

**RE: TOWN OF THETFORD, VERMONT
PLAN REVIEW
CASE # FY 21-1**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Thetford, Vermont requested TRORC to review and approve the Thetford Town Plan adopted on 09/11/2020. The Plan encompasses all land in the Town of Thetford, 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 09/23/2020, in Woodstock, Vermont. This matter is now ready for decision.

This review is based upon the Town Plan as adopted.

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 2020 Thetford Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 13 distinct chapters that are required under V.S.A. Title 24, Ch. 117, §4382. Required goals of the Plan are under V.S.A. Title 24, Ch. 117. §4302.

2. **Is citizen participation encouraged at all levels of the planning process?**
The Plan does not discuss the citizen participation process used during the development and adoption of the Plan.
3. **Is consideration being given to the use of resources and the consequences of growth and development?**
Yes, the Land Use Chapter explains that natural resources as well as availability to public services are among the factors that determine the type, scale, and intensity of future land use (p. 113).
4. **Is the municipality working creatively together with other municipalities to develop and implement plans?**
Yes. The Plan states that Thetford works with TRORC, the Greater Upper Valley Solid Waste District, and states that the Town should join regional initiatives related to perpetuating forest blocks and wildlife corridors. The Plan also mentions the Town's coordination with other organizations including VTrans, the Local Emergency Planning Committee, and the Intermunicipal Regional Energy Coordinator initiative.

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, dense residential developments are encouraged "within or adjacent to existing village centers or developed as part of a Planned Unit Development or other approved growth area" (p.89). Strip development in town is discouraged in multiple policies, but not specifically along highways.
 - b. **Is economic growth being encouraged in locally designated growth areas or being employed to revitalize existing urban or village centers, or both?**
The Plan notes the Town's challenge of creating a "conducive environment for local economic development while protecting the town's historic, scenic, and natural character." Further economic development in village centers may be limited by the lack of municipal water, sewer, or pressurized hydrant system. The Plan states that "focusing development in village centers is a top priority, as are relaxed regulations for home-based

businesses and considering flexibility in village minimum lot sizes” (p. 18).

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

The Transportation Chapter and Facilities, Services, and Utilities Chapter both contain objectives related to this goal.

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

Yes. The Land Use Chapter states it is a policy of the town to “promote mixed-use, higher-density development, which includes walkable neighborhoods, energy efficiency, and protection of natural resources” (p. 119).

- 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?**

The economy is discussed in Chapter III: Economic Development. A goal of the Plan is to have a “robust and diverse local economy that provides satisfying and rewarding employment opportunities for residents while maintaining the community’s rural character” (p. 20). The plan calls for businesses that do not endanger natural resources, and notes that “the development pattern of Thetford has not resulted in readily defined areas of high unemployment or low income that would suggest specific places to be targeted for economic improvement. Every village could benefit from economic growth.” (p. 20).

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

Yes, this is covered in Chapter II: Education. “It is the policy of the Town to ensure educational and vocational training so that all Thetford residents can achieve their full potential” (p. 15).

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

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

Not specifically, although the Plan does discuss highways, air, rail, and other means of transportation individually within the Transportation Chapter (p. 99).

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, multiple chapters within the plan address the preservation of important resources within Thetford. Chapter V: Natural Resources identifies natural and fragile areas, water resources, and earth resources, while Chapter IV: Facilities, Services, and Utilities identifies historic resources. Scenic resources and archaeologically sensitive areas are addressed in Chapter X: Scenic 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?**

Air, water, wildlife, mineral and land resources are planned for within Chapter V: Natural Resources.

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

Yes, the Plan notes that "the original basin plan for the Ompompanoosuc was finalized in 2008 and is the basis for some of the recommendations in this chapter. The basin plan has been refined in recent years" (p. 46). The associated recommendations for water quality, found on pages 57-59, list methods for maintaining and improving water quality.

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

Yes. The Plan contains a goal to "maintain and preserved large forest tracts that are sustainable biological and economic resources" (p. 60) and associated recommendations specific to forest blocks. The Land Use Chapter (XI) further addresses habitat connectors, noting that "the Town shall update the zoning to include the new forest area to avoid fragmentation of forests and habitat connectors, and agricultural soils as feasible" (p. 121).

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

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

Yes, all of these are addressed in Chapter VII: Energy.

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

Yes, specific strategies can be found in the Recommendations section of the Energy Chapter, pages 90-96.

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?**

The Plan notes that the siting of telecommunication structures should not undermine outdoor recreation (p. 44). It's also a goal of the Plan to maintain flood hazard areas as non-commercial recreation land (p. 66).

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

Yes, this is found in the Recreation section of the Facilities, Services, and Utilities Chapter, beginning on page 36.

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, both the Plan's Land Use chapter and its Natural Resources chapter contain objectives and policies directed at this goal.

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

Yes, this is discussed in a section titled "The Future Economy" within the Economic Development chapter (p. 19). This chapter contains the following policy: "It is the policy of the Town to encourage agricultural operations that foster growth of local food sources" (p. 21).

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

Yes, "It is the policy of the Town to encourage agricultural operations that foster growth of local food sources" (p. 21).

d. Are sound forest and agricultural management practices encouraged?

Yes, the Plan calls for the Town to "encourage foresters and loggers to use Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont when conducting logging operations adjacent to streams and stream headwaters" as well as "integrate into the zoning regulations where appropriate the specific Best Management Practices (BMPs) developed by the Natural Resource Conservation Service for buffer strips, diversion of surface water runoff; and the storage and spreading of manure, fertilizers and pesticides" (p. 58).

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

The Plan does protect agricultural and forest lands, and contains a policy stating, "public investments shall not result in undue disruption of agriculture or loss of agricultural soils to farming" (p. 62).

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

Yes, "quarries and gravel and sand pits need to be planned so as to protect surface and ground waters, as well as for the eventual reclamation of the site to a safe condition" (p. 62).

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 states that "senior, affordable, and workforce housing is welcome in town" (p. 11).

b. 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, it is a goal of the Plan to have "safe, adequate, and energy-efficient housing for all ages" and it is a policy of the Town to "encourage a mix of housing types and density in locations that are already developed" (p. 11).

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

Yes, the Land Use Chapter states that “the Town shall encourage multifamily dwellings or workforce housing in Village and Neighborhood Residential zones as feasible” but it does not specifically mention the location of manufactured housing other than to say “it is the policy of the Town to keep housing affordable by planning for appropriately sized lots, accessory apartments, multi-family dwellings, workforce housing, manufactured housing and clustered developments in locations consistent with the desire to maintain the town’s village character and rural qualities” (p. 11).

- c. 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 Housing Chapter says “is the policy of the Town to encourage the building and use of accessory dwelling units to provide affordable housing or a situation of care and supervision to the disabled or elderly” (p 11).

- 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 contains a Facilities, Services, and Utilities chapter which contains plans for each of these services (p. 24-45).

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

No

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

Yes, the Plan contains a childcare element within the Education Chapter and contains a policy “to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development” (p. 15).

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

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

The Flood Resilience element contains a goal of having “flood hazard areas that are maintained and enhanced as conservation areas, greenways, and non-commercial recreation and/or agricultural land” (p. 66).

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

Yes, it is a policy of the Town to “protect and where possible restore floodplains and upland forests so they may retain and absorb floodwater” (p. 67).

c. Are flood emergency preparedness and response planning encouraged?

Yes, it’s a recommendation within the Flood Resilience Chapter that the Town “should continue developing flood mitigation plans, and emergency preparedness and recovery procedures” (p. 67).

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

The Two Rivers-Ottawaquechee Regional Plan was adopted on July 15, 2020 and it will remain in effect until August 19, 2028.

The Thetford Town Plan is found to be compatible with the Two Rivers-Ottawaquechee 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 Thetford Town Plan, the following municipalities have Plans approved by the Two Rivers-Ottawaquechee Regional Commission that are in effect:

Barnard, Bradford, Braintree, Bridgewater, Brookfield, Chelsea, Corinth, Fairlee, Granville, Hartford, Hartland, Newbury, Norwich, Pittsfield, Plymouth, Pomfret, Randolph, Rochester, Royalton, Stockbridge, Strafford, Tunbridge, Vershire, West Fairlee, and Woodstock.

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

This list is found on pages 1-2.

- 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; set 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; and indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests.**

The Land Use section of the Plan sets forth current and future land use patterns for the community. The element generally identifies a preferred pattern of land use intent on attaining those goals of Section 4302.

- 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 Plan contains a comprehensive Transportation chapter consisting of an inventory and plan addressing transportation's probable impacts on land use and community welfare.

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 Plan's Facilities Services, and Utilities chapter provides a thorough inventory and evaluation of the Town's services and ability to continue to provide services.

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

The Plan contains three separate chapters related to Natural Resources, Historic Resources and Scenic Resources- each containing policies related to their preservation.

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

Educational facilities are inventoried and evaluated in the Education chapter.

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

The "Implementation of the Plan" chapter provides a specific discussion on plan implementation.

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

Thetford's Town Plan contains a chapter titled "Relationship of This Plan to the Region." This section demonstrates that Thetford recognizes the need to work cooperatively with adjacent towns to develop plans that transcend town borders.

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 of the Plan includes an analysis of energy uses and energy sources, along with goals for implementation of energy policy.

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 Plan includes a housing chapter and suggestions for housing development. This Plan also contains a goal to “accommodate housing that is affordable for a range of households including those of moderate to low income” (p. 1).

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 addresses these elements.

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 Flood Resilience chapter provides a specific discussion on promoting flood resilience in Town with accompanying goals, policies, and recommendations.

CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Thetford 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 Thetford 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 Thetford 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.”

Comments and suggested improvements for the next iteration of the Thetford Town Plan:

1. The efforts used to ensure citizen participation in the planning process should to be documented within the Plan.

Dated this 23rd day of September, 2020 at Woodstock, Vermont.

By:

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