

**RE: TOWN OF PITTSFIELD, VERMONT
TOWN PLAN REVIEW
CASE # 16 - 1**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Pittsfield, Vermont Selectboard requested this Commission to review and approve the Pittsfield Town Plan adopted on August 18, 2015 by the Town. The Plan encompasses land use for the Town of Pittsfield, and is referred to hereinafter as the Plan.

Section 4350 provides that prior to approving or disapproving 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 September 23, 2015 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 Pittsfield Town Plan is a comprehensive planning document that is divided into fourteen discrete chapters, which extensively cover all statutorily required town plan elements, as set forth in 24 VSA § 4382.

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

Yes. At the outset of the Plan, it is stated that, “[t]he Pittsfield community’s input is a critical component to both the creation and furtherance of this Plan. As such, the Planning Commission has consistently ensured that the Plan drafting process has been conducted in a fair and open manner, welcoming any input from local community members, employers, stakeholder groups, and other interested parties at all stages of the process” (p. 11).

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

Yes. It is the Town’s goal to “[p]rovide public services and facilities that meet the community’s needs at a rate that does not create an undue burden on taxpayers or on the scenic, environmental, and cultural resources of the Town” (p. 36).

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

Yes. The Town’s “Relationship to Other Plans” chapter recommends that encouragement of “continued communication and cooperation between Pittsfield and its neighboring towns,” and for the Town to “work with neighboring Towns and the region to encourage sustainable land use and environmental policies that benefit the citizens of Pittsfield” (p. 111).

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. One of the Plan’s overarching goals is to “[c]ontinue Pittsfield’s historical land use pattern of denser development within the village and sparser residential development in the countryside.” (p. 101). Further, it is Town’s policy that “[s]trip development is a prohibited land use pattern” (p. 63).

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

The Town Plan encourages economic development opportunities in the Town that maintain the Town's rural character and natural environment. Consequently, the Town has a stated policy that "[p]rimary retail development in Pittsfield shall be located in the designated Village Area," and the Town prohibits development that may create sprawl (p. 83). At the same time, the Town also seeks to "[s]trengthen and maintain the Town's agricultural, forest, and recreational economies, and to ensure continuance of the small town village and rural character" (p. 83).

- 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 Town "will continue to effectively plan for future investments and upkeep of community facilities so as to avoid overburdening taxpayers due to unexpected maintenance costs" (p. 37). One of the Town's primary objectives is "[t]o protect and preserve the historic features of the village area of Pittsfield, while encouraging a rational and convenient pattern of development, with appropriate civic and architectural design, to enhance the overall attractiveness of this area" (p. 45).

- 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 Town has set a goal to "[n]urture a strong and diverse economy that provides satisfying and rewarding employment opportunities for residents while maintaining environmental standards" (p. 83). It also "[e]ncourag[es] the creation of new and improved job opportunities...in Pittsfield" (p. 83)

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

Yes. It is the Town's goal to "[p]rovide for a safe and secure learning environment where quality educational opportunities are provided to all students of all ability levels and ages" (p. 29).

- 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 Town supports "local, regional and statewide efforts to provide public and private transportation systems that are cost-effective and meet the needs of all population

segments, integrating the needs of all modes of travel (auto, pedestrian, bicycle, and mass transit)” (p. 62).

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

Yes. As noted above, the Town aims to create an integrated, efficient transportation system that is beneficial to all residents. Further, the Town will “[c]ooperate with other communities in the region through the TRORC and its Transportation Advisory Committee (TAC) to ensure that the region’s transportation system is developed in a well-coordinated manner that recognizes and balances the needs and desires of each community.” (62)

- 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 Plan’s “Natural, Scenic and Historic Resources” element covers the following resource areas at length: wetlands, flood hazard areas/floodplains, water resources, flora, fauna, natural communities, invasive species, mineral resources, and significant natural and historic areas (pp. 85-100). The “Flood Resilience” chapter also expands upon the natural resources discussion (pp. 43-57).

- 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’s Natural Resources chapter extensively discusses planning for optimal ecosystem health and function, and seeks to “[p]reserve and protect Pittsfield’s important cultural and natural resources for future generations” through a range of recommendations outlined in the chapter (p. 99).

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

Yes. The Town aims to “[e]nsure the long-term availability of safe, reliable and affordable energy supplies to increase energy efficiency, and to promote the development

of renewable energy resources and facilities in the Town of Pittsfield to meet the energy needs of the community and region” (p. 76).

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. It is Town policy to “Maintain and enhance natural, historic, cultural, and recreational resources that provide an outstanding quality of life to attract new businesses, employees and tourists to town.” (p. 83). This thread is carried throughout the Plan in various elements that highlight existing recreational opportunities in the Town and the nearby vicinity, as well as through policies that specifically target the well-being of the Town’s natural resources for the public benefit and recreational use.

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’s Public Facilities chapter speaks about non-commercial recreational opportunities at length with respect to public parks and lands, a significant portion of which is the Green Mountain National Forest that includes 8,000 acres of Pittsfield land within its borders.

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. The Plan encourages “the healthful and convenient distribution of population, employment opportunities, and other activities, and to protect residential, agricultural, and other areas from undue concentrations of population and overcrowding of land and buildings” (p. 12). Further, the Town seeks to “[s]trengthen and maintain the Town’s agricultural, forest, and recreational economies, and to ensure continuance of the small town village and rural character” and to direct development away from prime agricultural soils. (p. 83).

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

1. Yes. It is Town policy to “[s]upport the development of local enterprises that create markets for locally produced goods and services,” including value-added products (p. 74).

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

Yes. The Town has demonstrated support for locally-grown food products through its support of value-added industry as well as continued support for a Pittsfield Farmer's Market (p. 74). Related to this, the Town encourages "the development of a local farmer's market" that would feature local products, where available (p. 83).

e. Are sound forest and agricultural management practices encouraged?

Yes. The Town promotes a best management practice policy in stating that "[p]ublic and community water supply watersheds shall be protected by limiting development to low densities and by encouraging forest and agricultural best management practices including high standards for erosion control and measures to minimize runoff" (p. 90).

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

Yes. The Town is seeking to "protect steep slopes, soils, forests, water quality, water courses, and other natural resources, and to provide open space for wildlife habitat" and promote "reasonable development without sacrificing important cultural and natural resources," such as agricultural and forest land (pp. 11, 99). To this end, the Selectboard is tasked with considering the formation of a Conservation Commission.

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?

1. Yes. The Town has established a policy that "[e]xisting and proposed mineral extraction and processing facilities shall be planned, constructed, and managed,
 - So as not to adversely impact existing or planned uses within the vicinity of the project site;
 - To not significantly interfere with the function and safety of existing road systems serving the project site;
 - To minimize any adverse effects on water quality, fish and wildlife habitats, viewsheds and adjacent land uses;
 - To reclaim and re-vegetate sites following extraction;
 - To minimize noise impacts on adjacent uses including residential areas; and
 - To minimize any potential health and safety impacts that may occur as a result of extraction, processing and transport of materials" (pp. 96-97).

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. The Town has set a goal to “[d]evelop affordable housing opportunities, such as accessory dwelling units, within the Town’s village center for a range of ages and income levels that provide for all population segments, including the Town’s elder and special needs populations.” (p. 25).

- 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 addition to promoting inclusive housing opportunities (as noted above), the Plan also outlines a policy to ensure “[a]ffordable housing opportunities, such as multi-family housing buildings and manufactured homes, are... permitted in areas allowing for single-family dwellings” (p. 25).

- 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. The Plan has set a goal to “[p]rovide Pittsfield residents access to safe, sanitary, and affordable housing” (p. 24). Further, it is the Town’s policy that the “location of primary and vacation housing, related amenities, and land uses shall be planned with due regard for the physical limitations of the site and location of current or planned public and private services, such as roads and commercial/service centers,” and that “[n]ew housing growth in areas with public infrastructure and services shall be planned in a manner that reinforces Pittsfield’s historic settlement pattern” (p. 25).

- 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. The Town actively “[e]ncourage[s] the creation and use of accessory dwelling units throughout the Town,” and, as stated, intends to focus such growth toward the village center in proximity to Town amenities and key transportation routes (p. 25).

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 Plan does address the needs for public facilities and services throughout both the “Public Facilities and Utilities” element and the “Health and Emergency Services” element (pp. 30-42).

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

No. As previously stated, it is the Town’s goal to “[p]rovide public services and facilities that meet the community’s needs at a rate that does not create an undue burden on taxpayers or on the scenic, environmental, and cultural resources of the Town.” (p. 36).

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 workforce development.

In seeking to provide a “safe and secure learning environment...to all students of all ability levels and ages” and in actively “support[ing] private sector efforts that seek to establish childcare facilities to meet the needs of Town residents,” the Town is planning for safe and affordable childcare needs for residents (p. 29).

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

The Two Rivers-Ottawaquechee Regional Plan was adopted on June 25, 2014 and it will remain in effect until July 25, 2022. Using the statutory definition of “compatible with,” we find the Pittsfield Town Plan to be compatible with the Two Rivers-Ottawaquechee Regional Plan.

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

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

Barnard, Bethel, Braintree, Bridgewater, Brookfield, Chelsea, Fairlee, Granville, Hancock, Hartford, Hartland, Norwich, Pittsfield, Plymouth, Randolph, Rochester, Royalton, Sharon, Strafford, Topsham, Tunbridge, Vershire, West Fairlee, Woodstock.

These approval decisions and Plans have been reviewed in the context of the above question. Based on this, we find the Pittsfield 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.**

The Plan, in its entirety, serves as a statement of objectives, policies, and activities that will guide future growth and development while also ensuring environmental protection of Town resources and landscapes. The Plan is prefaced with overarching Plan goals to guide the entire document, and also incorporates a new implementation plan to further the recommendations stated throughout the Plan.

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 "Land Use" element serves as a land use plan (pp. 101-109). Future Land Use and Current Land Use maps can be found in the appendix.

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" element serves as a transportation plan (pp. 58-63). It is accompanied by a Transportation Map that can be found in the appendix.

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" element in conjunction with the "Health and Emergency Services" element serves as a utility and facility plan (pp. 30-42). They are accompanied by a Utilities, Facilities, and Education map that can be found in the appendix.

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

The "Natural, Scenic and Historic Resources" element serves as a statement of policies on the preservation of rare and irreplaceable natural areas, scenic, and historic features and resources in the Town (pp. 85-100). It is accompanied by a Natural Resources map that can be found in the appendix.

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

The "Education and Childcare Services" element serves as an educational facilities plan (pp. 26-29). Its mapping needs are contained in the Utilities, Facilities, and Education map that can be found in the appendix.

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

The "Implementation" element serves as a recommended program for the implementation of the objectives of the development plan (pp. 112-116). It is also accompanied by and Implementation Plan Matrix designating a timeframe and responsible party(ies) to all Plan recommendations.

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" element serves as a statement of how the plan relates to adjacent municipalities and the region as a whole (pp. 110-111).

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" element serves as an energy plan for the Town (pp. 64-78).

- 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" element addresses the Town's needs for low- to moderate-income housing opportunities (pp. 17-25).

- 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" element describes Pittsfield's present and desired economic conditions along with the programs necessary to foster additional economic growth (pp. 79-84).

- 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.**

The newly drafted "Flood Resilience" element serves as a flood resilience plan (pp. 43-57).

CONCLUSION

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

DISCUSSION

The Regional Commission appreciates the opportunity to formally evaluate the Pittsfield 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 Pittsfield 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.”

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.

The 2015 Pittsfield Town Plan has come a long way from its previous iteration in rectifying the core areas of weakness from the 2010 Plan that were outlined in the 2012 Enhanced Consultation. This is especially true in that the present Plan addresses the following: the intensity of permitted development in each designated future land use area; including a thorough discussion on energy; outlining historic and natural resources more extensively; and discussing the economic benefits of local agricultural and value-added products. While this is a more

thorough and extensive Plan than its predecessor, there are a few areas that could benefit from improvements in the future:

- Owing in part to the lack of significant farming or forestry operations currently registered in the town (above and beyond household hobby farms), it may be necessary to delve into a deeper, broader discussion of operations and their impact on the local economy in future iterations of the Plan (as and when that market landscape changes). Presently, it was not deemed to warrant a standalone chapter to discuss the subject extensively due to there not being any listed, operational farming businesses, but that may no longer be the case in 5 years' time.
- The Utilities and Facilities and Health and Emergency Services chapters discuss the benefits of a capital plan and budget. The Town does not currently have many known projects above and beyond routine maintenance of Town property (including vehicles). However, those are costly repairs, and any unforeseen, unplanned needs may not, therefore, be adequately accounted for. A more formalized budgeting scheme, timeline, and prioritization of projects would be tremendously informative for future versions of the Plan.

Dated this 24 th day of September, 2015 at Woodstock, Vermont.

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

