

February 14, 2023

Dear Honorable Senators:

My name is Andrew Chalnick. I live in South Burlington, Vermont.

My comments are in respect of a draft bill titled “An act relating to housing opportunities made for everyone”, that I understand is being discussed by the Vermont Senate Committee on Economic Development, Housing, and General Affairs. I am commenting in particular on one provision of the draft that would, subject to limited exceptions, allow five or more dwelling units per acre in any district served by municipal sewer and water infrastructure.

I recognize the need for affordable housing and I live in a community that cares deeply about affordable housing. Out of a total building stock of approximately 9500 units, we have one thousand perpetually affordable homes and another two hundred perpetually affordable homes in the pipeline. We have invested ARPA funds in affordable housing, have an affordable housing trust fund, require at least 10% of all new developments to be permanently affordable and provide density bonuses for even more affordable housing. In addition, over 2500 acres in South Burlington are zoned to allow at least 4 or 5 units/acre.

South Burlington also cares deeply about our natural resources and our obligation to care for our forests, meadows and wetlands, particularly in the face of our biodiversity and climate crisis. Over the years, polls have shown protection of natural resources to be one of the highest priorities of our residents.

In 2006, the City of South Burlington established a program whereby pursuant to the State enabling statute, 24 VSA § 4423, certain areas in South Burlington are zoned for “Natural Resource Protection”.

The state legislation provides that the purpose of this program is to “encourage and assist the maintenance of the present uses of Vermont's agricultural, forest, and other undeveloped land and to prevent the accelerated residential and commercial development thereof; ... to enable the citizens of Vermont to plan its orderly growth in the face of increasing development pressures ... and to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside” and guidance from the Vermont Natural Resources Council (VNRC) accompanying the legislation state provides:

“Municipal plans frequently designate areas for higher-density, compact development, such as growth centers, downtowns, villages, and also areas where little or no development is desired, including farm- and forestlands, natural resource protection areas, and open space areas. When communities try to implement plans by restricting development in outlying areas, they’re frequently faced with protests from landowners who argue that they’re being deprived of the economic value tied to the potential

development of their land. Transfer of Development (TDRs) is a tool that may help reconcile community and landowner interests.”

Following this guidance, South Burlington limited development in these natural resource protection (“NRP”) areas (with one single family or duplex home permitted on 15 acres, and 3 single family or duplexes permitted on larger lots) but provided landowners with the ability to sell 1.2 TDRs for every acre of NRP land. Upon a transfer, the selling landowner is required to place a permanent conservation easement over a number of acres equal to the number of TDRs sold divided by 1.2.

This program has been very successful, with approximately half of the original TDRs having been utilized, providing permanent protection for hundreds of acres of natural resource lands in South Burlington. I am also not aware of any development on the 1500 acres of NRP land since the time these lands were identified.

More recently, the TDR program was adjusted to allow for the transfer of development rights to the more urban areas of the City. This has increased the value of the TDRs and bodes well for the future of the program.

In addition to these natural resource protection areas, South Burlington created a Conservation Planned Unit Development (PUD) option for landowners who own lands that contain natural resources. The 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). We also hired environmental consultants who helped allowed us identify other important areas to protect as habitat blocks and habitat corridors.

These protections were adopted after hundreds of hours of discussion, meetings, and public hearings before the South Burlington Planning Commission and City Council.

The draft bill, which would – subject to limited exceptions – allow five or more dwelling units per acre in any district served by municipal sewer and water infrastructure, would seem to over-ride most of these environmental protections and allow suburban sprawl across hundreds of acres of forests and meadows in South Burlington that are now protected from development, including our natural resource protection areas.

These natural resource areas are critically important to the City and the State and were encouraged by the State. They sequester carbon, provide a buffer against flooding, filter pollutants before they can enter Lake Champlain, provide habitat for pollinators, insects and wildlife, clean and cool our air, sustain local food production and nourish our souls. There are frequent sightings of bobcats, mink, fox, weasels, fisher cats and coyotes.

These natural areas are not a secluded haven for a few wealthy people -- they are a community asset that provides environmental services to all and passive recreation to many. The neighbors that I know that own some of the land subject to these regulations are not clamoring

for more development – they understand the value of the environmental services that their land provides and are willing to sacrifice potential monetary reward for the greater public good.

Allowing suburban sprawl over these natural resource areas would be devastating to our community and to the many citizens who spent so much time and energy working to strike the right balance between addressing our housing shortage and protecting our natural resources. Closer to home, I like to tell my children that they should think globally, but act locally, and that if we work hard together, we can save our planet. If the legislation goes through, I don't know what I would tell them.

Please limit 24 VSA § 4412(12) in a way that will not conflict with South Burlington's critically important environmental regulations. The City of South Burlington has already offered some good suggestions on how the proposals could be revised to do this. I urge you to consider the City's proposals with all seriousness. The latest draft produced by the Vermont Senate Committee on Economic Development, Housing, and General Affairs (dr req 23-0091 – draft 7.2) would continue to allow suburban sprawl across our landscape.

Sincerely,

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