



TOWN OF BARRE

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- Planning Commission
- Development Review Board
- Zoning Administrator

February 16, 2023

Senate Committee on Economic Development, Housing and General Affairs
c/o Scott Moore
133 State Street
Montpelier, Vermont 05633

Dear Chair Kesha Ram Hinsdale Randy Brock, Alison Clarkson, Ann Cummings and
Wendy Harrison:

The aim of H.68 appears to be to reduce municipalities' authority to regulate housing and significantly amend Title 24, Chapter 117, which is the law that allows municipalities to enact and enforce Zoning Bylaws.

- Limits authority that requires more than one parking space per dwelling unit;
- Eliminates using "character of the area" as written for conditional use review;
- Eliminates control over where duplexes can go;
- Prohibits restrictions of allowing less than five dwellings per acre*
- Increases limits on heights of multi-family dwellings or mixed development*
- Limits restrictions where emergency shelters can go.

This bill mandates how municipalities permit housing and will eliminate the control on the local level for Planning Commissions and Development Review Boards (volunteers) and Zoning Administrators. The fact of the matter is that Act 250 mandates that many of these regulatory measures be applied to municipal zoning ordinances. Municipalities who have adopted zoning have dutifully complied with the provisions of Chapter 117.

Despite already being subject to zoning regulated from the state level, H.68, as written, is further broad over-reach, removing more control from our local planning commissions in favor of state mandated zoning to address the lack of new housing. H.68 will require many unnecessary amendments, even potentially a rewrite of the Municipal Town Plan and Zoning Bylaws. This will take up to a year or more to complete and would be overwhelming to our volunteer boards and administration. As such we, in general, are in disagreement with the proposed statewide zoning standards, though we believe that within the bill there are both positives and negatives that could worked out in conversation.

This bill is not a one-size fits-all; municipalities are unique, just like Vermont. This is a broad-brush approach to address housing that is being taken without addressing any potential long term implications that these mandates might have. Looking at the big picture is something local planning commissions do. To be sure, this is our town, our vision. Our local planning commission and selectboard are best suited to make all the various pieces of the zoning map fit and work together. Barre Town has had zoning in place for over 40 years, and a town plan for over 35

years. We do know what works. Can we do better? Of course. This is where guidance from Montpelier, not mandates would be helpful.

The plan has always been to infill areas close to our village centers, where municipal water and sewer are available. This reduces "sprawl", and negative impacts on our highway system. Larger lots are moved out from the centers. Zoning also needs to reflect wildlife travel corridors and forest blocks. Mandating a housing density of 5 dwellings per acre doesn't fit in with our town plan (our vision) and is not workable. We are not Williston or Burlington where this may be more applicable.

Barre Town already allows accessory dwellings in all zones. We do require 2 parking spaces because it makes sense for traffic and safety reasons. There is always the option in our zoning ordinance to reduce parking to a single space on case-by-case basis and our Development Review Board has allowed this in some instances.

The onerous requirements of Act 250 are driving the cost of building any type of home or housing community. A member of our planning commission who is also runs a surveying firm reports the following:

“We have been working on a project over the last few years. It is a mixture of single-family residences and duplexes for a total of about 75 residences. It is a fairly high-density project. Being Central Vermont, it will probably take 15-20 years for a total build out. In the meantime, the owner will have shelled out approximately \$2.8 million in infrastructure costs before they build the first salable residence. Approximately \$37,000 per residence and this does not include the cost of the land, the carrying costs of interest on loans, property taxes, etc. The infrastructure includes 2500 feet of road, sewer, water, power, communications, stormwater, etc. The end result is they have to pass on over \$40,000 per residence in costs just to break even. They needed a Town permit for the subdivision, an ACT 250 permit, a Wastewater and Potable Water Supply permit, wetlands permitting, Storm Water Construction Permit (erosion control), Stormwater General Permit (stormwater management ie: detention ponds), etc. etc.”

“The part that is seldom seen is the number of projects that get reduced in size once the landowner has been advised as to the cost of permitting and implementing the requirements of said permitting. A good example is a project we are doing in Williamstown. 30 acres with over a 1000' of road frontage on 2 roads. Our initial contact was to create ten, 1–2-acre road frontage parcels with the balance of the lands (forested) being owned jointly by a homeowners association. After explaining the ACT 250 process, cost for mitigation of Ag soils (which haven't been used for Ag in 3 decades), archaeological studies, storm water design and permitting (close to \$75,000 for a project this size), construction cost of stormwater infrastructure \$100K+, etc, etc, the project has been scaled back to 3 large lots. This happens a lot.”

When asked if the problem was local zoning or Act 250, his response was: “Definitely ACT 250 and other State regulations. We have some NIMBY issues in some of the small towns around here that escalate into reductions in project size, but it is generally the State regulations that inhibit development the most. The latest is the new ½ acre stormwater rule. Any development creating a ½ acre or more of hard surface (roofs, drives) results in the need for a State Stormwater permit. This effects project costs as often time the solutions are gravel wetland detention ponds which can be expensive to build. Also, they have a legacy cost, inspected annually at owners cost.”

Lack of new housing is not a local zoning issue; it is a state regulatory issue. The state has over

regulated new housing, i.e., ACT 250, sewer permits, stormwater runoff permits, etc. A very long list that adds to the overall expense of building. The latest burden is building out, and upgrading our electrical infrastructure to accommodate heat pumps, EV chargers, etc. And of course requiring homes to meet new energy standards. The dream of having an affordable (not subsidized) home for lower- and middle-class Vermonters is pretty much a thing of the past.

H.68 is only a bandage to a larger problem with housing. There is no such thing as affordability in housing, without government assistance to provide housing to the homeless or supplemental housing grants for low to moderate income families to purchase a home. Please consider reviewing all subjects that go hand and hand with housing when considering this bill: work force, livable wages, childcare, persons on financial assistance contributing to the work force for their benefits, etc.

We don't need more mandates, we need fewer. Consider a revamp of the more administratively burdensome and costly requirements of ACT 250, including redefining when an appeal of permit (and by whom) is allowed. Whatever changes we make will probably take years to implement. Until then we are going to the best, we can support new housing opportunities in our own community.

Cordially,

Cedric Sanborn, Michael Gilbar, George Clain, Craig Chase and Bryon Atwood
Planning Commission

cc: Gina Galfetti and Topper McFaun, House of Representatives (Barre Town)
Ann Cummings, Anne Watson and Andrew Perchlik (Senators)
Karen Horn and Gwynn Zakov, VLCT