



TOWN OF BARRE, VERMONT

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Dear (Senator / Representative),

We are writing to express our profound concerns with bill S.100, the Omnibus Housing Bill, whose apparent primary focus is to mandate state-level, broad-brush zoning changes related to housing densities. This sweeping legislation appears to be an effort to address the perceived impediment that local zoning may be to the creation of new housing in Vermont. What the bill fails to fully address is the significant cost of the State's Act 250 regulations, as well as additional ANR requirements which do, in fact, have a negative impact on housing development. Furthermore, we believe that the projected demand for up to 40,000 new housing units by 2030 is based on faulty assumptions, being in part based on the two-year pandemic-driven spike in housing demand. We contend that this proposed bill is being rushed through without a thorough analysis of its consequences.

The "one size fits all" approach of this proposed legislation removes most, if not all, local zoning control over housing. It does not consider that each town is somewhat unique to itself, as is each town's vision for development within its borders.

Barre Town is a mostly rural community with no "downtown" or town center, therefore, our housing needs and growth patterns are very different from those found in other communities such as Burlington or even Montpelier. We have had municipal zoning regulations in Barre Town for over 40 years and a Town Plan for more than 35 years. Contained within those documents is our Town's vision. Both documents have been amended and adjusted as needed to keep up with a changing world. Planning and zoning both serve an integral role when projects are under review. Consideration is given to the impact on infrastructure (roads, water, sewer, etc.), topography, and the ability of our emergency services to serve any proposed development.

By way of example, Barre Town's zoning regulations allow accessory dwellings in all districts, in accordance with 24 V.S.A. §4412(1)(E), and, as part of a single-family dwelling, detached accessory dwellings are also permitted. Additionally, two-family dwellings are allowed in all residential districts as a conditional use. Barre Town has long understood the role and importance of housing and our land use documents already reflect these values, without the need for State mandates.

The proposed bill also would require towns to rewrite their zoning ordinances, zoning maps, and town plans, forcing what amounts to housing quotas on local communities through their regional planning commissions. If passed, this bill would require that our zoning ordinances and amendments be provided to the state for inclusion in the "prospective development of a statewide zoning atlas". This appears to be a drastic move from local control to State control over local housing development. This creates an even larger State bureaucracy. While providing programs to subsidize certain categories of renters and homeowners with almost \$100 million may be laudable, the added costs associated with funding State agencies with added staffing to manage these programs is not sustainable.

Another stated goal of S.100 is to reduce the impact of Act 250 on development. This proposed bill begins to address certain constraints in the law that will require some immediate revisions to Act 250, however, we believe that the proposed bill falls far short in achieving needed reform and more aggressive revisions are in order.

Those who believe that local zoning is the greatest barrier to housing should read the 50-page “Application Guide: How to Apply for an Act 250 Land Use Permit” https://nrb.vermont.gov/sites/nrb/files/documents/Act250_ApplicationGuide.pdf to acquire a better understanding of why developers would like to see a less burdensome process to obtain this state permit. The application can be daunting and invariably requires the need for numerous experts, e.g., various consulting engineers and specialists, architects, and even archeologists. All come with a steep price tag, before actual construction costs are even considered, further increasing the cost of housing.

Local zoning and Act 250 costs aside, we view the assumptions behind S.100 as evidence of a failure to properly analyze the supporting data. Vermont, except during the COVID years, has never been a population growth state. VHFA reported a need for 30,000 to 40,000 new homes by 2030, between 5,000 and 6,700 new homes each year. The Urban Institute and American Community Survey results show a very different projection for 2030, adding only 5,410 new households in Vermont from 2020 to 2030. Much of the future demand projected by VHFA appears to be based on the reported increase of 12,000 new full-time homes in 2020/2021 and carrying that increased growth forward in their growth projections. However, an earlier (October 2022) VHFA report makes note of this spike and points out the corresponding sharp decrease of 9,000 seasonal homes which were converted to year-round residences. The housing demand from out of state buyers seeking refuge from the pandemic has peaked, as evidenced by the sharp drop in home purchases and a return to more normal prices. The unique COVID years’ data should have been treated as an outlier, and not indicative of the “crisis” it has been touted as. We would request that our state legislators take more time to fully review all available data projections on housing to determine the validity of the assumptions that are behind S.100.

Finally, we believe that flexibility and guidance, rather than mandates, will yield a better result than will the seizure of towns’ individual rights to have local zoning regulations that reflect each town’s development vision. As VLCT stated in its testimony on S.100: “There are 98 municipalities that have received state planning grants or bylaw modernization grants to update zoning bylaws to accommodate housing development and redevelopment. The work is being done today. We believe that encouraging towns to continue that work, or providing flexibility will be most effective in providing for housing instead of one size fits all zoning mandates in state law such as those in S.100, section 2.”

Please consider tabling this legislation for the current year for the following reasons: 1) creation of mandatory state zoning and housing requirements will grossly overstep State authority and negate local control; 2) another year of post-COVID statistics will provide a more reasonable projection of future housing needs and allow housing prices to continue to stabilize; 3) allow for a more thorough, objective and less emotional analysis of the variables that impact both housing costs and housing needs. We further recommend the introduction of new legislation that directly addresses Act 250 reforms. A much more aggressive revamping of Act 250 is needed to make housing development less restrictive and more affordable.

Respectfully submitted on behalf of the Barre Town Selectboard and Planning Commission,

Paul White
Selectboard Chair

Cedric Sanborn
Planning Commission Chair