

**RE: TOWN OF BROOKFIELD, VERMONT
TOWN PLAN REVIEW
CASE # FY 17-2**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Brookfield, Vermont requested this Commission to review and approve the Brookfield Town Plan adopted on September 12, 2016. The Plan encompasses all land in the Town of Brookfield, and is referred to hereinafter as the Plan.

Section 4350 provides that prior to approving a Plan, the Regional Commission 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. The Regional Commission scheduled and held a Public Hearing on this review on December 14, 2016 in Woodstock, 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 2016 Brookfield Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into eighteen distinct chapters that include the specific chapters as required under V.S.A. Title 24, Ch. 117, §4382.

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

Yes. "The Planning Commission is responsible for revising the Plan a minimum of every five years. Once revised and required public hearings are held, the new Plan is adopted by majority vote of the Selectboard." (p. 6) In addition the Plan also states "Any necessary regulation should balance public needs and desires with the rights of property owners and reflect purposes that are clearly in the public interest."(p. 6)

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

Yes. The Brookfield Town Plan has goals, policies, and recommendations throughout that consider existing resources and the consequence of growth. "It is also a basic premise underlying this Plan that the future growth and development of the town should be guided so that it does not impose undue financial burdens on the taxpayers." (p. 6) The two primary objectives of the Plan also show the consideration of growth and development, one of them states "to preserve the town's rural character and conserve the town's natural historic, scenic and cultural resources." (p.6)

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

Yes, Brookfield's planning process considers the plans in place by surrounding municipalities and works to ensure there are no conflicts. Their main goal in Chapter 17 is "To work with neighboring towns and the region to encourage good land use and environmental policy that benefits the citizens of Brookfield." (p.82)

"The pattern of development promoted by Braintree Town Plan among Brookfield's border is very similar to the pattern outlined in the Land Use chapter of this plan. Uses encouraged in Braintree are likewise similar. There are no potential conflicts between these plans." (p. 82)

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. “Multi- family housing units are encouraged within or adjacent to Pond Village, East Brookfield and possibly Brookfield Center” (p. 13). “In other areas of town multi- family housing development should be encouraged only if the development employs clustering and does not have and undue impact on municipal services and character of the surrounding area”(p. 14). In Chapter 3 and 14(Economic Development & Land Use respectively) Strip development is directly addressed. “Continue the small scale, “in-home” aspect of the town’s non-farm commercial base. Do not site commercial strip development in the town.” (p. 11)

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

Yes. “To encourage continued economic development to locate within Brookfield’s villages, it is likely that the town will apply to rejoin the Vermont Village Designation Program.” (p. 10)

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. One of Brookfield’s policies is that “Infrastructure expansion should take place with a minimum impact on the aesthetic quality of the community. Utility lines should be buried wherever feasible.” (p. 19)

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. The Plan addresses diverse economic development both in the villages as well as rural areas. One goal is “A vibrant rural economy that encourages appropriately scaled small-business that are compatible with the character of the community.” (p. 10) In addition to a strong economy downtown there is a recommendation to “Encourage the growth and development of diversified agricultural operations that are environmentally sound.” (p. 11)

3. Does the Plan broaden access to education and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters in the Plan?

Yes. The plan addresses the Brookfield school system as well as addresses locations outside of Brookfield that students and adults can access to expand learning opportunities at Vermont Technical College, Randolph Technical Career Center as well as The Brookfield Free Public Library.

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. Has the need for public transit been addressed?

Yes. The Plan states that access to commuter transportation is provided through Stagecoach to Montpelier and the West Lebanon area. In addition it states the importance of transportation planning for Brookfield's aging population.

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

Yes. The Plan address these transportation modes as well as having them all be integrated in the transportation network.

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 Brookfield Town Plan includes lists of

- Significant Natural and Scenic Areas (p.52)
- Historic Buildings (p. 60)

The Plan also addresses the importance of Brookfield's rural and historic character and the impacts to that by many factors.

6. Planning needs to maintain and improve the quality of air, water, wildlife, forests, 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.

7. Planning needs encourage the efficient use of energy provide for the development of renewable energy resources and reduce emissions of greenhouse gases?

a. Are there general strategies for achieving these goals through increasing the 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. The Plan's Energy Chapter supports energy efficiency, energy conservation and the development of renewable energy resources.

The overall goals of the Brookfield energy plan are:

1. to promote the installation and use of energy efficiency measures that are cost-effective over their life and
2. to encourage the use of renewable energy to meet remaining demand. (p. 28)

b. Are there specific strategies and recommendations identified for achieving these goals in state energy plans prepared under 30 V.S.A. §§ 202 and 202b?

Yes. There are many strategies that are laid out in the Plan but one example is "The town should consider requiring new construction to be solar-ready." (p. 43)

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.

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 addresses and identifies areas to protect for future recreational purposes. "The town should encourage the creation of public right- of- way for trail use and make sure that Class 4 roads remain open to public access." (p. 59) If an opportunity to purchase suitable land on Sunset lake arises, the town should seriously consider it to better accommodate the swimming, fishing, and kayaking that takes place at the lake." (p. 59)

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. Discussions throughout the Plan, as wells as goals, objectives, and recommendations support the long-term viability of agriculture and forestlands in Brookfield. "To encourage the conservation, wise use, and management of the town's agricultural and

forestry resources, to maintain its environmental integrity, and to protect its unique and fragile natural features.” (p. 58)

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

Yes. It is a policy of the plan “Support the development of value- added, environmentally sound, farm and forest products.” (p. 58)

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

Yes. “One way Brookfield works to keep these business prosperous is its support of the Floating Bridge Food and Farms cooperative. This organization includes members that are located in the area surrounding Brookfield. Members offer locally produced farm products including locally raised meats, vegetables, farm tours, cooking classes... hosting seasonal markets and special events.” (p. 57)

d. Are sound forest and agricultural management practices encouraged?

Yes. The Plan address the importance of sound agricultural practices that protect groundwater. “Farmers, loggers, and foresters should use Required Management Practices (RMP) and are encouraged to implement Best Management Practices (BMP) in their operations and to minimize point and non-point source pollution.” (p. 58)

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

Yes. “Channel public investments into existing or planned settlement areas to avoid sprawl.” (p. 61)

10. Planning needs to 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.

a. Have strategies to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities been addressed?

Yes. There are two policies in place. The Plan states “Plan, construct and manage existing and proposed mineral extraction and processing facilities.” (p. 52) After that policy there is a list of actions to take such as “To reclaim and re-vegetate sites following extraction.”(p. 52)

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 it is. One of the goals in the Housing chapter state “Ensure the availability of affordable housing, including single-family, rental and multi-family, for residents whose income do not meet the median household income. (p. 13) One of the recommendations in that chapter states “The town should identify potential locations for multi-family affordable housing and consider potential ways the community could support its development” (p.14).

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

Yes. The Plan states “multi-family housing units are encouraged within or adjacent to Pond Village, East Brookfield and possibly Brookfield Center. In other areas of town, multi-family housing units are only encouraged if they do not pose an undue impact on water quality, municipal services or the character of the area in which they are located”(p. 13).

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?

There is no mention of new and rehabilitated housing to be safe, and sanitary, but there is mention that multi-family should be located in the higher density village area (see above).

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. One of the policies in the housing chapter mentions that “The town further encourages affordable housing through the recommended bylaw zoning districts that implement this Plan, accessory dwelling units as defined in the development bylaw, and the various land trust mechanisms that are available to create lower cost single family homes. (p. 14)

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 Health/Emergency Services chapter address many of the services and facilities

listed. Brookfield does not have municipal water or sewage but on pg. 18 in Chapter 6 Section C there is discussion around implementing those systems and how that would be necessary if Brookfield seeks to support higher density.

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

No. The Town of Brookfield is very conscientious of the need to balance growth with available facilities.

13. Planning needs to 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 childcare providers in Brookfield registered with the State. "Most residents currently arrange for care with relatives, or take their children to childcare facilities beyond the borders of Brookfield to neighboring towns like Randolph or to areas near where they work, such as Montpelier or Lebanon, NH." (p. 13).

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

The Two Rivers-Ottauquechee Regional Plan was adopted on September 8, 2015 and it will remain in effect until October 13, 2023.

The Brookfield 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 Brookfield Town Plan, the following municipalities have Plans approved by the Two Rivers-Ottauquechee Regional Commission that are in effect:

Barnard, Bethel, Bradford, Braintree, Bridgewater, Chelsea, Fairlee, Granville, Hancock, Hartford, Hartland, Newbury, Norwich, Pittsfield, Plymouth, Randolph, Rochester, Royalton, Sharon, Stockbridge, Topsham, 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 Brookfield 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
- a. 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 recommend actions that guide growth and land development, while protecting the environment. In the Introduction chapter of Brookfield's Town Plan the two overarching objectives are "To promote a safe, healthy, and pleasant environment. In doing so the plan considers the following:" as well as "To preserve the town's rural character and conserve the town's natural, historic, scenic and cultural resources. In doing so the plan considers" (p. 6).

- b. 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 Brookfield Town Plan includes several maps, among those are: (1) A Current Land Use Map; (2) Future Land Use Map; (3) Development Bylaw Districts; (4) Transportation Map; (5) Facilities Map; (6) Natural Resources Map (7) Slope Map (8) Soils: Agricultural & Hydric Maps (9) Soils: Generalized Onsite Septic Suitability

The Land Use chapter (p. 61- 69) provides a well- defined and detailed land use plan. The Plan does not outline a timing or sequence of development in relation to community facilities and services but it does mention throughout different chapters the importance of planning with those resources in mind. “Growth and development should not exceed the capacities of local facilities and services.” (p.19)

- c. **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 (p 69-73) and the required Transportation map is also included.

- d. **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, Facilities and Services” chapter of the Plan includes a list of town-owned buildings and land and the facilities map is also included. The chapter talks about recent updates to some buildings as well as the need to expand others such as the Town Garage. There is also a section that recommends that the Selectboard consider buying land on Sunset Lake should the opportunity present itself. There is no specific information regarding the priority of need, costs of any potential needs or how those needs would be financed. *This should be addressed during the next revision of the plan.*

- e. **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 (p.44-54) includes a list of special places and natural features. (p. 52)

- f. **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 (p. 14-16) that describes the present educational condition, as well as long range goals and policies. Educational facilities are recorded on the “Facilities Map.”

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

The Plan includes a “Town Plan Implementation” chapter with a list of regulatory and non-regulatory actions that the town can take to implement various goals, policies, and recommendations from the plan.

- h. **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 Municipal Plans” chapter contains an assessment of the Town Plans for those towns that border Brookfield and the Brookfield Town Plan determines that there is no conflicts with surrounding towns. The chapter also address the relationship to the regional plan.

- i. **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 “Energy” chapter goals are “To promote the installation and use of energy efficiency measures that are cost-effective over their life” and “to encourage the use of renewable energy to meet the remaining demand” (p.28)

The chapter breaks down the energy sources that Brookfield residents consume with only specific data on electricity use in town.

The chapter breaks down various types of renewable energy resources and how they will affect other natural resources as well as the character of Brookfield.

There is an overall energy policy statement that shows the town’s priority in energy efficiency as well as the consequences to the environment of all energy sources. Within the policy section there are different actions such as “encourage residents and owners of existing buildings, including the town, to obtain a competent energy audit of the buildings with a view toward identifying and making cost effective improvements in energy efficiency” (p. 39) or “The Brookfield elementary School should continue its program that teaches the need for and methods of conserving energy” (p.43).

No specific discussion of needs, scarcities, costs and problems within the municipality is included in the Plan.

The previous town plan review also pointed out the lack of specific information (as required by statute). The State and TRORC staff have been working on providing more readily available town-level data; therefore, in the next iteration of the plan, the required information should be included. If the next revision of the Brookfield Plan does not include an improved energy plan, it cannot be recommended for approval.

- j. 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.**

In the “Housing” Chapter there are multiple instances where affordable housing for low and moderate income persons’ is addressed. One example in the recommendations section, “The town should encourage affordable housing in the bylaws, including allowing (1) as conditional uses, multifamily dwellings in the village districts and planned unit development in the agricultural/ residential district; (2) as permitted uses in these districts, double family dwellings; and (3) in the agricultural/residential district, manufactured housing anywhere that residential dwellings are permitted.

- k. 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 (p.9-11) effectively discusses economic conditions as well as economic needs. Location, type and scale of economic development are also addressed.

- 1. 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. (p. 74-81)

CONCLUSION

Based upon the above findings, it is the conclusion of the Regional Commission that the Brookfield Town Plan be approved. This approval shall remain in effect until the date that the Plan expires, or until it is amended and reviewed by TRORC, whichever occurs first.

DISCUSSION

The Regional Commission appreciates the opportunity to formally evaluate the Brookfield 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 Brookfield 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 2016 Brookfield Town Plan is an improvement from the 2011 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 town also added an “Economic Development” chapter which encourages the town to reapply to the Vermont Village Designation Program which will bring numerous tax credits as well as priority consideration on more grants.

Elements of this Plan (utilities/facilities, energy, etc.) will need to be addressed in greater detail in the next revision of this Plan in order to obtain regional approval. The Regional Commission will expect that in eight years-time, Brookfield will have substantially addressed the areas of concern outlined in this review.

Dated this 14th this day of December, 2016 at Woodstock, Vermont.

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