

**RE: TOWN OF SHARON, VERMONT
TOWN PLAN REVIEW
CASE #10 - 04**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Sharon, Vermont Selectboard requested this Commission to review and approve the Sharon Town Plan adopted on April 6, 2015 by the Town. The Plan encompasses land use for the Town of Sharon, 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 May 27, 2015 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 Sharon Town Plan is a comprehensive planning document that is divided into nineteen discrete chapters, covering the range of topics required by statute as well as other subject matter areas that enhance the overall Plan. The Plan meets the requirements set forth in 24 VSA § 4382.

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

Yes. At the outset of the Plan, it is stated that, in drafting the Plan, “statements of goals and policies for guiding future growth in Sharon must come from the wishes and needs expressed by the residents of Sharon,” in part to reduce future conflicts (p. 6).

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

Yes. The goal of the “Scenic Resources” element is to “plan for the controlled and orderly growth of the town, developing a pattern that maintains Sharon’s rural character and areas of scenic significance” (p. 45).

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

Yes. The Plan sets a goal to “work with neighboring towns and the region to encourage good land use and environmental policy that benefits the citizens of Sharon” (p. 116). As such, the Town has set policies that encourage continued communication, cooperation, and the exchange of planning information and development data with its 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 “Housing” element states that it is Town policy to “encourage and direct the location of future housing to complement existing or planned employment patterns, town services, travel times, and energy requirements” (p. 22). According to the “Land Use” element, housing is directed toward the Village Area (single, two, and multi-family housing, p. 78) and the rural residential area (areas just outside of the Village Area). The Plan first states that strip development “along access roads and scattered development in rural or outlying areas” is not a form of development that is in the public interest to allow in the “Scenic Resources” element, and further restates this sentiment in ensuing chapters by stating that it is an unacceptable land use pattern for the Town (p.45, 91).

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

Primary retail growth is largely directed toward the existing village center of the Town in proximity to VT Route 14 and I-89, including home enterprises. The Commerce Park area has been designated for “commercial or light industrial companies that are not truck-dependent” (p. 14). The Plan sets a goal to “encourage continued development of small-scale enterprises in Sharon village, the Commerce Park, and in the Small Enterprise Area along Route 14 north of the Village” (p. 16).

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. The Town intends to “maintain town facilities that meet the needs of residents in a cost effective manner,” with growth that “should not exceed the capacities of local facilities and services” (p. 30). Further, the Plan “encourages a pattern of development that complements the traditional settlement pattern clearly recognized and existing in the town” through “controlled and orderly growth” (p. 45).

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 notes that, as of 2013, nearly a quarter of the Town’s population worked at local businesses, and the Town encourages “participation in a strong and diverse regional economy that provides satisfying and rewarding employment opportunities for residents while maintaining environmental standards” (pp. 14-16).

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

Yes. The Town has set a goal to “provide a safe and secure learning environment where high quality educational opportunities are provided to all students” (p. 39). The Plan addresses the needs of adult and vocational education opportunities in the narrative of the “Education” element.

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 Town seeks to “support local, regional, and state-wide efforts to provide transportation systems that meet the needs of all population segments and not just those

who use automobiles,” and sets a general policy to that states that “the use of public transportation is encouraged” (p. 90).

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

Yes. In meeting the needs of all members of the public, be they personal car drivers or otherwise, the Town aims to ensure that future development efforts do not hinder investment in/the safety of “town and regional transportation systems or facilities, including highways, bicycle ways, trails, and rail” (p 90). This speaks to the Town’s intent to provide a mutually supportive, balanced and integrated transportation system to meet the needs to motorists, bicyclists, pedestrians, and transit users alike. The Plan does not, however, address regional air access and opportunities, which should be addressed in ensuing iterations of the Plan.

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’s “Natural Resources” element covers the following resource areas: water resources, flood hazard areas, floodplains, groundwater, surface water, wetlands, flora, fauna, natural communities, habitats, and mineral resources. (pp. 50-64). The “Historic and Archeological Resources” element that follows provides a discussion on historic properties and structures of significance throughout the Town (pp. 65-69).

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. While the Plan does not specifically address efforts to curb adverse impacts to air quality from proposed land development activities, the goals and policies stated within the “Natural Resources” element do directly address development impacts to water, wildlife, mineral, and land resources throughout the Town (pp. 59-63). If all of these impacts are mitigated, the net effect ought to yield cleaner air for residents.

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

Yes. The Plan promotes “the development of renewable energy resources and facilities in the Town ... to meet the energy needs of the community.” This is bolstered by the educational and outreach opportunities that the Town’s Energy Committee provides in promoting renewable energy and efficiency standards and practices in the community.

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. It is Town policy to “protect and enhance recreational opportunities and the natural beauty and scenic characteristics of significant local landscapes” by ensuring “that major developments or subdivisions are sited and designed to promote their recreational resource value” (p. 44). It is also Town policy to “evaluate... and set aside land or facilities for parks, public access or trails” as part of the subdivision review process (p. 44).

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 emphasizes the need to “assure continued recreational opportunities for Sharon’s citizens and visitors of all ages,” which, in part, involves inventorying of the Town’s many recreational resources (p. 43).

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 encourages “the conservation, wise use, and management of the town’s agricultural and forestry resources, to maintain its environmental integrity, and to protect its unique and fragile natural features,” and conduct agricultural and forestry operations “at a scale that is appropriate for Sharon” (pp. 73-74). Further, the Plan promotes clustered or peripheral development as a means to protect agricultural and forestry resources “and prevent fragmentation and sprawling settlement patterns” (p. 74).

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

Yes. It is Town policy to “support the development of value-added farm and forestry products” (p. 74).

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

Yes. The Town has demonstrated support for locally-grown food products through its support of value-added industry as well as continued support for the Sharon Farmer's Market (p. 74).

e. 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. 74).

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

Yes. Per the Plan, it is Town policy that “contiguous forest and significant agricultural areas should remain largely in non-intensive uses unless no reasonable alternative exists to provide essential residential, commercial and industrial activities for the Town’s inhabitants,” and that developments generally do not fragment agricultural and forest lands (p. 74).

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 seeks to enable “appropriate use of mineral resources” and to “support extraction and processing of mineral resources only where such activities are appropriately sited..., managed, and where the public interest is clearly benefited” (p. 60). Furthermore, it is town policy that “existing and proposed mineral extraction and processing facilities ...be planned, constructed, and managed to reclaim and re-vegetate sites following extraction” while minimizing impacts to adjacent uses, the environment, habitats, and the overall rural character of the Town (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?

Yes. The Town has set goals to both “provide opportunity for Sharon residents to have access to safe and affordable housing” and to also “help Sharon remain a community that offers housing for all income levels” (p. 21).

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 Plan neither specifically outlines Town policies around manufactured housing opportunities, nor does it preclude them from any particular land use area that residential uses are generally permitted. However, the Plan's policies do aim to "keep housing affordable by planning for appropriately sized lots, accessory apartments, and clustered developments," recommending the "preservation and improvement... of existing affordable housing," and "encourage[ing] conversion of larger homes to multiple family units to meet the needs of the community" (pp. 21-22).

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 speaks to all residents having access to safe and affordable housing that is sited to "complement existing or planned employment patterns, town services, travel times, and energy requirements" (pp. 21-22). Additionally, the Plan specifically calls out housing for special needs populations being encouraged "in close proximity to services in the village center and near transportation routes" (p. 21). It also calls for the timing and rate of housing growth or rehabilitation to "not exceed the community's ability to provide adequate public facilities" (p. 21).

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, in part. The Plan states that it is Town policy to "inform a homeowner of their right to develop an accessory apartment on their owner-occupied single-family residence," but does not also state that these units ought to be located in a particular area or cater to a particular class of individuals (p. 21). Rather, the Plan encourages the provision of housing for special needs populations in close proximity to village services and transportation in more general terms (p. 21).

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 does address the needs for public facilities and services throughout both the "Public Facilities and Utilities" element and the "Health and Emergency Services" element (pp. 27-36).

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

No. The Plan aims to “maintain town facilities that meet the needs of residents in a cost effective manner,” and also outlines a policy that “growth and development should not exceed the capacities of local facilities and services” (p. 30).

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.

The Plan does outline the existing level of childcare service available in the community, noting that many families/parents opt to utilize other family members or childcare opportunities outside of the Town for their childcare needs. However, the discussion does not extend to any of the Plan’s goals, policies, or recommendations to ensure the availability of safe and affordable child care, nor does it expressly integrate those needs into the planning process.

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. Using the statutory definition of “compatible with,” we find the Sharon town Plan to be compatible with the Two Rivers-Ottawaquechee Regional Plan.

C. Is the Plan Compatible with Approved Plans of other Municipalities in the Region?

At the time of review of this Sharon Town Plan, the following municipalities have Plans approved by the Two Rivers-Ottawaquechee Regional Commission that are in effect:

List here.

These approval decisions and Plans have been reviewed in the context of the above question. Based on this, we find the Sharon 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 Plan, in its entirety, serves as a statement of objectives, policies, and activities that will guide future growth and development while also ensuring environmental protection of Town resources and landscapes. The Town Plan could, in the future, benefit from a standalone section within the Plan that condenses and analyzes this information further.

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 serves as a land use plan (pp. 75-84). Future Land Use and Current Land Use maps can be found in the appendix.

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 serves as a transportation plan (pp. 85-93). It is accompanied by a Transportation Map that can be found in the appendix.

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 “Public Facilities and Utilities” element in conjunction with the “Health and Emergency Services” element serves as a utility and facility plan (pp. 37-36). They are accompanied by a Utilities, Facilities, and Education map that can be found in the appendix.

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

The “Scenic Resources” element, coupled with the “Natural Resources” and “Historic and Archeological Resources” elements, serves as a statement of policies on the preservation of rare and irreplaceable natural areas, scenic, and historic features and resources in the Town (pp. 45-69). It is accompanied by a Natural Resources map and a Habitat Blocks map, both of which can be found in the appendix.

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 serves as an educational facilities plan (pp. 37-40). Its mapping needs are contained in the Utilities, Facilities, and Education map that can be found in the appendix.

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

The “Town Plan Implementation” element serves as a recommended program for the implementation of the objectives of the development plan (pp. 118-122).

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 serves as a statement of how the plan relates to adjacent municipalities and the region as a whole (pp. 115-117).

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 serves as an energy plan for the Town (pp. 94-106).

- 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 addresses the Town’s needs for low- to moderate-income housing opportunities (pp. 18-22).

- 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 “Economy” element describes Sharon’s present and desired economic conditions along with the programs necessary to foster additional economic growth (pp. 12-17).

- 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 newly drafted “Flood Resilience” element serves as a flood resilience plan (pp. 107-114).

CONCLUSION

Based upon the above findings, it is the conclusion of the Regional Commission that the Sharon 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 Sharon 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 Sharon 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.”

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.

It is evident from a thorough review of the newly adopted Sharon Town Plan that a great deal of effort was placed in addressing the areas of concern enumerated in the 2013 Enhanced Consultation.

- The Land Use element now has much more specificity in discussing permitted and desired density for each of the land use areas.
- The utility and facility plan information provides more specific information related to anticipated projects, associated costs, and prospective financing mechanisms for the Town, where information was available.
- A much broader discussion of the Town’s rare and irreplaceable natural areas has been presented, along with corresponding goal, policy, and action statements.
- A clearer, more specific set of recommendations to implement the Plan has been constructed, delineating responsible parties and projected timelines for completing each activity.
- Town energy needs have been more fully fleshed out.

- Town energy needs have been more fully fleshed out.
- The Housing element provides a more robust discussion on the need to provide more housing, and, read with the Land Use element, also helps more clearly direct where housing ought to be located.
- The Economy element includes an analysis on future economic development in the town along with more thorough discussions on the existing economy.

On balance, the Plan could be improved with greater consideration of the following items:

- The “Utilities and Facilities” element should include a prioritization of future needs for Sharon’s facilities that includes any anticipated costs and potential funding sources to complete modifications, upgrades, or repairs. This information could be incorporated from a Capital Plan and Budget, as and when such a document is created for the Town.
- While the “Transportation” element does discuss multi-modal transportation, rail, and the Region’s limited public transit opportunities, it does not discuss air travel to any extent. Including a discussion on how existing transportation methods link residents to regional airports would rectify this issue.
- While the new standalone “Education” element is an improvement on the 2010 Plan’s education discussion, there are currently no goal, policy, or recommendation statements pertaining to the Town’s childcare needs. The discussion on adult/higher education is also a marked improvement on the previous Plan, there are also no statements related to the support or expansion of these opportunities for adults.
- The Plan does address accessory dwelling units in the “Housing” element, albeit to a limited extent. Any future iterations must have a more extensive discussion around the subject of ADUs as a means of providing affordable housing opportunities for low- to moderate-income residents as well as the elderly and disabled. Such housing should be allowed wherever residential housing is permitted, particularly within the Village Area or anywhere in close proximity to town services and care facilities. Additionally, the Plan must include a discussion on mobile and manufactured homes in the Town, presenting them as another affordable housing opportunity for residents.

Dated this 27 th day of May at Woodstock, Vermont.

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