

**Chip Sawyer Written Testimony on Bill S.100  
For VT Senate Committee on Natural Resources and Energy**

**March 1, 2023**

Thank you for the opportunity to provide written testimony on bill S.100, as introduced. I am testifying in my capacity as the Director of Planning & Development for the City of St. Albans.

S.100 is an ambitious bill, and the overall goal to address Vermont's housing crisis in an immediate and equitable way is laudable. There is much to support in the bill, as well as some sections that I find problematic for local implementation.

**General Comments and Context:**

- The City of St. Albans has permitted more than 220 dwelling units throughout our community in the past decade; from multi-family projects to “missing middle” homes. Another multi-dwelling project of more than 70 units has been approved by our DRB and will be filing for its building permits shortly. In addition, our City administration has a stated goal of ensuring that another 200 dwelling units are built in the next several years; an endeavor that will likely require the municipality's direct involvement in order to overcome the market challenges common to development in a historic urban center.
- Franklin County is not the same land use zone as Chittenden County. We do not have frequent regional public transit, and a high degree of workers commute, even out of and into the City of St. Albans. Our land use regulations need to be able to provide the direction and guidance needed to ensure the viability of residential uses and community services.
- When the Vermont legislature adopts preemptive local land use rules that are paired with municipal water and sewer service areas, please be aware that you are rezoning our ENTIRE community; neighborhoods, historic homes, everywhere; not just our downtown area.
- In general, I echo and support the testimony and suggestions that have been provided by the Vermont Planners Association (VPA) for S.100.

**Sec. 1. Parking**

The proposed rule does not allow for adequate parking for many “missing middle” properties in our community. It also potentially precludes a municipality's ability to regulate parking based on number of bedrooms, as many do. In our City, low-moderate income households are more likely to suffer from inadequate residential parking capacity through the burden of parking tickets, having to pay to park elsewhere, etc. The unintended consequences of this proposed rule are illustrative of VPA's suggestion to allow for a richer process of stakeholder involvement for

parking solutions in a local context. Barring that, I have previously offered a compromise solution<sup>1</sup> to the Senate Cmte. on Economic Development, Housing, and General Affairs.

## **Sec. 2. Preemptive Duplex, Multiunit Dwelling and Density Allowances**

While I am opposed to the one-size-fits-all approach of these mandates, one agreeable aspect of the language is the use of the word “allowed” rather than “permitted by right.” As written, this mandate would still allow municipalities to review new residential development in light of traffic impacts, community facilities and other factors on a case-by-case basis.

Also, please limit these new mandates to new construction only. I’m unaware of any substantial conversation on how these new rules could affect existing historic homes, and I am concerned for unintended consequences.

## **Sec. 2. Preemptive Public Assistance Allowance for Hotels**

Upon first reading, it seems that the protections of this mandate may already be covered by existing rules that bar discrimination based on receipt of public assistance. However, this section also could be construed to preclude a municipality’s ability to regulate hotels based on length of stay, which seems to be blind to the conversations occurring in many communities about the challenges of providing public safety services for long-term emergency housing located in hotels without any other much-needed social services being provided by the State. This language would make more sense if it were either paired directly with the provision of State social services and/or if it wasn’t written in a way that seems to preclude municipalities from having conversations with hotels (“penalizing”) about compensation/solutions for increased local public safety burdens.

## **Sec. 2. Definition of “served by municipal water and sewer infrastructure”**

This language is an attempt to ensure that preemption of local land use regulation doesn’t negatively affect local efforts to protect natural resources in water/sewer areas. It is likely to become an ever-growing section of State law as new critical issues of particular local context are discovered over time. Rather, this approach should be inverted: local stakeholders should be directly engaged in determining what the purpose of a water/sewer service area is and where in their communities increased housing densities should be implemented.

## **Sec. 2. Additional Floor and 40% Density for Mixed-Use/Affordable Housing Developments**

A 40% density bonus is an excessive mandate to impose on any water/sewer service area without consideration of local stakeholder input. Regardless, the language of this preemption could

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<sup>1</sup> Proposed parking language: However, a municipality that requires parking spaces per dwelling unit shall not require more than two parking spaces per dwelling unit or accessory dwelling unit for any property with less than 20 dwelling units and no more than 1.5 spaces per dwelling unit for any property with 20 or more dwelling units. Municipalities that require parking per bedroom may not require more than two parking spaces for studio dwellings or one-bedroom dwellings or more than 1 parking space per bedroom for dwelling units with two or more bedrooms.

benefit from some administrative clarification. For instance, it is not clear if the development is allowed to allocate any of the 40% bonus dwelling units in the floors that fall within the typically allowed height limit, or if the bonus dwelling units can only be located within the bonus habitable floor. Does the development not get the 40% bonus if it doesn't build the bonus floor? These are issues that might vex developers and Zoning Administrators in practice, if not clarified in statute.

### **Sec. 5. Reporting Bylaw Amendments to DHCD**

I see these changes being feasible, however the language “(2) provides information on the municipal application of subchapters 7 (bylaws), 9 (administration), and 10 (panels) of this chapter for the Municipal Planning Data Center” is overly broad.

### **Sec. 6. Removal of the “Ten Person” Appeal Avenue**

I am supportive of this change.

### **Secs. 7 and 8. Provisions for Administrative Subdivision Review**

I am supportive of these changes.

### **Sec. 11. Housing Targets in Regional Planning**

I am generally supportive of this new program, because local zoning has long suffered from a lack of a “fair share” housing target to adjust the bylaws to. (Whenever local housing regulation is discussed in the Statehouse, it feels to the local communities like we were never given the fair chance to aim for the “goal posts” on our own.) However, I fear that this effort will suffer from a lack of data and resources until such time that the necessary capacities can be developed on a statewide and regional level. Census Bureau data often is unreliable at the local level and will require augmentation from the development of local and regional sources.

### **Sec. 12. Municipal Plan Housing Element**

I'm generally supportive of this, except for the unfunded mandate for municipalities to start tracking short-term rentals.

### **Secs. 18-21. Enhanced Designation**

I appreciate and support the creation of an avenue to allow our designated areas to become sophisticated enough to substantially reduce redundancies between State and local level land use regulation. The success of this program might depend on the rigor and scope of the rules and model bylaws adopted by the Natural Resources Board. For instance, will there be a recognition that the State's land use goals are meant to focus development in compact urban centers, and therefore there are some broader elements of Act 250 Review that need not apply in the designated area?

## **Sec. 25. Municipal Authorization of Water and Wastewater Connections**

I am supportive of the reduction of redundancies between State and local regulation in this area.

### **Sections Concerning New Programs and Appropriations**

- Please ensure that there is funding available for workforce housing projects at 80-120% of median income. Our community has a need for more workforce housing for households that earn too much for the typical 60%-80% projects but not quite enough for “market rate” housing.
- Whenever possible, please allow municipalities to be eligible grantees and recipients of funds. I would be happy to elaborate on the ways in which our municipality has been able to make new housing a reality by taking on the role of developer and partner.

**I would appreciate any questions or comments and further opportunities to provide input.  
Thank you.**

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