

**RE: TOWN OF BRAINTREE, VERMONT  
PLAN REVIEW  
CASE # FY 18-2**

**BACKGROUND**

Pursuant to 24 V.S.A., Section 4350, the Town of Braintree, Vermont requested TRORC to review and approve the Braintree Town Plan adopted on December 5, 2017. The Plan encompasses all land in the Town of Braintree, and is referred to hereinafter as the Plan.

Section 4350 provides that prior to approving a Plan, TRORC must find that the Plan meets four tests. These tests are that the Plan is:

- A. Consistent with the planning goals in Section 4302 of Chapter 117;
- B. Compatible with the Regional Plan;
- C. Compatible with the approved plans of other municipalities within the Region; and
- D. Inclusive of all elements required of a plan as set forth in 24 V.S.A., Section 4382.

Staff reviewed this Plan and offers the following information to the Board. TRORC scheduled and held a Public Hearing on this review on January 24, 2018 in Norwich, Vermont. This matter is now ready for decision.

**FINDINGS**

**A. Is the Plan consistent with the planning goals?**

*NOTE: "Consistent with the goals" requires substantial progress toward attainment of the goals, unless the planning body determines that a particular goal is not relevant or attainable. If such a determination is made, the planning body shall identify the goal in the plan and describe the situation, explain why the goal is not relevant or attainable, and indicate what measures should be taken to mitigate any adverse effects of not making substantial progress toward that goal.*

**General Goals**

**1. Are municipal decisions guided by a coordinated, comprehensive planning process and policy framework?**

Yes. The 2017 Braintree Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 15 distinct chapters as required under V.S.A. Title 24, Ch. 117, §4302 and §4382.

**2. Is citizen participation encouraged at all levels of the planning process?**

Yes, in part. The public was consulted through two public hearings of the draft Plan. There should be a statement in the Plan expressing that public participation is valuable to the Town Plan process.

**3. Is consideration being given to the use of resources and the consequences of growth and development?**

Yes. Goals, policies, and recommendations throughout the Plan consider existing resources and the consequence of growth.

**4. Is the municipality working creatively together with other municipalities to develop and implement plans?**

Yes, the "Relationship to Other Plans" chapter addresses this, "to ensure that neighboring communities are aware of planned development patterns, copies of draft municipal plans must be distributed to neighbors in order to allow comment and review. Braintree has reviewed neighboring municipal plans and has found no obvious conflicts in terms of land use patterns along its borders" (p. 108).

### **Specific Goals**

A plan for a municipality may be consistent with the goals established in section 4302 of this title, which are:

**1. Planning for development needs to be conducted so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.**

**a. Is intensive residential development being encouraged primarily in areas that are identified as community centers, and is strip development along highways being discouraged?**

Yes. A policy of the Plan states, "the establishment of small scale commercial uses and higher density multi-family housing in the existing villages while balancing the requirements of safely disposing of increased volumes of wastewater and septage without endangering water supplies on adjacent lands be encouraged" (p. 88).

**b. Is economic growth being encouraged in locally designated growth areas or being employed to revitalize existing urban or village centers, or both?**

Yes. "It is the policy of the Town that economic development activities shall occur in

harmony with the Town's historic physical environment, and traditional development pattern" (p. 18).

- c. Are public investments, including the construction or expansion of infrastructure, being made so as to reinforce the general character and planned growth patterns of the area?**

Yes, the policies and goals in the Land Use Chapter speak to this. "...all development within the village areas must be consistent with the existing character of the area" (p. 88).

- d. Is development being undertaken in accordance with smart growth principles?**

Yes, in part. Smart growth principles are mentioned throughout the Plan, particularly in the Land Use Chapter. A specific goal or policy is needed.

- 2. Does the Plan provide for a strong and diverse economy; provide satisfying and rewarding job opportunities that maintain high environmental standards; and expand economic opportunities in areas with high unemployment or low per capita incomes?**

Yes, Braintree's Economic Development Chapter thoroughly discusses this. "Unlike many of its neighbors, Braintree lacks a key element essential to a strong community economy – a village center. Without a village center, residents utilize neighboring communities (primarily Randolph) as the location for many services..." (p. 14).

- 3. Does the Plan broaden access to education and vocational training opportunities for residents identified in the Plan?**

The Plan addresses education and vocational training in its Education Chapter. A goal of the Plan is "to provide a safe and secure learning environment where quality educational opportunities are provided to all students" (p. 31).

- 4. Planning needs to provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.**

- a. Does the Plan provide that highways, air, rail, and other means of transportation be mutually supportive, balanced and integrated?**

Yes, in part. The Plan does not discuss the availability of air and rail for its residents. Highways, public transportation and multi-modal transportation are adequately discussed.

- 5. Planning needs to identify, protect, and preserve important natural and historic features of the community's landscape.**

- a. **Have special areas been identified, including significant natural and fragile areas; outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands; significant scenic roads, waterways, and views; and important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas?**

Yes, the Braintree Town Plan has discussion on all of these elements spread throughout several chapters; Land Use and Natural, Scenic, and Cultural Resources.

6. **Planning needs to maintain and improve the quality of air, water, wildlife and land resources.**

- a. **Are air, water, wildlife, mineral and land resources being planned for development and use under the principles set forth in Act 250?**

Yes, the Plan describes each of the natural resources that are subject to Act 250 [10 V.S.A., Section 6086(a)]. Included in the Plan are efforts to conserve resources and prevent adverse impacts from human development and use.

- b. **Is water quality being maintained and improved on according to the policies and actions set forth in the basin plans?**

Yes, there are several goals and policies in the Natural, Scenic, and Cultural Resources Chapter that speak to this.

- c. **Are forestlands managed so as to maintain and improve forest blocks and habitat connectors?**

Yes, while there is no specific goal or policy that speaks to it, forest fragmentation is discussed (p. 75).

7. **Planning needs to make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.**

- a. **Are general strategies included for achieving these goals to include increasing energy efficiency of new and existing buildings; identifying areas suitable for renewable energy generation; encouraging the use and development of renewable or lower emission energy sources for electricity, heat, and transportation; and reducing transportation energy demand and single occupancy vehicle use?**

Yes, general strategies are addressed for achieving the goals in several chapters such as the Housing, Utilities and Facilities, Transportation, Energy, and Land

Use.

- b. Are specific strategies and recommendations for achieving these goals identified in the State energy plan included in the Plan?**

Yes specific strategies and recommendations for achieving the goals are included in the plan such as identifying specific preferred areas for energy development, or creating an energy committee to take on the responsibility of outreach and education to Braintree residents.

- 8. Planning needs to maintain and enhance recreational opportunities for residents and visitors.**

- a. Is growth being planned so as not to significantly diminish the value and availability of outdoor recreational activities?**

Yes. Recreational opportunities, protection, and expansion thereof are mentioned throughout the Plan, specifically in their Recreation Chapter.

- b. Has public access to non-commercial outdoor recreational opportunities, such as lakes and hiking trails, been identified, provided, and protected wherever appropriate?**

Yes. The Plan lists specific recreation areas in Braintree in their Recreation Chapter.

- 9. Planning needs to encourage and strengthen agricultural and forest industries.**

- a. Have strategies to protect long-term viability of agriculture and forestlands been encouraged, including maintaining low overall density?**

Yes. Much of Braintree is forested, "...commercial forestry is a small part of the local economy...a key part of this Plan, residents recognize the value of Braintree's working landscape, and seek to maintain and encourage agricultural and silviculture development in the community" (p. 66-67).

- b. Has the manufacture and marketing of value added agricultural and forest products been encouraged?**

Yes. A policy of the Plan is to "support efforts to preserve the working landscape through public and private means" (p. 68).

**c. Is the use of locally-grown food products encouraged?**

Yes. Discussion was provided about local farms that sell their goods (p. 67).

**d. Are sound forest and agricultural management practices encouraged?**

Yes. A policy of the Plan is "to avoid fragmentation of valuable agricultural and forest lands by maintaining flexible zoning that encourages development at a scale that protects the working landscape" (p. 68).

**e. Are public investments planned so as to minimize development pressure on agricultural and forest land?**

Yes. "It is the policy of the Town that major public investments, such as schools, public recreational areas, and municipal facilities, as well as major commercial or residential developments need to be situated within or in close proximity to state highways" (p. 62).

**10. Does the plan provide for the wise and efficient use of natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetics of the area?**

Yes, a goal of the Plan is "To support extraction and processing of mineral resources only where such activities are appropriately managed and the public interest is clearly benefited. Any support shall be balanced against the need to maintain the rural character valued by the citizens of Braintree" (p. 78).

**11. Planning needs to ensure the availability of safe and affordable housing.**

**a. Is housing encouraged to meet the needs of a diversity of social and income groups, particularly for those citizens of low and moderate income?**

Yes, there are several goals and policies that speak to this in the Housing Chapter of the Plan. One policy states: "It is the policy of the Town to accommodate housing that is permanently affordable for a mix of households having moderate, low, and very low incomes" (p. 26).

**b. Are sites for multi-family and manufactured housing readily available in similar locations to those generally used for single-family conventional dwellings?**

Yes, in part. While there are several goals and policies stating the need for affordable housing in Braintree, there is no specific policy related to multi-family housing.

**c. Does the plan provide for new and rehabilitated housing to be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities?**

Yes, several goals and policies speak to this in the Housing Chapter.

- d. Does the plan provide for accessory apartments within or attached to single family residences allowing close proximity to cost-effective care and supervision for relatives or disabled or elderly persons?**

Yes. A goal of the Plan is "to encourage the use of accessory apartments" (p. 26).

**12. Planning needs to plan for, finance, and provide an efficient system of public facilities and services to meet future needs.**

- a. Do public facilities and services address plans for such services as fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal?**

Yes. The Utilities and Facilities and Education Chapters discuss these.

- b. Does the rate of growth exceed the ability of the town and the area to provide facilities and services?**

No. The Town of Braintree is very conscientious of the need to balance growth with available facilities. This is stated throughout the Plan.

**13. Does the plan ensure the availability of safe and affordable child care and integrate child care issues into the planning process, including childcare financing, infrastructure, business assistance for child care providers, and child care work force development?**

There are two registered childcare providers in Braintree and no licensed providers. Residents can also go to the surrounding towns of Brookfield, Randolph, Rochester, and Roxbury for their childcare needs (p. 30).

**14. Planning needs to encourage flood resilient communities.**

- a. Is new development in identified flood hazard, fluvial erosion, and river corridor protection areas avoided? If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.**

Yes, all new development in the Special Flood Hazard Areas of Braintree are discouraged (p. 106).

- b. Is the protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion encouraged?**

Yes, a policy of the Plan is to “maintain Braintree’s upland forests and watersheds predominately in forest use to ensure high quality valley streams and to ensure that flood flows reduce” (p. 106).

**c. Are flood emergency preparedness and response planning encouraged?**

Yes, an implementation task of the Plan is to “continue working to update hazard mitigation plans and emergency preparedness and recovery procedures” (p. 107).

**B. Is the Municipal Plan Compatible with the Regional Plan?**

The Two Rivers-Ottauquechee Regional Plan was adopted on July 26, 2017 and it will remain in effect until August 31, 2025.

The Braintree Town Plan is found to be compatible with the Two Rivers-Ottauquechee Regional Plan. As used in this review, the term "compatible with" has been defined (in Section 4302) as meaning: that the Plan in question, as implemented, will not significantly reduce the desired effect of the implementation of the other plan (emphasis added). If a Plan, as implemented, will significantly reduce the desired effect of the other Plan (in this case, the Regional Plan), the Plan may be considered compatible if it includes the following:

- (a) a statement that identifies the ways that it will significantly reduce the desired effect of the other Plan;
- (b) an explanation of why any incompatible portion of the Plan in question is essential to the desired effect of the Plan as a whole;
- (c) an explanation of why, with respect to any incompatible portion of the Plan in question, there is no reasonable alternative way to achieve the desired effect of the Plan; and
- (d) an explanation of how any incompatible portion of the Plan in question has been structured to mitigate its detrimental effects on the implementation of the other Plan.

**C. Is the Plan Compatible with Approved Plans of other Municipalities in the Region?**

At the time of review of this Braintree Town Plan, the following municipalities have Plans approved by the Two Rivers-Ottauquechee Regional Commission that are in effect:

Barnard, Bethel, Bradford, Bridgewater, Brookfield, Chelsea, Fairlee, Granville, Hancock, Hartford, Hartland, Newbury, Pittsfield, Pomfret, Randolph, Rochester, Royalton, Sharon, Stockbridge, Strafford, Tunbridge, Vershire, West Fairlee, and Woodstock.

These approval decisions and Plans have been reviewed in the context of the above question. Based on this, we find the Braintree Town Plan to be compatible with these Plans.

**D. Municipal Plan Elements - Are They Included?**



A plan for a municipality shall include the following required elements. These elements or components are, in summary:

- (a) a statement of overall objectives and policies;
- (b) a land use plan;
- (c) a transportation plan;
- (d) a utility and facility plan;
- (e) a statement of policies for "special resources";
- (f) an education plan;
- (g) an implementation program;
- (h) a statement on relationship of plan to trends and plans for adjacent towns and the region;
- (i) an energy plan; and
- (j) a housing plan.
- (k) an economic development plan
- (l) a flood resiliency plan

**1. A statement of objectives, policies and programs of the municipality, to guide the future growth and development of land, public services and facilities, and to protect the environment.**

Chapters throughout the Plan include goals, policies and recommended actions that guide growth and land development, while protecting the environment. Braintree's Town Plan states ten goals in the Introduction chapter that speak to this.

**2. A land use plan, consisting of a map and statement present and prospective land use, indicating those areas proposed for forests, recreation, agriculture, (using 6 VSA Section 8), residence, commerce, industry, public and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; and setting forth the present and prospective location, amount, intensity and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services.**

The Braintree Town Plan includes a 'Current Land Use' and 'Future Land Use' map.

In addition, the Land Use Chapter contains extensive general and specific goals, policies and recommendations that clearly outline their intentions for future land use that is in keeping with the goals of the State. The Plan's goals consider current land use, as well as future land use that both supports current patterns, while looking to the future.

The Future Land Use element of the Land Use Chapter lists goals, policies, and recommendations in seven different areas throughout Braintree.

**3. A transportation plan, consisting of a map and a statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities,**

**transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, with indications of priority of need.**

The Transportation Chapter serves as a transportation plan for the Town and the required Transportation map is also included.

4. **A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs and methods of financing.**

The Utilities and Facilities Chapter of the Plan includes a list of town-owned buildings and land and there is recognition that some of the buildings are in need of renovation and other improvements. Braintree does not have a Capital Budget and Plan, but an implementation task of the Plan is to create one.

This Chapter lists the specific improvement needed in each town owned building. An energy audit was completed on several of these building and how much it would cost. Much of these costs were absorbed through town costs.

There is a 'Utilities, Facilities & Education' map.

5. **A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources.**

There are many goals, policies, and recommendations throughout the Plan that relate to the preservation of natural areas, scenic and historic features and resources, as well as the importance of the preservation of agricultural lands and processes.

The Natural, Scenic and Cultural Resources Chapter lists these areas with accompanying goals and policies. There is also a 'Natural Resources' map.

6. **An educational facilities plan consisting of a map and a statement of present and projected uses and the local public school system.**

The Plan includes an Education Chapter that describes the present educational condition, as well as long range goals, policies and recommendations. Educational facilities are recorded on the 'Utilities, Facilities & Education' map.

7. **A recommended program for the implementation of the objectives of the development plan.**

The Plan includes an Implementation Chapter. This Chapter goes on to refer to the recommended actions mentioned throughout the Plan.

**8. A statement indicating how the plan relates to development trends and plans for adjacent municipalities, areas and the region developed under Title 24.**

The Relationship to Other Plans Chapter contains an assessment of the Town Plans for those towns that border Braintree and the Braintree Town Plan determines that there are no conflicts with surrounding towns.

The Plan also discusses its compatibility with the Regional Plan, “[s]ince the preparation of the Braintree Town Plan was done with the assistance of TRORC, no conflicts between the two have arisen. In fact, the two plans have similar policy statements regarding the need for development that does not overburden services. In addition, no specific development goals in this Plan conflict with any regional goals” (p. 108).

**9. An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy.**

The Energy Chapter is the Town’s Energy Plan. The Plan includes discussion of energy use and sources. In the Utilities and Facilities chapter, there is discussion of the costs of weatherization upgrades to town buildings as well as providing links to financing programs to help individual homeowners with energy efficient upgrades. The Plan contains statements of policy that address conservation of energy in the Energy and Transportation chapters. The Plan also contains policies on the development of renewable energy sources by identifying land that is preferred as well as unsuitable for energy development. The Land Use Chapter contains policies that direct development towards the village areas in order to conserve energy.

**10. A housing element that shall include a recommended program for addressing low and moderate income persons' housing needs as identified by the regional planning commission pursuant to Section 4348a (a) (9) of Title 24.**

The Housing Chapter address this.

**11. An economic development element that describes present economic conditions and the location, type and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.**

The Economic Development Chapter effectively discusses economic conditions as well as economic needs. Location, type and scale of economic development are also addressed.

- 12. A flood resilience plan that identifies flood hazard and fluvial erosion hazard areas and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and recommends policies and strategies to protect the areas identified and designated and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.**

This version of the Plan included the addition of a Flood Resilience Chapter. This serves as the flood resilience plan for the Town.

## **CONCLUSION**

Based upon the above findings, it is the conclusion of TRORC that the Braintree Town Plan be approved. This approval shall remain in effect until the date that the Plan expires, or until it is amended or readopted and reviewed pursuant to these provisions, whichever occurs first.

## **DISCUSSION**

TRORC appreciates the opportunity to formally evaluate the Braintree Town Plan. The Plan is all-inclusive, reflecting the community's planning capabilities and the import that they assign to issues around development.

Prior to issuing a Permit under Act 250, the District Environmental Commission or Environmental Court must find that the project is in conformance with the duly adopted Town Plan. This Plan includes clear, unambiguous language regarding current and proposed land use that can be reviewed by these bodies as part of an Act 250 project application. It is important that future Braintree Town Plans maintain their currency as Plans that have been found to be vague, unclear, or ambiguous do not carry much weight in Act 250 permit proceedings.

The 2004 Vermont State Legislature passed Act 115 that made significant amendments to the Vermont Municipal and Regional Planning and Development Act. The most notable changes, in the context of this review, are that Town Plan and Zoning Bylaws are now held to a higher standard of consistency. From 24 V.S.A. §4303 Definitions:

**“Conformance with the Plan’** means a proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:

- (a) Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.
- (b) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.

(c) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.”

The 2017 Braintree Town Plan features several additions from the 2013 Town Plan. The Plan now includes a new Flood Resilience Chapter that has recommended goals, policies, and actions that strive to protect existing infrastructure, facilities, and buildings in the event of a major flood. The Energy chapter was expanded to include elements from their Enhanced Energy Plan, including five new maps. It is our understanding that Braintree will seek a Determination of Energy Compliance from TRORC in the near future.

Recommendations:

1. A statement or goal that encourages public participation is needed.
2. Land Use: a goal or policy is required speaking to smart-growth principles in Braintree.
3. Transportation: discussion on the availability of air and rail in Braintree is required.
4. Natural, Scenic & Cultural Resources: A specific goal on forest fragmentation and how to mitigate it is required. There is much discussion of the important of connected forest blocks and habitat connectors already in the Plan. This will be a new requirement in 2018 to expand discussion on these elements for the next revision of the Town Plan.
5. Housing: A goal that encourages multi-family housing in Braintree is needed, along with some discussion of where this type of housing would be feasible in the town.
6. Natural Resources: a goal or policy that speaks to the restoration of earth extraction restoration.

Dated this 24<sup>th</sup> day of January, 2018 at Norwich, Vermont.

By: Peter G. Gregory  
Peter G. Gregory, AICP, Executive Director

