

**RE: TOWN OF WEST FAIRLEE, VERMONT
PLAN REVIEW
CASE # FY 17-6**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of West Fairlee, Vermont requested TRORC to review and approve the West Fairlee Town Plan adopted on March 7, 2017. The Plan encompasses all land in the Town of West Fairlee, 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. TRORC scheduled and held a Public Hearing on this review on May 31, 2017 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 2017 West Fairlee Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 15 distinct chapters that include the specific goals as required under V.S.A. Title 24, Ch. 117, §4382.

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

Yes. There is a "Community Input" element in the Introduction Chapter, it states "development of this plan was aided significantly by the results of a town survey completed in 2010 by residents and other property owners...this input has been incorporated into the discussions, goals, policies and recommendations included in this Town Plan." (p. 4).

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, "The town of West Fairlee is bordered by the town of Fairlee, Bradford, Corinth, Vershire, Strafford, and Thetford...The neighboring town Plans have been reviewed in the context of the proposed West Fairlee Town Plan. No conflicts exist in either general philosophy or specific development or future land use proposals along town borders." (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. "The Town presently and in the future has need for land for public buildings, parking areas, recreational areas, schools, access routes, town forest land protecting water resources, and for various other facilities. The Town must regularly assess public land needs and, when necessary, recommend purchases or acquisition to the voters. Town investments in infrastructure shall not be made to the detriment of viable agricultural, conservation or recreation lands." (p.22) There are several goals and policies that address development should be clustered in the village while preserving the rural character of the town.

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

Yes. "Where it is the best alternative, development shall be located in clusters set back from State or Town roads." (p. 21)

- 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?**

"Since any development within the Village Area may have an impact on the existing water supply due to the limited space, developers must prove that their project will not have any negative effects in public or private water supplies within this area." (p. 21)

- 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, West Fairlee's "Economic Base" chapter thoroughly discusses this. "West Fairlee occupies an enviable position in its eastern Vermont setting. It remains relatively rural and undeveloped, in spite of its proximity to the Hanover/Lebanon/White River Junction area, the economic engine of the region. Because West Fairlee lies within close commuting distance to this economic center – in a region that consistently enjoys relatively low unemployment statistics compared to the rest of the U.S. – the Town shares this benefit as well." (p. 10)

A goal of the Plan is "to nurture a strong and diverse regional economy that provides satisfying and rewarding employment opportunities for residents while maintaining the rural character and natural environment of West Fairlee." (p.15)

- 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. 65)

- 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 acknowledges there is limited public transportation in West Fairlee. Residents have to travel to Fairlee and Thetford to access this. "Survey respondents suggest the Town explore a Park & Ride lot and any available public transit options." (p.80)

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

Yes, in part. The Plan needs to discuss the availability of air and rail for its residents. Highways are adequately discussed.

The previous town plan review also pointed out the lack of specific information (as required by statute). If the next revision of the West Fairlee Town Plan does not include an improved transportation plan, it cannot be recommended for approval.

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 West Fairlee 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.

7. Does the Plan encourage the efficient use of energy and the development of renewable energy resources?

Yes. The Plan's "Energy" chapter supports energy efficiency, energy conservation and the development of renewable energy resources.

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 lists specific recreation areas in West Fairlee, a goal is "to provide access to recreational opportunities for West Fairlee residents and visitors of all ages." (p. 55)

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. Approximately 89% of West Fairlee is forested, with remaining percentage residential and agricultural lands. A policy of the Plan is "development within agricultural areas shall be required to be clustered to protect important resource land." (p.53)

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

Yes. Two goals of the Plan is "to strengthen agricultural businesses and encourage new agricultural opportunities," (p 53) and "to encourage management of the Town's forested areas for timber and other forest products, as well as for wildlife habitat, recreation and education." (p.52)

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

Yes. The Plan acknowledges that West Fairlee has great potential for added local food products, but lacks the labor power (p.53).

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

Yes. "Acceptable Management Practices as established by the Agency of Agriculture, Food and Markets of the State of Vermont shall be adhered to in lands adjacent to riparian buffers." (p.54)

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

Yes. "Major public investments, such as schools, public playgrounds, and town facilities should to be situated within or in close proximity to the Village of West Fairlee." (p.76)

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, this is discussed in the "Natural, Scenic and Cultural Resources" chapter of the Plan. The Town recognizes that "the use and management of West Fairlee's earth and mineral resources are matters of public good." (p.54) There are several policies that address the proper restoration and preservation of aesthetic qualities.

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 goal states: "To provide the opportunity of West Fairlee residents to have access to affordable housing." (p.62)

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

Yes. A policy states to "encourage the location of future housing so as to complement existing or planned employment patters, travel times, and energy requirements." (p.62)

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 new and affordable housing should be planned in high-density areas.

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 creation of accessory apartments." (p. 62)

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 Town Services and Facilities lists available emergency services and the school is discussed in the "Education" and "Utilities and Facilities" chapters.

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

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

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 licensed childcare providers in West Fairlee, with nine more located in the bordering towns of Bradford, Corinth, Fairlee, Strafford, and Thetford. Childcare needs are discussed in the "Economic Base" chapter.

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

Barnard, Bethel, Bradford, Braintree, Bridgewater, Brookfield, Chelsea, Fairlee, Granville, Hancock, Hartford, Hartland, Newbury, Pittsfield, Plymouth, Pomfret, Randolph, Rochester, Royalton, Sharon, Stockbridge, Topsham, Tunbridge, 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 West Fairlee 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. West Fairlee's Town Plan includes the following goals in the "Introduction:" "To preserve and enhance the special qualities and atmosphere of West Fairlee as a traditional small rural community," and "To protect steep slopes, soils, forests, water quality, water courses, and other natural resources and provide open space for wildlife habitat." (p. 1)

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 West Fairlee Town includes a 'Current Land Use Map' and a '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 the Village Area, Agricultural/Residential Area, Shoreland Area, and the Flood Hazard Area. There is also thorough discussion in these land use areas.

- 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. It is stated that "significant funds were added to the Community Building Reserve Fund to undertake small aspects of the renovation project or accumulate funds toward larger projects." (p. 69)

This chapter is lacking indications of costs and methods of financing Town improvements, especially in regards to Bean Hall.

The previous town plan review also pointed out the lack of specific information (as required by statute). If the next revision of the West Fairlee Plan does not include an improved utility and facility plan, it cannot be recommended for approval.

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 includes a list of West Fairlee's historic buildings. (p. 55)

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 and 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 action 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 West Fairlee and the West Fairlee Town Plan determines that there are no conflicts with surrounding towns.

The Plan also discusses its compatibility with the regional plan, as well as acknowledging the "...two Plans have similar policy statements regarding the need for development that does not overburden services. The Regional Plan shall be consulted as part of the planning process for the Town." (p.83)

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.

Renewable sources of energy, the support of renewable sources, and conservation measures as they could work in West Fairlee are discussed. An element in this chapter "Energy Efficiency and Conservation" discusses energy conservation.

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 will be available and should be included. If the next revision of the West Fairlee Plan does not include an improved energy plan, it cannot be recommended for approval.

- 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 Base" 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 West Fairlee 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 West Fairlee 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 West Fairlee 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 West Fairlee Town Plan is an improvement from the 2012 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. There is also more detail within the “Implementation” chapter specifying how goals and policies will be met. The Plan also saw the addition of an inventory of scenic areas in the “Natural, Scenic and Cultural Resources” chapter.

Elements of this Plan (utilities/facilities, energy, etc.) will need to be addressed in greater detail in the next revision of this Plan. These should include discussion of costs and needs. The “Energy” chapter was an improvement from the last revision of the Town Plan in regards to discussion about renewable energy and efficiency, but needs more data which should be forthcoming soon. The “Transportation” chapter needs discussion on available air and rail facilities in the area to meet state statute requirements. The Future Land Use element of the “Land Use” chapter should improve their language as found in the goals and policies from ‘should’ to ‘shall’ to better ensure the desired development pattern. This was stated in the last plan review and should be implemented in the next revision. TRORC will expect that in eight years-time, West Fairlee will have substantially addressed the areas of concern outlined in this review.

Dated this 31st day of May, 2017 at Woodstock, Vermont.

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

