



Testimony to the Senate Natural Resources & Energy Committee

Re: Definition of “Served by Municipal Water and Sewer Infrastructure”

Mar 17, 2026

Dear Chair Watson and Members of the Committee,

Thank you for the opportunity to testify on behalf of the Vermont Natural Resources Council (VNRC).

We appreciate the Senate Economic Development, Housing & General Affairs’ work to clarify where water and sewer service is considered “available,” and we strongly support the underlying goal: directing housing—especially multi-family housing—to areas with existing infrastructure, while protecting Vermont’s forests, farms, and rural landscapes.

However, we have concerns with the proposed approach of defining service availability using a fixed distance—particularly the expansion to 2,000 feet.

1. A 2,000-foot standard does not reflect real-world service availability. In practice, “availability” of water and sewer service has a much narrower meaning.

- Most municipal codes use distances in the range of **50 to 150 feet**, reflecting the typical, feasible length of a building connection.
- Extending that definition to **2,000 feet (over 1/3 of a mile)** goes far beyond what is practically or financially realistic.

This creates a disconnect between statutory definition and on-the-ground feasibility, potentially signaling that infrastructure is available where it is not.

2. Risk of unintended development outcomes. A broad distance-based definition could create several unintended consequences:

- **Development without connection:** Projects could qualify for higher density (e.g., quadplex by right under the HOME Act) simply by being within 2,000 feet of infrastructure—without ever connecting, instead relying on septic systems.
- **Zoning preemption:** This change could override thoughtful local zoning, including areas intentionally planned for lower density.
 - Many communities have intentionally differentiated zoning across a roadway. This proposal could erase those distinctions.
- **Pressure on constrained systems:** Fixed distances may:
 - Trigger expectations of connection where capacity does not exist or outside of planned service areas
 - Require costly infrastructure extensions

3. Undermines local planning and community trust. Vermont is in the midst of asking municipalities to do the hard work of planning for growth, including identifying areas appropriate for development and building community support for (at times controversial) infrastructure investments.

This proposal risks sending a conflicting message: “We trust your planning—except where a statewide distance overrides it.”

Many towns:

- Have infrastructure that extends to a specific development but do not intend for growth along the full in-ground line
- Are reluctant to rezone conserved or rural land, especially if it removes the right to build a single-family home
- Are still working to build public support for water and sewer investments

A sweeping distance standard could make that work more difficult—not easier.

4. The Road Rule is not an appropriate model. We understand the interest in aligning with the 2,000-foot distance used in the Road Rule as defined in Act 181. However, these policies serve fundamentally different purposes as the Road Rule is designed to limit forest fragmentation and is not tied to municipal infrastructure, service capacity, or growth planning.

In addition:

- Most areas with water and sewer service will fall within Tier 1, where the Road Rule does not apply
- If the Road Rule is modified or repealed in the future, the rationale for this distance disappears—leaving behind an ill-fitting standard

Using the Road Rule as a proxy for infrastructure availability creates a policy mismatch.

Policy Recommendations

Other states have largely avoided hard statutory distances for the reasons listed above. Infrastructure conditions vary widely across communities - particularly in Vermont - and rigid thresholds can lead to unintended outcomes. Instead, we would offer the following options to consider :

Option 1: Include reference to regional future land use areas.

“...an area where residential connections and expansions are available to a parcel or portion of a parcel within one-quarter mile of a road with municipal water and direct and indirect discharge wastewater systems that is mapped in an approved regional plan as a downtown or village center, planned growth

area or village area of municipal water and direct and indirect discharge wastewater systems and not prohibited by...”

- This option lowers the distance to the original proposal of ¼ mile - which is still extensive - but adds explicit connection to areas planned for growth.
- A sunset could be added to address the concern that these areas have not been implemented yet:
 - a. Until January 1, 2030, an area “served by municipal sewer and water infrastructure” means an area where residential connections and expansions are available to a parcel or a portion of a parcel within 300 feet of municipal water and direct and indirect discharge wastewater systems and not prohibited by...”
 - b. OR Until January 1, 2030, an area “served by municipal sewer and water infrastructure” means a parcel or portion of a parcel within one-quarter mile of a road with municipal water and direct and indirect discharge wastewater systems that is identified for growth in a regionally approved municipal plan or infrastructure service area...”

Option 3: Reduce the distance to be more realistic.

“...an area where residential connections and expansions are available to a parcel or a portion of a parcel within 300 feet of municipal water and direct and indirect discharge wastewater systems and not prohibited by...”

- 300 feet is more realistic than 2,000 and reflects the upper range of practical service availability and common municipal standards

Add-on: Include broader reference to plans for growth.

“The presence of a municipal sewer or water line alone shall not establish that an area is planned for additional residential density unless the area is identified for growth in an adopted municipal plan or infrastructure service area”

- This addresses the situation where towns do not intend development along a full water/sewer line.

Conclusion

VNRC strongly supports the intent behind this effort: encouraging housing in the right places and making the most of existing infrastructure. We urge the Committee to consider a more flexible, planning-based approach that aligns infrastructure, housing, and conservation goals - while preserving local intent and public trust.

Thank you for your time and consideration. I’m happy to answer any questions.

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