given our land area of only 2.1 square miles, we are graced with large undeveloped areas of conserved field and forest that teem with wildlife. We appreciate the opportunity to discuss with you housing and its associated environmental stewardship.

Embracing Workforce Housing

There are municipalities that through zoning restrictions work against the inclusion of workforce housing within their communities. We are not one of them. We are in the process of expanding the opportunity for such housing as we rewrite our Land Use and Development Regulations. We do so not with a sledgehammer but with a scalpel. We recognize that it is within our best interests for our economy, for keeping our schools full and vital, and for maintaining housing options for our downsizing seniors that we create the opportunity for more workforce housing.

Defining Areas of Density

The HOME act is working against us. The act mandates high densities for dwelling units in areas served by water and sewer infrastructure. It does not consider any other criteria, simply infrastructure. Transportation adequacy, retail amenities, educational facilities are not considered. It is a crude metric that does not reflect thoughtful planning. As it happens, we are an outlier with the majority of our village's parcels served by municipal water and sewer, resulting in decades of planning being reversed by the HOME act's indiscriminate regulations. Dwelling density no longer is rationally organized from the Village Center diminishing incrementally to rural areas. Now, the current act threatens to prevent us from regulating coverage to less than 50%, and therefore on a 3-acre lot a dwelling could have a footprint of 60,000 sq. ft.! This is not sensible.

An alternative approach would be to create universally applied definitions of transects and require those who know their municipalities intimately, municipal Planning Commissions, to map their communities with those definitions. Applying dwelling unit densities to certain transects would then be far more targeted, far more rational than where pipes may be buried. A simple example from the Town of Westford included at the end of this document could form the start of clear and logical land use definitions. [The resulting State Planning map would be a far more useful tool, as well.]

Understanding Densities

Densities of dwelling units are being proposed to increase to 12 per acre. Visualizing that number may be helpful.

Below: Our Village Center



Below: Dwelling unit density of 9.3/acre.



Below: 15 Dwelling units per acre



A density of 12 dwelling units per acre falls between these last two images. While we support appropriate density increases, mandated numbers should be more selectively applied if the tree-lined streets and yards of any size are desired, if the history and character of villages is to be preserved, if what makes Vermont unique is to be valued.

Our Approach to Building Community as We Incentivize Workforce Housing Development

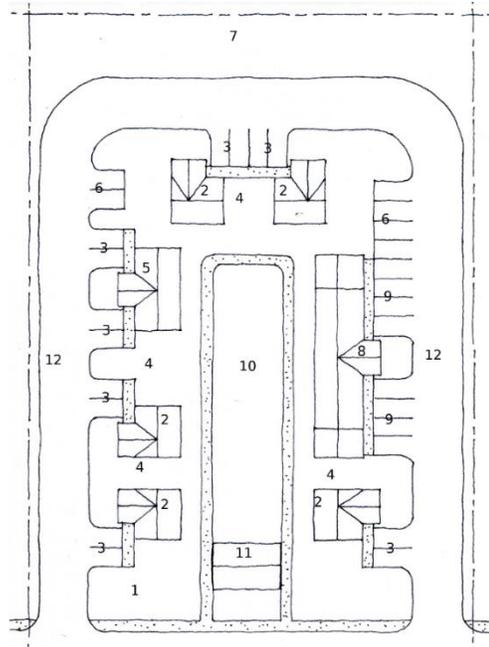
One of our initiatives to foster community as we incentivize new housing is through defining a specific type of development, the type of development we seek: Cottage Courts.

We believe that development should be at a density and of a type that maintains the character of the Village, that is designed to foster community, that is aimed at dwelling types that the market is deficient in: small, affordable, appropriately scaled to the reality of our inventory of buildable lots, yet economically viable for a developer. To that end, Cottage Courts as we have defined them do just that. These are condominium ownership developments of 5 to 12 dwelling units of a specific distribution of single and multi-family units gathered around an open common space (min. 60 ft wide) that excludes vehicular traffic and parking and contains common use amenities. Maximum dwelling unit sizes are defined. Multiple clusters are allowed, and bus stops are mandatory.

We incentivize this type of development through fewer reviews and shorter decision durations, and the Trustees may consider property tax deferrals or other economic incentives. It is one of the instruments we will be using to direct the development that we wish. Outreach to our local developers is planned. The density of Cottage Courts varies but is roughly equivalent to between 5 and 7 dwelling units per acre.

Nothing in the HOME or Be HOME act suggests that increased density leads to homes that the workforce can afford, a key purpose of the exercise! Our regulations address the size of homes, should a developer wish to take advantage of fewer reviews, shorter duration decisions, and possibly property tax incentives.

A Representative Cottage Court Diagram - One Grouping of 12 Dwelling Units is shown.



Notes corresponding to numbers on planning elements diagram above:

1. Lot Front Yard Minimum Setback of 30 feet.
2. Single Family Dwelling
3. Parking Spaces for One- and Two-Family Dwellings (1 Required; 2 Recommended)
4. Typical Dwelling Side Yard
5. Duplex Dwelling Unit
6. Visitor Parking (1 Space per 2 Dwelling Units)
7. Lot Rear Yard Setback of 30 feet.
8. Five Dwelling Unit Building
9. 1.5 Parking Space per Units in Three or More Dwelling Unit Buildings
10. Common Use Area with Provisions for Activity Areas Encouraged
11. Common Social Building, if provided.
12. Roadways Designed for Firetruck Access

Developers of Cottage Courts must choose from one of the following groupings of dwellings.

Table 12.4.2.1 Cottage Court Dwelling Unit Groupings, Areas, and Parking

	Single-Family Dwellings	Two-Unit Dwellings	Three-Unit Dwellings	Four-Unit Dwellings	Five-Unit Dwellings	Six-Unit Dwellings
Dwelling Unit Areas						
Minimum Dwelling Unit Area (sq ft)	600	550	400	400	400	400
Maximum Dwelling Unit Area (sq ft)	1250	900	750	600	600	600
Dwelling Groupings						
5 Dwelling Units Grouping	(3) 1-Unit Dwellings	(1) Duplex				
6 Dwelling Units Grouping	(3) 1-Unit Dwellings		(1) Triplex			
7 Dwelling Units Grouping	(2) 1-Unit Dwellings	(1) Duplex	(1) Triplex			
8 Dwelling Units Grouping	(3) 1-Unit Dwellings				(1) 5-Unit Dwelling	
8 Dwelling Units Grouping	(2) 1-Unit Dwellings	(1) Duplex		(1) 4-Unit Dwelling		
9 Dwelling Units Grouping	(3) 1-Unit Dwellings	(1) Duplex		(1) 4-Unit Dwelling		
10 Dwelling Units Grouping	(2) 1-Unit Dwellings	(2) Duplexes		(1) 4-Unit Dwelling		
10 Dwelling Units Grouping	(3) 1-Unit Dwellings	(1) Duplex			(1) Five-Unit Dwelling	
10 Dwelling Units Grouping	(2) 1-Unit Dwellings	(2) Duplexes		(1) 4-Unit Dwelling		
10 Dwelling Units Grouping	(2) 1-Unit Dwellings	(1) Duplex	(2) Triplexes			
11 Dwelling Units Grouping	(3) 1-Unit Dwellings	(1) Duplex	(2) Triplexes			
11 Dwelling Units Grouping	(4) 1-Unit Dwellings	(2) Duplexes	(1) Triplex			
11 Dwelling Units Grouping	(4) 1-Unit Dwellings	(1) Duplex			(1) 5-Unit Dwelling	
11 Dwelling Units Grouping	(3) 1-Unit Dwellings	(2) Duplexes		(1) 4-Unit Dwelling		
12 Dwelling Units Grouping	(5) 1-Unit Dwellings	(1) Duplex			(1) 5-Unit Dwelling	
12 Dwelling Units Grouping	(4) 1- Unit Dwellings	(2) Duplexes		(1) 4-Unit Dwelling		
12 Dwelling Units Grouping	(4) 1-Unit Dwellings	(1) Duplex				(1) 6-Unit Dwelling
12 Dwelling Units Grouping	(2) 1-Unit Dwellings	(2) Duplexes	(2) Triplexes			

Consensus Zoning

The process that yielded the HOME act and now the Be HOME act is not in keeping with other nationwide practices. The building, electrical, mechanical, and hundreds of fire codes are not created by legislators. Our State relies on these national codes, recognizing that the process that created them is thorough, well-considered, rational, and effective. Legislators across the nation accept these regulatory standards, typically adopting them and typically slightly amending them to their location specific needs. We hope that it is obvious why politicians don't create our national codes.

We are not advocating for a national zoning regulation. We are pointing out that if the logic by which these regulations are written is sound, and our State by its adoption of them affirms that it is, then logic would suggest that our State's land use and development regulations are better removed from the legislative arena and placed in the hands of professional land planners and municipality representatives, all working to fulfill a State-sanctioned mission. Certainly, it is unrealistic for the legislature to mandate changes to 247 municipal zoning regulations every eight months.

Thank you for the opportunity to share some of our thoughts with you.

Kim Hall

On Behalf of the Village of North Bennington Planning Commission
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Ps. This is an example of nearly unenforceable Statute language that makes administration and adherence exceptionally difficult, text that is apparently written by legal counsel rather than someone familiar with the clarity and concision necessary for regulatory language:

“(B) Multiplying the number of affected acres of primary agricultural soils by a factor resulting in a ratio established as follows: (i) For development or subdivision within a designated area described in this subdivision (a)(1), the ratio shall be 1:1. (ii) For residential construction that has a density of at least eight units of housing per acre, of which at least eight units per acre or at least 40 percent of the units, on average, in the entire development or subdivision, whichever is greater, meets the definition of affordable housing established in this chapter, no mitigation shall be required, regardless of location in or outside a designated area described in this subdivision (a)(1). However, all affordable housing units shall be subject to housing subsidy covenants, as defined in 27 V.S.A. § 610, that preserve their affordability for a period of 99 years or longer. As used in this section, housing that is rented shall be considered affordable housing when its inhabitants have a gross annual household income that does not exceed 60 percent of the county median income or 60 percent of the standard metropolitan statistical area income if the municipality is located in such an area. (iii) For an alternative or community wastewater system that will serve development within a designated area, no mitigation shall be required.”



Figure 2-5. Transect Zone Descriptions

	T1-NATURAL	T2-RURAL	T3-NEIGHBORHOOD	T4-VILLAGE	T5-CENTER
Description	The T1 transect zone consists primarily of land that is undeveloped and naturally vegetated. It includes land unsuitable for development due to physical or environmental constraints such as topography and hydrology.	The T2 transect zone consists of dispersely sited lands managed for productive rural uses such as agriculture, silviculture, resource extraction, and renewable energy generation.	The T3 transect zone consists of low-density areas where most land is not being managed for productive rural uses. There may be residences and low-impact businesses. Planting is naturalistic and setbacks are relatively deep. Roads are irregular, following natural features and accommodating natural conditions.	The T4 transect zone consists of mixed-use, but primarily residential, moderate-density areas with the characteristics of traditional New England village centers. There may be a range of building types, but there should be consistency in setbacks and landscaping. Interconnected streets, often with sidewalks, define blocks.	The T5 zone consists of high-density, mixed-use buildings that house stores, restaurants, offices and apartments, and civic buildings. Multi-story buildings are set close to sidewalks as is characteristic of traditional New England town centers. Streets are lined with narrow travel lanes and on-street parking.
General Character	Natural landscape with some land more intensively managed for silviculture, agriculture, or recreation.	Primarily agricultural or wooded land with scattered clusters of buildings. Traditionally, most buildings were associated with a farm.	Landscape yards surrounding detached houses, outbuildings and small businesses.	Mix of houses, single-, two- and multi-family, with scattered commercial activity. A balance between landscape and buildings. People regularly walk or bike between destinations.	Multi-story buildings with customer-oriented businesses on the ground floor and housing or offices above, as well as civic buildings. The landscape is subordinate to the built environment. There is substantial pedestrian activity.
Building Location	n/a	Variable setbacks.	Deep and variable front and side yard setbacks.	Shallow to medium front and side yard setbacks.	Shallow to no setbacks. Buildings oriented to the street defining a street wall.
Building Type	n/a	Typical buildings are farmhouses, agricultural buildings and camps. Most buildings are 1- to 2-story.	Typical buildings are houses, garages, and agricultural buildings. Most buildings are 1- to 2-story, with some 3-story.	Most principal buildings are 2- to 3-story.	Most principal buildings are 2- to 3-story.
Frontage Type	Natural land.	Agricultural land, natural land, naturalistic tree planting.	Porches, fences, naturalistic tree planting, agricultural land.	Porches, fences, doorways.	Signposts, galleries, porches, stoops.
Open Space Type	Natural areas.	Natural areas, parks, and recreation areas.	Natural areas, parks, and recreation areas.	Pocket parks, greens, playgrounds.	Pocket parks, plazas, squares.
Road Type	Rural roads and highways, multi-use paths and trails.	Rural roads and highways, multi-use paths and trails.	Rural roads and highways, multi-use paths and trails.	Village streets, sidewalks and multi-use paths.	Commercial streets with sidewalks and frequent pedestrian crossings and on-street parking.