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LEGISLATIVE POLICY STATEMENT

January 2008

The Vermont Planners Association supports legislative policy that promotes sound planning principles. To achieve this end, VPA tracks and comments on proposed legislation. VPA's priority policy areas in the 2008 session of the Vermont General Assembly are identified below:

Community Neighborhoods

Proposed housing legislation, currently called "community neighborhoods", will likely emerge as a strike-all and re-write of one of the housing bills introduced last year (H. 299 – New Neighborhoods, or H.451 – Low Impact Development). The objective is to stimulate construction of housing – particularly low to moderate cost housing. VPA's position on housing legislation is summarized below:

- Housing initiatives should support the growth center program enacted two years ago, including the requirements that qualifying areas be within designated downtowns, village centers, new town centers or growth centers.
- Qualifying areas may be located contiguous to designated downtowns, village centers, or new town centers, but within growth centers, if the Expanded Downtown Development Board finds that certain size, location, infrastructure, planning, and design standards are satisfied.
- Enhanced construction of low to moderate cost housing is dependent on some package of initiatives. Direct cash incentives to builders or occupants are not currently feasible.
- A package of regulatory incentives should be developed, provided the incentives are targeted specifically to the desired housing types in the preferred locations. The incentives should support or reinforce the growth center program.
- The success of efforts to stimulate construction of low to moderate cost housing will also require assistance to municipalities to provide costly services and infrastructure.
- VPA will continue to work with interested parties, legislative committees, and others, to craft legislation that will move Vermont towards achieving its housing and land use goals.

Specific Comments on Draft 4 (2-11-08) of the Vermont Neighborhoods Bill

I have reviewed this draft with the primary intent of seeing that it is consistent with a and reinforces current policy—downtowns, village centers, new town centers, and growth centers. I am impressed with how the bill has progressed, but I do have a few areas of concern.

1. Page 1, Section 2793d(a) Automatic designation.
This bypasses local decision-making. Towns seeking designation were not aware that it would be used for another purpose. One town has informed me that if this goes through, they will seek to undesignate their village center. I suggest that automatic designation be reserved for areas within designated growth centers, but that areas within downtowns, village centers or new town centers receive designation upon receipt (by DHCA staff) of a written request from the municipality.
2. Page 3, Section 2793d(d)(2) Size
I am pleased that the debate between adjacent and contiguous came down on the side of contiguous, but I believe that allowing Vermont Neighborhoods to add up to 200 percent of the area of the associated downtown, village center, or new town center will become a bypass to the growth center program. Municipalities can obtain benefits without undertaking the comprehensive communitywide planning associated with gaining growth center designation. In combination with paragraph (4) on page 4 allowing community or alternative waste water systems, this loophole can become very large.
3. Page 5, Section 2793d(6) Development agreements
I am very concerned that this language seems to authorize development agreements that negate or override local zoning requirements without due process.
4. Page 14, Sec. 4a Municipal Fees.
I appreciate the recognition that municipalities need assistance in funding facilities and equipment to serve a growing population. I suggest that this language make it clear that the \$500 per unit fee is in addition to any applicable locally adopted impact fees.
5. Page 14, Sec. 4b and page 18, Sec. 10,401(2) Affordable housing.
I find it very confusing that we seem to revise the definition of affordable housing almost every time we use it in statute. We have several definitions already, and this draft bill creates several more. The language in this section is different from the language on page 18. I believe that Vermont should establish a single working definition of affordable housing that is specified in terms of the income of the occupants, and that includes a common duration for affordability.
6. Page 17, 24 VSA 4471(e) appeals
I am sensitive to the desire to prevent NIMBY appeals on the basis of allowable density or number of units. However, there are other aspects of “character of neighborhood” for which appeal should not be prohibited, such as siting or architectural design. I suggest that the draft limit the prohibition to appeals based only on density or number of units.
7. Page 19, 402(b)(1). I believe that it would be helpful to note that the Secretary’s discretion in determining land suitability must be consistent with the requirements of subparagraph (2) and (3) of this section.
8. Finally, a general comment. This program is to be administered by the Expanded Downtown Development Board and staffed by DHCA. DHCA staff has been diminishing over recent years and I am very doubtful that they can effectively take on the responsibilities of this new program without additional staff.

Thank you.

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