

**RE: TOWN OF HANCOCK, VERMONT
TOWN PLAN REVIEW
CASE # 14-4**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Hancock, Vermont Selectboard requested this Commission to review and approve the Hancock Town Plan adopted on November 19, 2013 by the Town. The Plan encompasses all lands in the Town of Hancock, 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 January, 22 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 Town Plan is divided into 17 sections that encompass all of the requirements under 24 VSA §4382.

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

Yes. The Plan states that public input is required to ensure that the "goals and policies of the Plan are integrated into the decisions affecting land use, taxation, and public investment in Hancock," on a continual basis (p. 6).

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

Yes. The Plan acknowledges that the Town needs to “provide for orderly growth” in how it balances its natural and built environments (p. 6).

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

Yes. The Plan states that Hancock intends to cooperate with its neighboring towns in order to “promote development that preserves our shared rural character,” and highlights its intention to work with other towns along the Route 100 corridor to help maintain the area’s scenic value (p. 68).

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 Plan states that the siting of new development be compatible with the Town’s historic settlement pattern” in a manner that complements the settlement patterns of the village, low-density rural and agricultural lands, large open spaces, and forest lands (pp. 32, 73). One of the Town’s planning principles states that strip development is not a supported land use pattern because it restricts visual and physical access to interior lands (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?

In part. The Plan acknowledges that Hancock is not a hub commercial or industrial activity, and that a large share of the Town’s population has to seek employment elsewhere in the region. Residents would like to see more jobs brought to the town, particularly “clean businesses,” though no particular section of the town has been specified as serving the hub for such economic growth (pp. 9-10).

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. One of the Plan’s planning principles is to ensure that “major public investments...be encouraged and endorsed only on finding that they will not unreasonably or unnecessarily jeopardize or endanger the character of the Village Center” (p. 34). The Town does not provide municipal water and wastewater treatment systems to its residents, and considering installing/providing such systems is not currently an anticipated consideration over the lifespan of the Plan (p. 20).

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?

In part. The Plan does have a goal of strengthening and diversifying the local economy, and considers Vermont Community Development Program grant opportunities to promote the creation and retention of employment (pp. 17-18). The Town, per the Plan, should encourage studies, plans and/or Brownfield redevelopment initiatives that may find re-use opportunities for the old Chesapeake facility.

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

Yes. The Plan sets out a goal to broaden access to education and vocational training opportunities (p. 25). The Plan acknowledges that it has had a decline in student enrollment and fewer residents in the childbearing age group, which forced the Town to close the Village School in 2009. However, provisions have been made for students to attend schools in nearby towns. The Town supports developing technical and vocational education programs and community education workshops for adults in the community as well (p. 26).

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 Transportation Chapter contains a sub-chapter devoted to public transportation, and states that the community should continue to support public transportation links to the Town (p. 30).

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

No. The Plan does not address such transportation linkages outright. It does, however, set a goal to “ensure that future development does not unnecessarily or unreasonably endanger the public investment in town and regional transportation systems or facilities” (p. 30).

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. Within the Natural Resources chapter, the Plan discusses ecologically fragile/significant wetlands, flood hazard areas/floodplains, water resources, riparian buffers, wildlife resources, mineral resources, and scenic resources (pp. 41-50).

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. With respect to water, the Plan does seek to “maintain or enhance the quality and quantity of groundwater resources,” and states that there should be careful review of land use activities that may threaten this quality (p. 45). Wildlife populations and natural diversity are to be maintained and enhanced, with habitat protection incentives being encouraged (p. 48). The Town also seeks to enable utilization of mineral and land resources when they “do not inhibit or conflict with other existing or planned land uses” (p. 49).

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

Yes. The Plan encourages a pattern of settlement and land use that uses energy efficiently, promotes educational efforts to increase public awareness of energy conservation, and encourages the development of local energy resources (p. 55).

- 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. The Plan establishes a policy that “encourages patterns of land use that will maintain and enhance the opportunity for outdoor recreation” (p. 58).

- 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 discusses the many recreation opportunities that the Green Mountain National Forest provides to the public as well as numerous local swimming holes, other areas for water sports (most notably along the White River) (p. 57). The Plan addresses the need to maintain public access to recreational opportunities, owing to such activities being a significant economic driver for the Town.

- 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 seeks to avoid fragmentation to areas of high-value farming and silviculture, encouraging the procurement of easements, clustered/peripheral development and other practices to prevent parcelization (p. 62).

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

In part. The Plan does discuss the importance of value-added agricultural and forest products for the state and, by extension, the Town of Hancock. The Plan encourages economic growth of agricultural and forest operations at a scale that is appropriate for Hancock, and the Plan notes

that such industries will supply jobs and boost the local economy by providing food, lodging, and other services to buyers.

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

No. The Plan does not include a discussion around encouraging the use of locally-grown foods. The Plan does, however, note that agriculture is only a small component of the Town's economy, owing in part to the fact that roughly 85% of the Town's land is part of the GMNF. Additionally, the Plan states that much of the Town has steep or rocky terrain that is not as conducive to agricultural production, thus limiting agricultural production (p. 59).

d. Are sound forest and agricultural management practices encouraged?

Yes. The Plan states that "[f]armers, loggers, and foresters should use Accepted Management Practices (AMP) and are encouraged to implement Best Management Practices (BMP) in their operations and to minimize point and non-point source pollution" (p. 62).

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

In part. The Plan does not specifically address future public investments with respect to pressures investments may place on agricultural and forest land. However, the Plan does also state that development of housing should not adversely affect the rural character of the Town, particularly within the Rural Residential District (p. 35).

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

a. Have strategies to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities been addressed?

Yes. The Plan states that the "existing and proposed mineral extraction and processing facilities should be planned, constructed and managed" in a way that does not adversely impact existing/planned/adjacent uses, water quality, fish and wildlife habitats, and is also reclaimed and re-vegetated after their useful life (p. 49).

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 Plan sets a goal of providing Hancock residents with access to decent and affordable housing, and seeks to plan for this by promoting appropriately size lots, accessory dwelling units, and clustered development (p. 15).

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

Yes. While the Town's housing stock is predominately comprised of single-family homes, over a quarter of their existing housing stock is two-family, multi-family and manufactured housing (p. 14).

- 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?**

In part. The Plan states that housing should be planned with due regard for a site's physical limitations and proximity to current or planned public and private services. Housing should be in a location that complements existing or planned employment patterns. The safe and sanitary nature of housing is not discussed beyond the stated goal of providing "decent and affordable housing" (pp. 15-16).

- 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 Plan actively encourages accessory dwelling units throughout the Town, in part to ensure that housing is kept affordable (p. 15).

- 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 Emergency Services Chapter discusses fire protection services, police protection services, and emergency medical services provisions for the Town, and sets a goal to plan and finance these services for Town residents (p. 23). The Utilities and Facilities Chapter discusses solid waste management, water supply, and wastewater treatment, and also sets a goal to plan for and finance such facilities to meet the future needs of residents (pp. 20-21).

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

No. The Plan states that "growth and development should not exceed the capacities of local utilities and municipal facilities" (p. 21).

- 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.**

At present, Hancock does not have any registered or licensed child care providers. Most families use facilities in nearby towns or rely on family members to care for children. The Town does have a policy of supporting private sector efforts to seek funding to develop child care infrastructure.

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

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

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

Barnard, Bradford, Braintree, Bridgewater, Brookfield, Granville, Hartland, Norwich, Pittsfield, Plymouth, Randolph, Rochester, Royalton, Sharon, Stockbridge, 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 Hancock 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

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 Plan lacks a designated section on objectives, policies and programs for the municipality. It would benefit from having a chapter designated to addressing these. Presently, all such information may be contained elsewhere in the document, but requires extraction.

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.**

A land use plan is outlined within the "Current and Future Land Use" chapter of the Plan (pp. 32-40). All accompanying maps are provided as part of a separate document that is included with the Plan.

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.**

A transportation plan can be found in the "Transportation" chapter of the Plan (pp. 27-31). A transportation map is provided as part of a separate document that is included with the Plan.

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.**

A utility and facility plan can be found in the "Utilities and Facilities" chapter of the Plan (pp. 19-21). A utilities, facilities and education map is provided as part of a separate document that is included with the Plan.

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

A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources can be found in the "Natural Resources" chapter of the Plan (pp. 41-50).

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

An education facilities plan can be found in the “Education” chapter of the Plan (pp. 25-26). An education map is provided as part of the utilities, facilities and education map, provided as part of a separate document that is included with the Plan.

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

A recommended program for the implementation of objectives of the development plan is included in the “Implementation” chapter of the Plan, which includes the regulatory and non-regulatory methods that may be employed to achieve the Plan’s state goals and policy principles (pp. 69-75).

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

The “Relationship to Other Plans” chapter adequately serves as a statement of how the plan relates to development trends and plans for adjacent municipalities, areas and the region (p. 68).

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 contains an extensive energy plan (pp. 51-56).

10. A housing element that shall include a recommended program for addressing low and moderate income persons' housing needs as identified by the regional planning commission pursuant to Section 4348a (a) (9) of Title 24.

The “Housing” chapter of the Plan addresses the housing needs of low and moderate income persons (pp. 13-16).

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 of the Plan touches on economic conditions (pp. 17-18).

CONCLUSION

Based upon the above findings, it is the conclusion of the Regional Commission that the Hancock 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 Hancock 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 Hancock 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 latest Hancock Town Plan is a marked improvement upon the previous Plan from 2008, with more text added to most sections across the board. The newly-added Recreation and Agriculture & Forestry Chapters substantially help the Plan meet statutory requirements. Additionally, the Plan includes a new Flood Resilience chapter, in compliance with the 24 VSA §4382(a)(12)(A) statutory requirements that take effect on July 1, 2014. This demonstrates the Town's commitment toward mitigating future catastrophic flood events following on the damage wrought by Tropical Storm Irene in 2011 while also ensuring compliance with changes to state land use regulatory requirements.

It is recommended that future iterations of the Town Plan include revisions to the following portions of the 2013 Plan in order to be more in line with statutory requirements:

- This Plan lacks a designated section on objectives, policies and programs for the municipality. Having a section that captures all of this information and distills it down to a bulleted list, for example, would be one way of satisfying the need for this required element.
- It is evident there is an interest in improving the Town's economy and providing rewarding job opportunities, but more recommendations are needed to support how to achieve this for Town residents. In the wake of Chesapeake Hardwood Products closing in 2007, more reflection on ways and means of boosting workforce options for residents is beneficial in demonstrating the direction toward which the Town intends to develop. Updates on the Town's local economy, particularly with respect to attracting a major employer, are key to illustrating this. The Plan would greatly benefit from action items around courting new industries that are in keeping with

the skills of the local workforce, in line with existing and future land uses in the Town, and in keeping with the rural nature and character of the Town.

- A more thorough discussion on cultivating and promoting agricultural and forestry business is encouraged to promote greater economic development for the Town. Discussing goals, policies, and actions that would promote the creation and distribution of value-added products would be beneficial, as would encouraging residents to buy such products in local marketplaces.
- The Plan should do more to address transportation linkages throughout the Town and the wider region, particularly in light of the fact that most residents have to travel a distance to work, attend school, etc.
- There are no specific provisions related to air quality in the Natural Resources chapter or elsewhere, and the Plan would benefit from more concrete actions that that speak to how goals and planning principles are to be achieved around this issue.
- The Plan could generally use a more extensive discussion of the Town's housing needs. It would benefit from greater discussion around affordable housing provisions, the age and limitations of the existing housing stock, improving efficiency in the existing housing stock, remarks on anticipated housing growth and the direction of such growth, as well as how the Town intends to meet the growth needs of the Town.
- Adding a more extensive chapter on the Plan's relationship to both the regional and other local municipal plans will ensure conformance with the regional plan as well as highlight any potential conflicts/outside impacts that may affect Hancock.

Dated this 22nd day of January, 2014 at Woodstock, Vermont.

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

