

**RE: TOWN OF BETHEL, VERMONT
TOWN PLAN REVIEW
CASE # 15-1**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Bethel, Vermont Selectboard requested this Commission to review and approve the Bethel Town Plan adopted on September 22, 2014 by the Town. The Plan encompasses land use for the Town of Bethel, and is referred to hereinafter as the Plan.

Section 4350 provides that prior to approving or disapproving a Plan, the Regional Commission find that the Plan meets four tests. These tests are that the Plan is:

- A. Consistent with the planning goals in Section 4302 of Chapter 117;
- B. Compatible with the Regional Plan;
- C. Compatible with the approved plans of other municipalities within the Region; and
- D. Inclusive of all elements required of a plan as set forth in 24 V.S.A., Section 4382.

Staff reviewed this Plan and offers the following information to the Board. The Regional Commission scheduled and held a Public Hearing on this review on September 24, 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 has been divided into fifteen distinct elements as required under 24 VSA § 4382, lending to an overall document that is comprehensive in nature.

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

Yes. Citizen participation is encouraged throughout the Plan. As the Plan states, Bethel residents have "a responsibility to remain involved in implementing [the] Plan," which

requires understanding problems and opportunities facing the town and identifying future goals for the community (p. 6). A public survey of Bethel residents, conducted by the Planning Commission, served as a guideline for policy formulation throughout the Plan (p. 9).

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

Yes. The Plan seeks to provide a “healthful distribution of population and structures” in a manner that “encourage[s] the appropriate and efficient expenditure of public funds and economy in the process of development” (p. 7).

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

Yes. The Plan seeks to “work with neighboring towns and the region to encourage good land use and environmental policy,” ultimately benefitting both Bethel residents and those in adjacent areas (p. 98).

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 “Housing” element supports growth and development that is directed toward the Village Center and nearby Hamlet areas while also “protect[ing] the working landscape” (p. 19). Throughout the Plan, there are policies to support the planning principle that the Town prohibits “development that has the effect of creating sprawl, while allowing for commercial development outside of the Village Center Area in those areas designated as Hamlets” (p. 18).

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 being encouraged in a manner that directs such growth toward the existing Village Center and Hamlets, and also promotes growth that supports agricultural, silvicultural, and other growth in rural areas that are compatible with such

uses. By and large, it is the Town’s policy that “primary retail development shall be located in designated Village Center areas” (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?**

Yes. According the Plan, the Town needs to consider the “existing settlement pattern, maintenance of the Village center, the surrounding low density rural and agricultural areas, and its large open spaces and forests” when formulating a land use pattern (p. 81).

- 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 Plan emphasizes the need for new business development and the growth of locally produced goods and services, and manage growth in a manner that does not produce sprawl or undue burdens on existing and planned infrastructure (and, by extension, taxpayers). It seeks to achieve this by maintaining “a balance between the type and number of jobs created and natural population growth in the area” (p. 17).

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

Yes. The Plan does speak to the broadening of educational and vocational training opportunities within the “Education” element. However, all of the Plan’s goal and policy statements are geared toward the needs of childcare through high school aged residents, without a substantial discussion around higher education, vocational, and adult education opportunities (p. 28).

- 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 emphasizes the importance and need for public transit as well as existing mass transit opportunities within both the “Energy” and “Transportation” elements.

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

Yes. The Town has set a goal to “provide and maintain a safe, energy-efficient and well-maintained transportation network ..., integrating all modes of travel” (p. 93).

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 "Natural, Scenic and Cultural Resources" element identifies water resources, wetlands, flood plains, flora, fauna, natural communities, invasive species, mineral resources, and significant natural and historic areas, each in a thoughtfully written and on-point subsection (pp. 59-71).

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 states that any development that may occur shall only be permitted when such development does not "cause any significant environmental degradation and does not result in an adverse impact" on resources (p. 61). Resources should be "preserved and enhanced" and preserve the public benefit derived therefrom (p. 68).

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

Yes. The Plan extensively discusses and encourages the use and development of renewable energy resources throughout the "Energy" element (pp. 44-58). The Town seeks to "ensure the long-term availability of safe, reliable and affordable energy supplies, to increase energy efficiency, and to promote the development of renewable energy resources and facilities" throughout the Town (p. 56).

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 Town seeks to "enhance and maintain [its] outdoor environment for both active and passive recreational uses," and will do this, in part, by "conserving the natural environment" and "protect[ing] the character of rural areas and their natural resources by avoiding scattered development and incompatible land uses" (pp. 59, 81).

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

Yes. Public access to non-commercial and outdoor recreational opportunities has been addressed in the Plan, most extensively in the “Recreation” element (pp. 78-80). The Town seeks to enhance and expand such opportunities, “encourage the development of outdoor recreational businesses,” including considering drafting a long-range recreation plan (p. 80).

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 states that “[p]lanning policy and implementation efforts should be directed at sustaining agriculture and forestry pursuits and not just conservation of the resource” (p. 75). The Town encourages “the conservation, wise use, and management of the town’s agricultural and forestry resources” (p. 77).

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

Yes. The Plan actively “support[s] the development of value-added farm and forestry products” and also continues to support the Bethel Farmer’s Market (p. 77).

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

Yes. As stated above, the Town supports the growth of local farming industry products and value-added products, including through education opportunities to the public (p. 77). In this manner, the Town will support existing and emerging entrepreneurs and encourage the “continued development of these industries and ... foster local interest in these products” (p. 76).

- d. Are sound forest and agricultural management practices encouraged?**

Yes. It is Town policy that “farmers, 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. 77).

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

Yes. The Town encourages clustered and peripheral development to protect such land and prevent fragmentation. Further, it is Town policy that “the construction of utilities, roads or other physical modification should skirt tracts of productive agricultural land rather than divide them” (p. 77).

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 Town supports extraction of earth resources “where such activities are appropriately sited ..., managed, and the public interest is clearly benefited,” where impacts are mitigated (noise, air, and other pollution, etc.), and to “reclaim and re-vegetate sites following extraction” (pp. 69-70).

11. Planning needs to ensure the availability of safe and affordable housing.

a. Is housing encouraged to meet the needs of a diversity of social and income groups, particularly for those citizens of low and moderate income?

Yes. The Town allows for “growth of housing for all income levels and at a rate consistent with the community’s ability to provide services,” and promotes the growth of multi-family and mixed income housing opportunities (p. 23).

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

Yes, in part. As previously stated, the Plan specifically allows for multi-family housing “within or adjacent to existing Village Center or Hamlet areas where municipal services are available,” but there is no specific mention of manufactured or mobile housing beyond stating that such housing does exist. Future iterations of the Plan may discuss their siting outright (p. 23).

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 states that “sufficient, safe and affordable housing” should be promoted and that “priority should be given to the preservation and improvement of housing already in existence” (pp. 22-23). The “Land Use” element also directs growth of housing toward Village Center and Hamlet areas where infrastructure is available to support housing needs (pp. 81-88). The Plan routinely states that growth should be managed at a

rate that is commensurate with the provision and expansion of existing municipal services and 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?**

No. The Plan neither addresses nor explicitly precludes accessory dwelling units in the Town as a means to provide affordable, accessible housing for all residents, in particular for elderly and disabled persons. This is a topic that must be inserted into the “Housing” element text and the policies related to the provision of affordable housing in the Town in a subsequent version of the Plan.

- 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 “Utilities Facilities” and “Health and Emergency Services” elements discuss provisions for town and privately owned community buildings, public water, wastewater treatment, solid waste management, cemeteries, communication facilities, healthcare facilities, fire protection services, police protection services, and other emergency medical services (pp. 29-41).

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

No. The Town’s ability to provide facilities and services is expected to meet or exceed anticipated growth, as is stated throughout the Plan.

- 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.**

Yes. The Plan “encourage[s] the creation of affordable childcare facilities that meet the established needs of the residents in Bethel” and supports the “private development of additional facilities” (p. 28).

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

The Two Rivers-Ottawaquechee Regional Plan was adopted on June 25, 2014 and it will remain in effect until July 25, 2022.

The Bethel 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 Bethel 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, Hancock, Hartford, Hartland, Norwich, Pittsfield, Plymouth, Randolph, Rochester, Royalton, Sharon, Stockbridge, Strafford, Topsham, 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 Bethel Town Plan to be compatible with these Plans.

D. Municipal Plan Elements - Are They Included?

A plan for a municipality shall include the following required elements. These elements or components are, in summary:

- (a) a statement of overall objectives and policies;
- (b) a land use plan;
- (c) a transportation plan;
- (d) a utility and facility plan;
- (e) a statement of policies for "special resources";
- (f) an education plan;
- (g) an implementation program;
- (h) a statement on relationship of plan to trends and plans for adjacent towns and the region;
- (i) an energy plan; and

- (j) a housing plan.
- (k) an economic development plan
- (l) a flood resiliency plan

1. **A statement of objectives, policies and programs of the municipality, to guide the future growth and development of land, public services and facilities, and to protect the environment.**

The “Introduction” to the Plan provides six general purposes and intentions for the Plan, and also outlines six specific objectives of the Plan that guide Bethel’s future growth and development in a manner that protects the environment.

2. **A land use plan, consisting of a map and statement present and prospective land use, indicating those areas proposed for forests, recreation, agriculture, (using 6 VSA Section 8), residence, commerce, industry, public and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; and setting forth the present and prospective location, amount, intensity and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services.**

The “Land Use” element contains a land use plan (pp. 81-88), and both a current and a future land use map are provided as appended documents 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.**

The “Transportation” element contains a transportation plan (pp. 89-95), and a transportation map is provided as an appended document 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.**

The “Utilities and Facilities” element contains a utility and facility plan (pp. 29-37), and a utilities and facilities map is provided as an appended document with the Plan.

Additional information pertinent to utilities and facilities can be found in the “Education,” “Energy,” and “Recreation” elements of the Plan.

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

The “Natural, Scenic and Cultural Resources” element contains a statement on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources (pp. 59-72).

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

The “Education” element contains an educational facilities plan (pp. 24-28), and educational facilities information is included within the utilities and facilities map provided as an appendix document with the Plan.

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

The “Town Plan Implementation” element contains information on the regulatory and non-regulatory implementation methods that can further the objectives of the Plan along with information on the parties responsible for implementation (pp. 99-103).

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

The “Relationship to Other Plans” element outlines how the current plan relates to plans of adjacent municipalities as well as the Regional Plan (pp. 96-98).

9. An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy.

The “Energy” element includes the necessary analysis of energy resources, needs, scarcities, costs, and problems within the municipality as well as proscriptive policy statements to address the Town’s needs in the area of energy efficiency (pp. 44-58).

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

The “Housing” element includes a recommended program addressing low and moderate income householders’ needs (pp. 19-23).

- 11. An economic development element that describes present economic conditions and the location, type and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.**

The “Economic Development” element discusses current economic conditions and other aspects of the current economy, along with policies and recommendations for economic growth (pp. 14-18).

- 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 “Natural, Scenic and Cultural Resources” element discusses flood resilience at length, most notably within the subsection on “Flood plains” (pp. 59-72).

CONCLUSION

Based upon the above findings, it is the conclusion of the Regional Commission that the Bethel 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 Bethel 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 Bethel 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 2014 Bethel Town Plan is a marked improvement on the previous Plan adopted in 2011, and makes great headway in better conforming to regional and state goals and policies. The Plan has been dramatically expanded upon, and is now over double its previous size. The vast majority of deficiencies with the 2011 Plan, as presented in the Enhanced Consultation, have been rectified, with virtually every element being rewritten to some extent.

There are a number of areas that must be addressed in subsequent iterations of the Plan, as follows:

- The “Utilities and Facilities” element could do yet more to provide priorities for concrete projects as well as funding sources for work that currently needs to be addressed. While the element outlines the need for a Capital Plan and Budget among other items, there is no talk of timelines and sources of funding or finance options for the projects the Town seeks to complete.
- The “Transportation” element could discuss the linkages to rail and air travel more extensively, including public transit methods to and from the Town.
- While there are goal and policy statements related to the existing childcare and k-12 academic opportunities within the “Education” element, there are no such statements that reflect the academic needs and desires of residents aged 18 and over, particularly for the elderly. A broader discussion around this topic, including a more in-depth review of higher education opportunities in Bethel and surrounding areas, would improve this element.
- The “Housing” element needs to have a discussion around the subject of accessory dwelling units (perhaps within the section of affordability) and goal, policy, and action statements that support their provision throughout the Town. This is of particular importance related to the provision of ADUs as affordable housing opportunities for the elderly and disabled, especially when sited in/within close proximity to town and village amenities and services. Additionally and relatedly, the Plan could include a discussion on the siting of manufactured and mobile housing within the Town limits, as no such information exists within the Plan at present.
- The current plan lacks a standalone “Flood Resiliency,” and should consider having one going forward to allow for a more thorough, robust discussion on the subject. An element that is more tailored to the Town and specifically discusses the flood hazard and fluvial erosion hazard areas within the town (and any other areas most susceptible to flooding) as

well as more historical information on such events would better address the subject, as per statute.

Dated this 24 th day of September, 2014 at Woodstock, Vermont.

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