Better(not bigger)Vermont

In this Issue

- ➢Ethics complaint against Vermont Senator
- ➢Update on S.311
- ➢Is Scott the "Economic Growth Über Alles" Governor?
- ➢S.311 isn't the only example of new bills seemingly written by a few politically powerful entities.
- ➢Have developers taken control of the Vermont State government?

Ethics complaint against Vermont Senator

On February 13, 2024, fourteen Vermonters filed a Conflict of Interest Complaint with the Vermont Senate Ethics Committee accusing Senator Ram Hinsdale, the Chair of the Senate Economic Development, Housing, and General Affairs Committee, of advancing and promoting the financial interest of her family's vast real estate holdings by helping craft and approve

language in a bill she sponsored that will benefit her family's fortune.

The Complaint alleges that Senator Ram Hinsdale violated Vermont Senate Rule 71, Permanent Rules of the Senate, "No Senator shall be permitted to vote upon any question in which he or she is directly or immediately interested."

Sen. Hinsdale's family is one of the largest (if not THE largest) real estate developers in Chittenden County. Consequently, the Hinsdale family benefits significantly from legislation that Sen Hinsdale has introduced and shepherds through the State Legislature. Examples include Act 47 from last year and S.311 this year, both of which impose developer-friendly mandates onto Vermont citizens and towns. For instance, Act 47 allows for the development of duplexes and fourplexes in areas wherever there are water and sewer lines, regardless of local zoning regulations and regardless of its impact on the environment or character of the neighborhoods.

The ethics complaint asks that Sen. Hinsdale be required to recuse herself from participating in legislative deliberations that could benefit her family's businesses, and also asks that Sen. Hinsdale remove herself from sitting on the Senate Committee on Economic Development, Housing & General Affairs, which she currently chairs. FYI, a copy of the complaint is attached.

Update on S.311

The BE Home bill, which was sponsored by Sen. Hinsdale and passed out of the Senate Committee on Economic Development, Housing & General Affairs (which Sen. Hinsdale chairs), is now in the hands of the Committee on Natural Resources & Energy. Please express your concerns about S.311 to members of the NR&E Committee ASAP as they will likely discuss this bill next week.

Sen. Christopher Bray, Chair (cbray@leg.state.vt.us)
Sen. Anne Watson, Vice Chair (awatson@leg.state.vt.us)
Sen. Dick McCormack (rmccormack@leg.state.vt.us)
Sen. Mark A. MacDonald (mmacdonald@leg.state.vt.us)
Sen. Becca White, Clerk (rwhite@leg.state.vt.us)

Here are the major issues with S.311 (taken from our February Newsletter)…

- **It extends the distance from water & septic lines where multiunit housing MUST be allowed to ½ mile (last year the State imposed ¼ mile zones statewide). Municipalities or neighbors have no recourse.**
- **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. At a time when voters**

are rebelling against education taxes, it's beyond incredible that the legislature is even considering this give-away.

- **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. 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. As one professional planner commented, "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.**
- **From a practical standpoint, S.311 makes it impossible to appeal an Act 250 decision, even though few Act 250 applications get turned down and even fewer are appealed by neighbors or interested parties. 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.**

Gov. Scott declares that he prioritizes economic growth over everything else

(https://vtdigger.org/2024/02/11/environmentalists-and-developers-say-theyre-ready-to-compromise-on-act-250/**)…**

> **"We cannot let a couple special interests and a couple committees block the progress we need to make," he [Gov. Scott] said.**
>
> **When asked to name special interest groups, Scott pointed to the Vermont Natural Resources Council, an environmental nonprofit that has historically argued for strengthening Act 250.**
>
> **Their mission, he said, "is to protect the environment as best they possibly can."**

> **“My mission is to make Vermont more affordable, create more housing and make Vermont safer,” he said. “So we have two different missions.”**

Other examples of new bills written for the politically powerful.

S.311 is one example of bills currently in the Legislature that are designed to liquidate Vermont assets, including town and citizen rights, in order to economically benefit the development industry, aka - the growth machine.

In addition, the Legislature appears poised to pass other give-aways to developers. For instance, S.236, which is backed by VPIRG (Vermont Public Interest Research Group) and Rural Energy Vermont (which is just a group of developers and their lawyers), will prohibit citizens from challenging the construction of wind turbines in their community. This in spite of the fact that wind turbines create substantial noise and ground vibrations which are linked to a number of physical and emotional ailments.

There’s also H.289 which would almost completely eliminate small and medium (up to 500 KW) scale solar (and wind) projects. Such projects typically require less than 3 acres of land and can be sited fairly easily in every town in Vermont, usually with

tangible benefits to the local economy. As such, these community-scale projects are not only feasible, but beneficial to Vermont communities.

Instead, H.289 would lean on the development of much larger, industrial scale (requiring about 100 acres for a 20 MW facility) projects. However, very few of these large projects will ever be built in Vermont, because that scale is not appropriate for most of the rural, small-town fabric of Vermont. It's also likely that such projects would face lengthy delays and strong local opposition, making permitting and construction of the required multiple large arrays very difficult. As a consequence, in order to meet the goal of 100% renewable energy produced in Vermont by 2035, the utility companies will need to purchase renewable energy from elsewhere in New England.

At the same time, utilities would not have incentives to develop local, Vermont-generated power or improve the resiliency of our grid. In other words, H. 289 will result in our own grid becoming more inadequate and less resilient. So, by 2035 we might be able to say we have 100% renewable electricity in Vermont; but about 80% of it would be from out-of-state, beyond our control, and would do nothing to foster local energy resiliency.

Have developers taken control of the Vermont State government?

Both S.311 and last year's Act 47 tie new mandates for higher-density zoning to sewer lines. The year before Act 47, the Governor and legislative leaders committed much of the federal ARPA funds given to Vermont to building new wastewater treatment capacities in Vermont's small towns. Do you think this is just a coincidence?

Consider this… rather than using ARPA funds to fix the antiquated waste-treatment facilities that routinely dump polluted wastewater into Lake Champlain and the Winooski River, the State used those federal funds to facilitate growth. In other words, our cherished lakes and rivers were sacrificed to the Golden Calf of growth. Vermont claims to lead the world in environmental stewardship, but that seems to be a lie.

In addition, the process of introducing S.311 was concealed from the public, and public opposition is shut out from legislative proceedings. A legislative Chair is now charged with ethics violations, and other legislators may be guilty of similar conflicts-of-interest regarding real estate development. Gov. Scott strongly supports S.311, and he signed similar legislation last year (Act 47).

What do these shenanigans behind S.311, H.289 and S.236 tell us?

No one will argue that the Republican Party has long-standing ties to the development industry. But now the development industry seems to have captured the Democratic Party as well, by offering knee-jerk and poor solutions to affordable housing and other priorities.

Reportedly, one long-time, politically-connected observer of the State government recently commented, "Face it, the developers have taken over."

In the past, Vermont's process for crafting legislation used to be noted for its cautious and careful approach wherein a diversity of opinions was considered.

Now, however, the State oftentimes boxes itself into political positions where it has no time for careful deliberations and takes direction from a few, deep-pocketed, "trusted" experts, who of course have their own agendas.

Furthermore, legislators rarely have time to read, let alone act on, the many emails they get, even from their district constituents whom they are supposed to represent.

Article 6 of the Vermont Constitution says…

> **That all power being originally inherent in and consequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants; and at all times, in a legal way, accountable to them.**

But today, one wonders whether our State government has wholly forgotten about Article 6.