

**RE: TOWN OF VERSHIRE, VERMONT
PLAN REVIEW
CASE # FY 18-3**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Vershire, Vermont requested TRORC to review and approve the Vershire Town Plan adopted on October 31, 2017. The Plan encompasses all land in the Town of Vershire, and is referred to hereinafter as the Plan.

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

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

Staff reviewed this Plan and offers the following information to the Board. TRORC scheduled and held a Public Hearing on this review on December 13, 2017 in Royalton, 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 2017 Vershire Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 15 distinct chapters that are required under V.S.A. Title 24, Ch. 117, §4382.

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

Yes. In the Implementation Chapter it states, "Planning for change is a continual process for the town and will require the involvement of the Planning Commission and the public to ensure that the goals and policies of the Plan are integrated..." (p. 59).

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

Yes. Goals, policies, and recommendations throughout the Plan consider existing resources and the consequences of growth.

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

Yes, the "Relationship to Other Plans" chapter addresses this: "Vershire shares numerous activities and services with surrounding towns, including school services, rescue squad and fire protection... The neighboring plans have been read in the context of the proposed Vershire Town Plan. Once again, no conflicts exist in either general philosophy or specific development proposals along town borders" (p. 58).

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 "dense residential developments should be located within or adjacent to existing village centers" (p. 54). Also, a policy within the Transportation Chapter states that "strip development is not encouraged as a land use pattern" (p. 29).

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

Yes. "New development needs to occur at a reasonable rate of growth so as not to unduly burden the ability of the town to provide services" (p. 34).

- 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 Implementation Chapter contains a 'Guidelines for Growth' section, stating that "New development should be sited to be compatible with the historic settlement pattern" as well as "be cost efficient for municipal services" (p. 61).

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

Yes, this is mentioned in the Land Use Chapter of the Plan.

- 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, Vershire's Economic Development Chapter discusses this. One goal of this Chapter is to "promote a healthy economy which provides jobs & healthy activities for Vershire residents and helps to support the town" (p. 8). There is also a policy to "encourage business growth that will enhance the rural environment that its residents so strongly value" (p. 8).

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

The Plan addresses education and vocational training in its Educational Facilities Chapter. A goal of the Plan is "to provide a safe and secure learning environment where quality educational opportunities are provided to all students" (p. 24).

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

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

Yes, the Plan generally addresses these goals as best as it can, given Vershire's lack of proximity to a variety of transportation modes, in its Transportation section (p. 25-29).

- 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 Vershire Town Plan has discussion on all of these elements spread throughout several chapters; Land Use and Natural Resources.

6. Planning needs to maintain and improve the quality of air, water, wildlife and land resources.

a. Are air, water, wildlife, mineral and land resources being planned for development and use under the principles set forth in Act 250?

Yes, the Plan describes each of the natural resources that are subject to Act 250 [10 V.S.A., Section 6086(a)]. Included in the Plan are efforts to conserve resources and prevent adverse impacts from human development and use.

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

Yes, a goal of the Plan is to “maintain or enhance the quality and quantity of drinking quality groundwater resources” (p. 39).

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

Yes, a policy of the Plan states: “The construction of utilities, roads, or other physical modifications in the priority areas identified in this Plan as important forest blocks and habitat connectors is incompatible with this Plan” (p. 42).

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

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

Yes, these are stated in discussion, goals, and policies in the Plan’s Energy Chapter.

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

Yes, in part, these are stated at the end of the Energy Chapter. Specific costs associated

with these strategies and recommendations are needed.

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. Recreational opportunities, protection, and expansion thereof are mentioned throughout the Plan, with a specific section in the Utilities and Facilities Chapter.

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 lists specific recreation areas in Vershire. A goal is to “provide the citizens of Vershire with ample opportunity for high quality outdoor recreation” (p. 49).

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. A policy listed in the Natural Resources Chapter encourages “long-term protection of major habitats through conservation easements, land purchases, leases and other incentives” (p. 42).

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

Yes. A policy within the Economic Development Chapter is to “support the manufacture of locally produced value-added products, particularly those that are agricultural” (p. 8).

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

Somewhat, as mentioned above, the third policy in the Economic Development Chapter supports locally produced agricultural products.

d. Are sound forest and agricultural management practices encouraged?

Yes. A general goal of the Plan is to “maintain conservation and proper management of our natural resources” (p. 3).

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

Yes. "Major public investments, such as public recreational areas, and municipal facilities, as well as major commercial or residential developments needs to be situated within or in close proximity to the village" (p. 55).

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

Yes, this is discussed in the Natural Resources Chapter of the Plan. A goal states that "extraction and processing of the resource where such activities are appropriately managed and the public interest is clearly benefited thereby are encouraged" (p. 43).

- 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 Housing Chapter (p. 9-12) contains goals and policies that encourage affordable housing that meets the needs of the community, such as a goal to "provide the opportunity for Vershire residents to have access to quality affordable housing" (p. 11).

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

Yes. A goal of the Housing Chapter is to "encourage additional affordable rental properties, especially in the village, provided that they do not put an undue burden on Town services and facilities and do not negatively impact the rural character of the village center" (p. 12).

- 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, several goals and policies speak to this in the Housing Chapter.

- 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. A policy within the Housing Chapter states that planning for accessory apartments is one way to keep housing affordable (p. 12).

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 and Facilities and Education chapters discuss these.

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

No. The Town of Vershire is very conscientious of the need to balance growth with available facilities. This 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.

The Plan contains a childcare element within the Housing chapter (p. 11), and a goal to encourage affordable childcare in Vershire.

14. Planning needs to encourage flood resilient communities.

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

Yes, all new development in the Special Flood Hazard Areas of Vershire are discouraged (p. 47).

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

Yes, a policy of the Plan is to “maintain Vershire’s upland forests and watersheds predominately in forest use to ensure high quality valley streams and to ensure that flood flows reduce” (p. 47).

- c. Are flood emergency preparedness and response planning encouraged?**

Yes, a recommendation of the Plan is to “continue working to update hazard mitigation plans and emergency preparedness and recovery procedures” (p. 47).

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

The Two Rivers-Ottawaquechee Regional Plan was adopted on July 26, 2017 and it will remain in effect until August 31, 2025.

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

Barnard, Bethel, Bradford, Bridgewater, Brookfield, Chelsea, Fairlee, Granville, Hancock, Hartford, Hartland, Newbury, Pittsfield, Pomfret, Randolph, Rochester, Royalton, Sharon, Stockbridge, 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 Vershire 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.

Chapters throughout the Plan include goals, policies and recommended actions that guide growth and land development, while protecting the environment. Vershire's Town Plan includes the following goals in the Introduction Chapter: "strive toward sensible development and orderly growth to maintain the rural characteristics of Vershire" and "maintain conservation and proper management of our natural resources" (p. 3).

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 Vershire Town Plan includes a 'Current Land Use' map and a 'Future Land Use' map.

In addition, the Current and Future Land Use Chapter contains extensive general and specific goals, policies and recommendations that clearly outline their intentions for future land use that is in keeping with the goals of the State. The Plan's goals consider current land use, as well as future land use that both supports current patterns, while looking to the future.

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 Chapter serves as a transportation plan for the Town and the required Transportation map is also included.

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 Chapter of the Plan includes a list of town-owned buildings and land along with recommendations to meet future needs. The Chapter discusses some prospective facilities including construction of a new Town Garage. The Plan also has a 'Utilities and Facilities' map.

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

There are many goals, policies, and recommendations throughout the Plan that relate to the preservation of natural areas, scenic and historic features and resources, as well as the importance of the preservation of agricultural lands and processes.

The Scenic and Historic Resources and Recreation Chapter discusses multiple scenic and culturally significant areas within the Town of Vershire and contains a goal to "protect and preserve the character and nature of Vershire's scenic and historic resources" (p. 49).

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

Public educational facilities are not located within Vershire; therefore, they are not mapped. A statement of educational facilities is included in the Plan.

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

The Plan includes an Implementation Chapter. This chapter goes on to refer to the recommended actions mentioned throughout the Plan.

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 contains an assessment of the Town Plans for those towns that border Vershire and the Vershire Town Plan determines that there are no conflicts with surrounding towns.

The Plan also discusses its compatibility with the Regional Plan, as well as acknowledging the "...two plans have similar policy statements regarding the need for development that does not overburden services. In addition, no specific development goals in this plan conflict with any regional goals" (p. 58).

- 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 is the Town's Energy Plan. The Plan includes discussion of energy use and sources.

Renewable sources of energy, the support of renewable sources, and conservation measures as they could work in Vershire are discussed. Vershire's electricity consumption and generation data is included in this chapter, as well as measures to conserve energy.

The Utilities and Facilities Chapter contains cost information obtained through a building energy audit conducted in 2010 to identify potential energy efficiency improvements.

- 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 addresses this. It includes a housing element and suggestions for housing development. This section also contains policies to keep housing affordable by planning for appropriately sized lots, accessory apartments and clustered developments.

- 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 effectively discusses economic conditions as well as economic needs. Location, type and scale of economic development are also addressed.

- 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 Plan includes a Flood Resilience Chapter and a 'Flood Resiliency' map.

CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Vershire Town Plan be approved. This approval shall remain in effect until the date that the Plan expires, or until it is amended or readopted and reviewed pursuant to these provisions, whichever occurs first.

DISCUSSION

TRORC appreciates the opportunity to formally evaluate the Vershire 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 Vershire 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 2017 Vershire Town Plan is an improvement from the 2011 Town Plan. The Plan now includes a new Flood Resilience Chapter that has recommended goals, policies, and actions that strive to protect existing infrastructure, facilities, and buildings in the event of a major flood. There is also more detail within the Implementation Chapter specifying how goals and policies will be met.

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

1. Energy: costs related to energy use in Vershire need to be included. This will be completed when Vershire works on enhanced energy planning.

Dated this 13th day of December at Royalton, Vermont.

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

