

Better(not bigger)Vermont



In this Issue

- Legislators work to gaslight Vermonters, again (H.719)
- An international publication asks “What the heck is happening in Vermont?”
- *The Activist’s Toolbox* - public records request.
- Three short publications worth your read...
 - A new energy crisis looms.
 - VTDigger commentary calls-out Vermont Futures Project.
 - Vermont Daily Chronicle author points out that atmospheric carbon buildup is symptomatic of a larger issue - ecological overshoot.

Legislators work to gaslight Vermonters, again (H.719).

This is an admittedly long article, but there's a lot to unravel!

A bill (H.719) currently being considered in Montpelier to address homelessness will do nothing to solve this problem; but if passed, could have deleterious consequences similar to the environmentally destructive bill Act 47 (formerly S.100), passed last year. H.719 would reduce local control, silence residents, and could result in the loss of more of Vermont's magnificent open lands.

Effectively combating homelessness requires tackling its underlying causes, such as mental health and drug addiction, insufficient wages, inadequate skills training, and access to affordable healthcare. Trying to deal with a complex problem by addressing a symptom, rather than treating the problem's causes, wastes time, attention, and money.

Simply increasing the number of houses, none of which the homeless can afford (unless taxpayers pay for them), does not solve homelessness or affordable housing problems. This is because the vast majority of housing being built is too expensive for the average Vermonter. Building more houses (or second homes) for the wealthy and ultra-wealthy doesn't help the average worker, but it does drive up the price of land

and all housing. These are the facts of the housing market not just in Vermont, but across the United States. The costs of land, building materials, and construction have increased astronomically. H.719 actually bears this out as it doesn't and can't do much to address affordability because there's not much that development can do without wholesale replacement of home ownership with rent-based housing.

And large-scale residential development will likely increase real estate taxes on already over-taxed Vermonters (especially those of us who live in "gold towns"). We all must pay for the public services that occupants of these new houses demand. Study after study has shown that people who live in densely populated cities and towns pay higher taxes than those who live in less densely populated areas. Just one small example – a simple stop sign costs way less than a million-dollar traffic light. Yet, our elected leaders keep pushing growth as some sort of panacea, when in fact, growth will drag us into forms of poverty, especially in terms of quality-of-life.

Another major problem with H.719 is that it embodies a top-down, one-size-fits-all approach to land use control. But as history shows, imposing centralized

mandates on economic activity often makes matters much worse.

The land itself (i.e., location) should be the determining factor for any development. And the people who know the land the best are those who live in the area. We elect local leaders to handle local matters, but this bill takes away their authority and control. Basing development on manufactured criteria such as this H.719 proposes, is putting the cart before the horse.

For example, H.719 expands the use of wrong-headed regulations created by last year's housing bill (S.100). Specifically, S-100 requires that access to municipal sewer and water lines **MUST** allow the permitting of new housing construction. S.100 defined access as being within $\frac{1}{4}$ mile, and H.719 expands access to areas within $\frac{1}{2}$ mile.

Municipal sewage and water lines should not govern where new construction occurs. But now, nothing prevents developers from misusing the phrase "infill" to build more developments between existing developments. And nothing prevents a town from extending lines out from their town center for miles, creating widespread sprawl.

With state-imposed regulations tying development to sewer and water lines, developers can promote and possibly pay for such lines to enable their future business plans. For them, it's simply a business investment; and of course, they'll espouse the myth of growing the grand list and impact fees to help offset the tax increases that current residents will inevitably bear.

Instead of using sewer and water lines to govern where new development happens, towns need the freedom to limit development to a central "core" area which doesn't require inordinate levels of new infrastructure, isn't prone to natural disasters, prioritizes home ownership over renting, and won't liquidate the beloved (and valuable) character of existing neighborhoods.

Speaking of municipal waste-water treatment, of the \$1 billion of ARPA funding (America Rescue Plan Act, 2021) that the U.S. government gave Vermont, the Governor earmarked \$200 million to "water, sewer, and wastewater infrastructure." However, the state does not appear to be spending that money on

projects that would improve existing infrastructure or to make existing infrastructure more resilient to weather-related failures, aka – keep untreated wastewater out of our lakes, rivers and streams. Instead, the state is targeting those funds to stuff new municipal wastewater treatment facilities into small Vermont towns. What a coincidence that the State is pushing (drug-related pun intended) wastewater treatment plants at the same time that it ties real-estate development to the availability of wastewater treatment plants? This suggests that the State is much more interested in subsidizing development than it is in cleaning up our polluted waterways.

H.719 supporters, such as Sen. Hinsdale, also wrongfully claim (maybe intentionally so) that the existing Act 250 review process is often abused by illegitimate appeals lodged by small numbers of residents. Sen. Hinsdale calls these appeals “extortion;” and to make matters worse, claims like hers are simply parroted without investigation by mainstream Vermont news outlets (e.g., <https://vtdigger.org/2024/01/29/lawmakers-look-to-limit>

-drawn-out-legal-battles-over-new-housing-developments/).

The truth is that few Act 250 applications get turned down, and even fewer are appealed by neighbors or interested parties. Most sail through as amendments or minor applications, and few individuals have the resources to appeal decisions. In fact, the complaint most often expressed by residents about Act 250 reviews is that they feel shut out of the process or have difficulty even participating at all.

The rest of H.719 is an amazing, wholesale give-away to developers at the expense of taxpayers. Here are some examples of just how much of a candy-coated give-away H.719 is.

- It exempts new housing (even luxury housing) from school real-estate taxes for FIVE YEARS. Over that time, existing residents are forced to cover increased costs of providing education to new residents in their town.
- It mandates that new buildings be permitted to cover at least 50% of the ground (termed “lot coverage”), and over 70% in some cases, in areas serviceable by municipal water and sewer. It even prohibits municipalities from imposing any lot coverage restrictions under some

circumstances. Lot coverage refers to the percentage of ground covered by buildings and does not include coverage by driveways or parking lots.

While 50% might be fine for downtown Burlington, for the rest of VT it most certainly is not. Lot coverage restrictions are incredibly important for stormwater flow, wildlife corridors, and to protect wetlands, riparian areas, rivers, etc., especially as much of VT has poor soils. Lot coverage criteria should be left to the Towns to decide; and as one professional planner put it, “A statewide, one-size-fits-all lot coverage mandate is probably the nuttiest thing I have ever seen.”

- It prohibits municipalities from requiring developers to mitigate for loss of primary agricultural soils in many circumstances.
- It mandates that municipalities allow five or more dwellings per acre in areas serviceable by municipal water and sewer.
- It mandates that developers can exceed density limitations (e.g., minimum lot size) by 40% and exceed height limitations for affordable housing developments in areas serviceable by municipal water and sewer.

In addition, some of the language in H.719 seems nonsensical or inconsistent.

VT Digger reports that H.719 has a companion bill in the Senate. We would like to review what's in the Senate version, but the bill is not accessible through the Legislature's online search engine. Curiously, last year's housing bill – S.100 – (which was also very bad) was similarly hidden from public access. Apparently, the Senate Committee on Economic Development, Housing and General Affairs likes to do its work in the dark and away from public view.

Finally, we must question why the State wants to liquidate Vermont's small-town quality-of-life when looming energy shortages will likely make many such homes unaffordable to live in year-round. In other words, we're about to drive over a cliff, and yet the State wants to push the pedal to the metal.

In closing, the problem of homelessness exists in many places across the United States. Increasing taxes on current residents, taking control of land use regulations away from citizens and local governments, further separating us from the natural environment, and further reducing our quality-of-life will not solve the homelessness problem. It distracts

us from effective reforms, and in the process, will cause long-lasting harm to the people of Vermont. At a minimum, H.719 is a gross knee-jerk reaction to a complex problem.

This bill—just like the emperor—has no clothes. It won't do much to solve the housing problem, or to help the homeless or even most Vermonters. It's just more catering to the real estate development industry. It's corporate cronyism.

An international publication asks “What the heck is happening in Vermont?”

The Center for the Advancement of the Steady State Economy (CASSE), an international organization, has a blog on its website, the *Steady State Herald*. The most recent posting is about development vs preservation battles going on in and around our own Chittenden County. Bonus Tip: When you go there to read the article, sign up to receive email notifications whenever a new article is posted there...

<https://steadystate.org/category/steady-state-herald/>

The Activist's Toolbox - public records request.

Have you ever been frustrated by local or even state government officials who don't share documents with the public, documents that you know they have and

they even said they have, documents that they are using to formulate official policies and decisions? Well, Vermont has a statutory process for forcing those documents into the light of public scrutiny. A guide to help citizens make use of this tool, including sample requests, is available through the Secretary of State's website...

<https://outside.vermont.gov/dept/sos/Municipal%20Division/a-matter-of-public-record-2014.pdf>

Three short publications worth your read...

An article in the December edition of the Center for the Advancement of a Steady State Economy (CASSE)'s newsletter - *The Steady State Herald* - summarizes the latest information about the availability of fossil-based liquid fuels, pointing to an impending end to growth economics...

<https://steadystate.org/approaching-the-energy-cliff/>

In previous Newsletters, we reported on the VT Chamber of Commerce's new \$1+ million campaign - The Vermont Futures Project - to grow Vermont's population by 20% over the next 11 years. A resident of South Burlington and former middle school principal calls out the Vermont Futures Project for not

addressing the massive costs that would be created by all this growth...

<https://vtdigger.org/2023/11/17/john-bossange-futures-project-fails-to-include-true-cost-of-growth-in-communities/>

A recent commentary in Vermont Daily Chronicle points out that atmospheric carbon buildup is symptomatic of a larger issue - ecological overshoot...

<https://vermontdailychronicle.com/gorman-energy-industry-bill-disenfranchises-vermonters/>

Please forward this Newsletter to others.

Respond to this email if you want to be added to the distribution list for future Newsletters.

Thank you!