RE: TOWN OF POMFRET, VERMONT
PLAN REVIEW
CASE # FY 17-4

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Pomfret, Vermont requested this Commission to review and approve the Pomfret Town Plan adopted on August 17, 2016. The Plan encompasses all land in the Town of Pomfret, 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 Pomfret Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 13 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. “The Pomfret Planning Commission has collected input from members of the community and has used this guidance to create a framework through which the citizens’ vision can be implemented. “ (P. 31) “The Planning Commission encourages all those residents who value the extraordinary beauty of Pomfret, and who would like to assure future generations the opportunity of living in such a community, to participate in planning activities.” (p.2).

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. [e.g., “To protect the citizens, property and economy of Pomfret and the quality of their rivers as natural and recreational resources by using sound planning practices within designated Flood Hazard Areas and beyond.” (p. 96)]

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

Yes, Pomfret’s planning process consistently considers the plans in place by surrounding municipalities and works to ensure there are no conflicts. “Pomfret shares boundaries with Sharon, Royalton, Barnard, Bridgewater, Woodstock, and Hartford. Without exception, the goals expressed in the town plans of Pomfret’s neighbors address the need to maintain the existing pattern of compact villages and hamlets surrounded by rural countryside while allowing for appropriate growth and development in ways that protect natural resources.” (p.87)

“As Pomfret’s Plan has done, those of some of Pomfret’s neighbors specifically include objectives and policies that encourage diversified farming activity. This presents an opportunity for a regional approach to preserve prime agricultural and forest land and to diminish and control the effects of development on open space.” (p. 87).

**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 South Pomfret Village area is the one area that has developed into a small community center with mixed land uses at higher densities as compared to the more rural areas of Pomfret. South Pomfret has the most densely clustered mixed-use pattern of development in Pomfret and is home to a general store with a Post Office, the Abbott Memorial Library, a fire station, the local grade school, and a new arts center. Adjacent to the South Pomfret Village Area is the Suicide Six ski area, a small historic privately owned ski area. Having this Village Area is consistent with historical settlement patterns, but it also accomplishes a modern goal by reducing the impact of growth on the more rural areas of the town, thereby helping to retain the important rural character of the town.

“The South Pomfret Village Area may support housing types at densities that are higher than the surrounding areas.” (p. 31)

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

Yes. See above.

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?

“Pomfret does not generally have the physical infrastructure to support high intensity land uses (for example, commercial-scale utility projects, large warehouses or primary retail).” (p. 35)

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?

Pomfret supports the idea of a strong and diverse economy; however, the Town Plan acknowledges that while “the Upper Valley has a large influence on Pomfret’s economy, the town’s own influence on economic development in the Upper Valley is extremely limited. The Town of Pomfret only has the power to manage economic change within Pomfret itself.”

“Pomfret should plan for economic growth and expansion in a manner that creates a range of employment opportunities, encourages rising incomes, and raises citizens’ living standards while considering the impact of such growth on the Town.”

“Future developments in the Upper Valley’s overall economy and its economic expansion will continue to affect Pomfret significantly in several ways. Expansion in regional
commercial, industrial, and governmental sectors will provide more employment opportunities for Pomfret residents.”

“the Town’s long-term goal will be to continue to encourage resourcefulness in the development of small businesses, professional services, and agriculture-related activities that will be consistent with the goals and policies in other sections of this Town Plan.” (pp. 84-85)

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 two recommendations. The Plan discusses opportunities for adult education through the Abbott Memorial Library, and also acknowledges that due to its proximity to Woodstock and Dartmouth College, there are many opportunities for adult and continuing education. The Plan includes a recommendation to “Provide high school students with good vocational training so they can become more employable in today’s technological society.”

There is also a recommendation to “Provide community based workshops and vocational programs in the Prosper Valley School for the community and potential start-up business.” (p. 83)

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 that while they do not currently have the population to support public transit, there may be a need in the future and it is an area that must be consistently evaluated for the potential for public transit. “Pomfret has no public transportation (beyond on-demand for the elderly) and is unlikely to have any in the near future. However, because transportation is such a substantial portion of local energy use, Pomfret supports the continued development of conveniently located Park-n-Ride facilities. The closest Park-n-Ride to Pomfret is currently in Sharon; however a Woodstock Park-n-Ride is currently under development and will be convenient for Pomfret commuters.” (p. 51) [Note: The Woodstock Park-n-Ride is complete and operational.]

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

Yes.
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 Pomfret Town Plan includes lists of
• Important habitat areas that are protected (p.23)
• Historic Buildings (p. 27)
• Special Features (p. 28)
The Plan also includes an extensive discussion about the importance of Pomfret’s historic character and settlement patterns.

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, in part. “Informal recreation such as hiking, cross-country skiing, snowmobiling, bicycling, hunting, and fishing contributes significantly to Pomfret’s quality of life. Protected areas such as the Appalachian Trail Corridor and the Amity Pond area will always be available. However, as more land is divided and developed, less land will be available for recreation. Existing rights-of-way on Class 4 roads and legal trails should continue to be held by the Town. Whenever possible, easements should be secured from cooperating landowners for future trails.” (p. 65)

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. Agricultural lands and forestlands are ingrained in Pomfret’s history and are some of its most prized assets. Discussions throughout the Plan, as well as goals, objectives, and recommendations support the long-term viability of agriculture and forestlands.

“Agricultural and forest lands are critical natural resources to Pomfret. Agriculture and forest management activities form the anchor of all other activities in Pomfret and the Town should strive to preserve the resources that underpin these activities.” (p. 25)

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

Yes. Discussions regarding the support of agricultural businesses exist in the Plan and there is acknowledgement in the “Land Use and Natural Resources” chapter of the “increased agricultural activity with added-value products,” and the Plan also suggests “That movement includes small-scale farming, and influx of artisans and small-scale farmers...” (p. 30). There is a recommendation in the “Land use and Natural Resources” chapter that appears to encourage value-add, “The Town will promote traditional agricultural and forestry activities and encourage innovative new ones. These agricultural and forestry activities should include the use of tillable land, pastureland, and all kinds of forestland and help provide primary and secondary sources of income that foster local economic opportunities.” (p. 36)

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

Yes. “Promoting sustainable, economically viable farming and forestry alternatives is important to the future of farming and forestry in Pomfret. Diverse agricultural enterprises, including dairying, hay production, livestock production, produce stands, and specialty farms such as wildflowers, nurseries, berries, orchards, produce, and value-added products in general will be encouraged. Included here are growing activities related to Vermont’s “farm to plate” movement. Pomfret encourages local production and consumption.” (p. 40)
d. Are sound forest and agricultural management practices encouraged?

Yes. “The Town supports the use of ‘Accepted Agricultural and Forest Management Practices’ and encourages the use of ‘Best Agricultural Practices.’ And “Encourage sound agricultural practices such as crop rotation, organic farming, and sustainable woodlot management practices that do not deplete natural resources.” (p. 40)

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

Yes. “Pomfret encourages new significant public investments (including, public recreational areas and municipal facilities) to be located in close proximity to existing infrastructure that utilizes existing roads whenever possible.” (p. 52)

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?

There are no specific strategies, however, the Plan includes the following statement: “The use of local sand and gravel significantly reduces the cost of road maintenance within the Town and helps to support the local economy. When proper erosion control and reclamation techniques are used, extraction of gravel and other minerals can have minimal impact on the environment. The land can later be returned to other productive uses. Currently there are no operating gravel pits in Pomfret. Potential gravel reserves should be identified and set aside for future use. The extraction of minerals is to be limited to operations that do not conflict with the other goals, policies, or objectives of this plan.” (p. 25)

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?

The Plan speaks to meeting the needs of a diversity of social and income groups; however, there is no specific discussion of encouraging housing for low-income citizens. “A housing plan should allow a diverse group of people from a range of ages and income levels to live and own homes in Pomfret. The high costs of land and housing have been major factors contributing to emigration from Pomfret, and this has altered the cultural and socio-economic mix of the Town's residents.” (p. 69) The “Housing” chapter also includes the following recommendation, “Provide the opportunity for Pomfret residents to have access to quality affordable housing (sometimes referred to as “workforce” housing, not necessarily “affordable” from the perspective of subsidized housing).” (p. 76)
b. Are sites for multi-family and manufactured housing readily available in similar locations to those generally used for single-family conventional dwellings?

Yes. “Single, two, and multiple family housing at medium to high densities is encouraged in the village area.” (p. 37)

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. Accessory apartments are mentioned when the Plan discusses “diversity of housing,” (p. 75) and the following recommendations is also included in the Plan, “Encourage accessory housing and apartments within existing housing structures. Increase awareness among Pomfret residents of Vermont’s law which allows homeowners to add an apartment to their house.” (Housing, p. 76)

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 “Community Profile” 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 Pomfret 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 workforce development.
There are two childcare providers in Pomfret registered with the State. “Pomfret supports the private development of additional facilities to meet the child care needs of its residents and may assist with seeking funding to develop these facilities.” (Town Services and Facilities, p. 63).

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


These approval decisions and Plans have been reviewed in the context of the above question. Based on this, we find the Pomfret 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 recommend actions that guide growth and land development, while protecting the environment. Pomfret’s Town Plan includes the following statements in the “Introduction”: “Preserving the scenic beauty and rural character of Pomfret’s valleys, hillsides, and ridgelines remains the primary goal of this Plan.” (Page 1) Further down on the same page, is the following statement: “Preservation of Pomfret’s natural resources is the main interest of Pomfret residents.”

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 Pomfret Town includes several maps, among those are: (1) A Current Land Use Map; (2) An Agricultural Soils Map; (3) A Natural Resources Map; and (4) 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, as an example: As stated on page 31: “Having this Village Area is consistent with historical settlement patterns, but it also accomplishes a modern goal by reducing the impact of growth on the more rural areas of the town, thereby helping to retain the important rural character of the town.”

Other examples (and these are only a few) include the following:

“Above and beyond meeting state-regulations, new development shall: (p. 36)
• Minimize development of existing farmland or land with a high potential for future agricultural or forestry use;

• Avoid undue adverse effects on significant natural resources including stream corridors, wetlands, and habitat areas; Discourage the introduction and spread of invasive plant species.

• Avoid undue adverse visual effects on open meadows and forest lands as viewed from public right-of-ways;

• Maintain scenic vistas of the working landscape, hillsides and ridgelines.”

“Density of new development will be limited to the physical capacity of the land and without degradation of the environment.” (p. 36)

“The Town will generally direct medium intensity non-residential uses into the South Pomfret Village Area where the proximity of land uses is closer together and the need for open space is lower.” (p. 37)

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 (p 54) 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 “Town Services 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 dire need of attention, but the Plan lacks specific information regarding priority of need, costs of any potential needs or how those needs would be financed.

“In March 2016, Town residents voted and the Pomfret Selectboard appointed a Long Range Planning and Capital Budgeting Committee with the purpose of developing long-range plans and cost estimates relating to the capital needs for Town equipment and facilities. A Capital Equipment Replacement Plan was established and annually updated for Highway equipment, but no long range plan has been established and maintained for town buildings and the Fire Department.” (p. 64)
On page 67, Policy #4 states: “Develop and maintain current and long-range plans for the utilization, maintenance, and improvement of all Town facilities with appropriate costs estimates. There is also the following recommended action (p. 68): “Study the short- and long-term needs of Town for government operations including facilities, administrative help, and technology, and develop a capital budget.”

The previous town plan review also pointed out the lack of specific information (as required by statute). If the next revision of the Pomfret 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 “Land Use and Natural Resources” chapter includes a list of Pomfret’s historic buildings. (p. 27) As well as, a list of special places and natural features. (p. 28)

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 with a short list of “Immediate Actions.” (p. 92) This chapter goes on to refer to the recommended action throughout the Plan and encourages any interested citizen to review them and get involved with the implantation.

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 “Regional Planning” chapter contains an assessment of the Town Plans for those towns that border Pomfret and the Pomfret Town Plan determines that there is no conflicts with surrounding towns.

The Plan also discusses its compatibility with the regional plan, as well as acknowledging the “value of addressing issues of vital interest to us all on a regional basis.” (p. 89)
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. It also includes the following long range goal: “To support increased energy efficiencies in existing and new buildings, in transportation and to support the long-term availability of safe, reliable, renewable and affordable energy supplies.” (p. 52)

Renewable sources of energy, the support of renewable sources, and conservation measures as they could work in Pomfret are discussed.

A discussion entitled “Energy, Land Use, and Transportation” within the “Energy” chapter includes the following statement: “Pomfret recognizes that energy efficient land use patterns that utilize existing infrastructure and are designed to accommodate all modes of travel are vital parts of increasing energy efficiency and reducing the carbon footprint.” (p. 51)

There is no specific “policy statement” regarding the conservation of energy, but the following recommended action is included in the Plan: “Increase awareness and use of energy conservation practices, energy-efficient products, and efficiency/weatherization programs through educational outreach to the public with the assistance of Efficiency Vermont and local utilities.” (p. 52)

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 Pomfret 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.

Both the “Housing” and the “Land Use and Natural Resources” chapters address the need for lower and moderate-priced housing and those chapters include recommendations that would allow for more affordable housing options within the Town. For example in the “Land Use and Natural Resources” chapter, the following recommended action is included: “The Town should develop a strategy to work with land owners to convert existing structures into affordable housing.” (p. 37) Also in the “Land Use and Natural Resources” chapter:
“Encourage projects that will result in new construction of affordable housing and conversion of existing structures to affordable housing as part of PUD’s.” (p.36) In the “Housing” chapter the following Policy Statement is included: “Where appropriate, new Planned Unit Developments should set aside a reasonable percentage of the new homes or units for families with lower and moderate incomes.”

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 (p. 82). 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. (p. 94)

**CONCLUSION**

Based upon the above findings, it is the conclusion of the Regional Commission that the Pomfret 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 Pomfret 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 Pomfret 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 Pomfret Town Plan is an improvement from the 2007 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 “Land Use and Natural Resources” chapters specifying where growth should take place in keeping with the State goals of village centers surrounded by rural countryside.

Elements of this Plan (utilities/facilities, energy, etc.) will need to be addressed in greater detail in the next revision of this Plan. The Regional Commission will expect that in eight years-time, Pomfret 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, AICP, Executive Director