RE: TOWN OF HARTFORD, VERMONT
MASTER PLAN REVIEW
CASE #14-7

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Hartford, Vermont requested this Commission to review and approve the Hartford Master Plan adopted on May 27, 2014. The Plan encompasses all lands in the Town of Hartford, and is referred to hereinafter as the Plan.

Section 4350 provides that prior to approving a Plan, the Regional Commission must 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 June 11, 2014 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 Plan is structured as a comprehensive planning document. It is organized using those Plan elements required by V.S.A. Title 24, Ch. 117, §4382. The process used to create the Plan itself is well documented throughout the text.

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

This Master Plan, as well as the 2012 Master Plan, represent a readoption with amendments rather than a comprehensive overhaul of previous plans. Much of the

material contained within is based on an extremely extensive public process which was used as part of comprehensive updates done in 2003 and 2007.

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

   The Land Use Element of the Plan acknowledges that "much of Hartford's land use planning and decision-making revolves around the appropriate use of our manmade and natural resources." As a result, a substantial portion of the content contained in the Plan focuses on how to best utilize town resources and infrastructure while protecting existing natural resources.

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

   While at this point, Hartford does not appear to be actively working with other municipalities to develop and/or implement plans, Chapter XI: Relationship of Plan to Development Trends and Plans for Adjacent Towns and Regions does contain an analysis of potential areas of land use conflict. This analysis accurately determines that the Hartford Master Plan is consistent with those of neighboring communities.

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 Hartford Master Plan is very clear about residential density, with the areas of highest residential density being focused in Villages, Downtown and in the designated Growth Center. The types of development most commonly associated with strip development (primary retail, etc.), are directed into the more densely developed areas of the community.

      At I-89 Exit 1, an area that has the potential to be a prime location for strip development, the Hartford Master Plan has explicitly limited retail development to those types that are secondary to the primary uses in the area.

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

Yes. Economic growth is a very important component to the Hartford Master Plan. The community has made clear efforts to direct commercial growth to the Villages, Downtown and Growth Center areas of the community.

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. In several different chapters (Chapter II: Land Use, Chapter V: Economic Development, Chapter VI: Community Facilities and Services) the Plan discusses the traditional settlement pattern (concentrated development in the five villages surrounded by rural countryside) and how it relates to infrastructure and future investments. By encouraging the continued development pattern and encouraging the "mechanisms to direct growth in these areas...the Town will ensure fulfillment of the community vision and promote more efficient use of the Town's existing infrastructure, public facilities and services, resulting in a beneficial effect on the municipal tax base."

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 Hartford Master Plan does an excellent job analyzing the community's economic assets and potential challenges. With this information, there is a clearly written implementation plan with recommendations for action. The implementation steps are designed to encourage economic growth and job creation while maintaining the focus on Village and Community centers.

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

Yes. While vocational training is briefly addressed in the Education section of the Plan, the Economic Development element identifies the need to create a more effective workforce development system. This system seeks to expand opportunities for vocational and secondary education in Hartford.

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 Hartford Master Plan has an extensive and broad transportation chapter. Public transit is very thoroughly addressed.

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

The transportation chapter provides for multiple modes of transportation, including transit rail and bicycling.

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 identifies significant natural, historic and scenic areas effectively.

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 makes reasonable attempts to protect air, water, wildlife, mineral and other land resources.

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

Yes, the Plan seeks goals that are similar in nature to those outlined in Vermont's Comprehensive Energy Plan adopted by the state in 2011.

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 acknowledges that it is important to "maintain and enhance open space and

recreational "infrastructure" important for long-term health and quality of life for Hartford residents."

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 recognizes the value of Hartford's natural resources and the relationship between those resources and outdoor recreation.

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?

Density has different levels throughout the community. Areas most suitable for agricultural and forestry are the least dense. The Plan proposes adding an Agricultural and Forestry zone to the zoning regulations as a strategy to protect these resources.

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

The economic aspects of agriculture and forestry are not explicitly addressed in the Plan, but the value of agriculture and forest land is.

Although Hartford is a more urban area than many other communities in the Upper Valley, agriculture and forestry are still an important part of the local economy. Agriculture and forestry are essential to maintaining the traditional Vermont landscape. The next revision of this plan should include a more substantial discussion about the economic value of sustaining agriculture and forestry.

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

The development of locally grown food is not addressed.

State planning goals expect that communities will encourage locally grown foods. The next version of this plan should address this.

d. Are sound forest and agricultural management practices encouraged?

Use of AAPs and ASPs are not specifically discussed.

State planning goals expect that communities will encourage AAPs and ASPs. The next version of this plan should address this.

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

Yes, public infrastructure is directed at Hartford's more urban areas which are not suitable for agricultural or forestry development.

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?**

Earth resources are discussed in a very general fashion. More detail on this issue could be provided in the next Plan.

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?**

A key strategy to Hartford's Housing chapter is to "advocate for a diverse housing stock that promotes a range of housing types and costs."

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

Multi-family housing is promoted in areas of high density, where residents can walk or use mass transit.

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's strategies recognize the need for additional housing in more urban areas, in particular where there is access to existing municipal infrastructure.

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 addressed. The Plan proposes creating a streamlined zoning process to address accessory apartments.

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 discusses utilities and services. The Plan includes recommendations to improve these systems.

It should be noted that this chapter lacks specific detail with regard to how much these priority projects might cost and how they might be funded. The next iteration of this plan will need to include more detail as is required by statute.

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

Hartford is clearly aware of the need to balance growth with provision of municipal services. In some instances, Hartford will apply impact fees to ensure that the impact of growth does not negatively impact the community.

13. Planning needs to ensure the availability of safe and affordable child care and integrate child care issues into the planning process, including childcare financing, infrastructure, business assistance for child care providers, and child care work force development.

Child care is adequately addressed in the Plan.

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

The Two Rivers-Ottauquechee Regional Plan was adopted on June 27, 2012 and it will remain in effect until July 27, 2020.

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

Barnard, Bradford, Braintree, Bridgewater, Brookfield, Granville, Hancock, Hartford, Hartland, Norwich, Pittsfield, Plymouth, Randolph, Rochester, Royalton, Sharon, Stockbridge, Strafford, Topsham, Tunbridge, Vershire and West Fairlee.

These approval decisions and Plans have been reviewed in the context of the above question. Based on this, we find the Hartford Master 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 Hartford Master Plan includes goals, policies (referred to as "strategies" and recommendations.

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 2014 Plan's most significant change from 2012 was the development of a clearly designated Land Use Plan. The Land Use Plan effectively addresses issues of location, amount and intensity of land uses in each land use area.

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 Hartford Master Plan has an excellent transportation element, which addresses all modes of transportation and includes a list of priority transportation investments for the future.

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.**

   Hartford has a large Utility and Facility plan, which includes (in several subsections) a detailed inventory of project priorities. However, this chapter lacks specific detail with regard to how much these priority projects might cost and how they might be funded.

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

   The Plan contains thorough inventories of scenic and historic resources, but does not have clear policies about their preservation. Many recommendations for action, however, will have the effect of preserving these resources if implemented.

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 effectively addresses education.

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

The Hartford Master Plan includes a spreadsheet which notes every recommendation in the Plan; assigns a party responsible for implementation and includes a rough timeline. This should be the model for Plans (including the Regional Plan) in the future.

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 Hartford Master Plan adequately addresses its relationship to other Plans.

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 Hartford Energy Plan is limited in scope and does not contain resource, needs, scarcity or cost analyses. Efficient use of energy and the development of renewable energy resources are very minimally addressed.

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 addresses housing needs effectively.

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 Plan has an excellent economic development element, which inventories Hartford's economic assets.

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 Hartford Master Plan does not contain a flood resilience plan, but because it was adopted prior to July 1, 2014, this section is not required by law. Hartford has a Hazard Mitigation Plan being reviewed at this time. The Town will use this in the future as its flood resilience plan.

CONCLUSION

Based upon the above findings, it is the conclusion of the Regional Commission that the Hartford Master 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 Hartford Master 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 Hartford Master 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 2012 Hartford Master Plan was reviewed by TRORC Staff as part of the Enhanced Consultation process. During this review, a number of deficiencies were found. However, the consultation took place toward the end of the five-year period for adoption, which did not allow

sufficient time for all concerns to be addressed in this revision. Instead, the Town of Hartford focused on the most substantial issue: The Land Use Plan.

The 2012 Master Plan did not contain a complete Land Use Plan as described in statute, lacking any narrative which defined the type, density or intensity of uses within each land use area. In addition, the land use guidance that was in the 2012 Plan had key elements that were in direct conflict with the Regional Plan (relating primarily to the I-89 Interchange Area). As a result, the Regional Commission indicated in its 2013 Enhanced Consultation that it could not approve the Plan.

It is important to note that Hartford's planning staff worked closely with TRORC staff to draft a new Land Use Plan that clearly addresses land use in terms of type, density and intensity of use. Land use areas that were on the Land Use Map in 2012 (with no supporting narrative) are now well described. Hartford's planning staff (and planning commission) also addressed issues relating to strip development around the interchange sufficiently for TRORC to judge the conflict between the two plans to be removed. This development of this chapter proves that the community is making progress toward the state's planning goals.

There are other elements of this Plan (utilities/facilities, energy, etc.) which will need to be addressed in greater detail in the next revision of this Plan. The Regional Commission will expect that in five years-time, Hartford will have substantially addressed the areas of concern outlined in the 2013 Enhanced Consultation. TRORC offers its services to help make that happen.

Dated this 25 this day of June, 2014 at Woodstock, Vermont.

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