

**RE: TOWN OF BRIDGEWATER, VERMONT
PLAN REVIEW
CASE # FY 19-3**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Bridgewater, Vermont requested TRORC to review and approve the Bridgewater Town Plan adopted on September 25, 2018. The Plan encompasses all land in the Town of Bridgewater, 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 October 31, 2018 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 2018 Bridgewater Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 16 chapters, containing all elements required under V.S.A. Title 24, Ch. 117, §4382. Required goals of the Plan are under V.S.A. Title 24, Ch. 117. §4302.

2. **Is citizen participation encouraged at all levels of the planning process?**
Yes. An objective of the Plan is to “welcome a larger input by the citizens and business community for ideas and expertise at all levels of the planning process” (p. i).
3. **Is consideration being given to the use of resources and the consequences of growth and development?**
Yes. The Plan emphasizes the conservation of rural lands and natural resources through low-impact growth and protection measures.
4. **Is the municipality working creatively together with other municipalities to develop and implement plans?**
Yes, the Plan recognizes the impact of surrounding communities on the Town and states that the Plan is compatible with the adjacent towns’ planning activities. It also recognizes that town goals cannot be delivered without the cooperation of neighboring towns and the State (p. 91).

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 notes that settlement has typically occurred in a distinct pattern of relatively small, high-density settlements surrounded by sparsely settled rural agricultural and forest lands. The Plan has the goal of locating “higher density mixed use development in the village and hamlets, or designated expansion areas surrounding the village and hamlets” (p. 27).
 - b. **Is economic growth being encouraged in locally designated growth areas or being employed to revitalize existing urban or village centers, or both?**
Yes. The Plan contains policies stating that “primary retail establishments must be located within the Bridgewater Village Area or Hamlet Areas” (p. 28) so as to “maintain a balanced relationship between population growth, the provision of job opportunities and the generation of tax income for the town” (p. 29).
 - 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. It is the policy of the Plan to “encourage the development of local businesses, professional services and agriculture-related activity in a manner that conforms to the overall goals of keeping Bridgewater rural and residential, and which will not require Town expenditures on infrastructure” (p. 20).

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

Yes. The Plan states that the town should plan for economic growth and expansion that creates a range of employment opportunities, encourages rising incomes, and raises living standards while considering the impacts of growth on the Town. It encourages the development of local businesses, professional services and agricultural-related activity that conforms to the goal of keeping the Town rural and residential (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?

The Economy Chapter (pages 18-20) discusses Bridgewater’s economic conditions and goals. The Plan calls for a strong and diverse economy by planning for growth “in a manner that creates a range of employment opportunities and encourages rising incomes”; and maintains high environmental standards with the policy to “reduce the demand for commuter transportation and energy”. The Plan does not address unemployment.

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

Yes. The Plan discusses student access to elementary, middle, and high school in the Education Section on page 16. It also provides information on nearby technical and vocational opportunities, as well as higher education. The educational goals of the Plan include providing access to high quality and affordable education, as well as a safe and secure learning environment for all students.

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?

Partially. The Plan discusses highways, air, rail, and other means of transportation. It acknowledges the regional importance of public transportation and discusses the integration of intercity bus services connecting riders to airports (p. 61). However, the Plan does not explicitly state that all forms of transportation should be mutually supportive and balanced.

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 discusses natural processes, formations, and critical features that play key roles in maintaining the environmental health and quality of the Town, which require special conservation and protective measures to ensure their continued existence (p. 44). Policies about the conservation of critical scenic and historic areas are outlined specifically for the for the Appalachian Trail Corridor, The Chateauguay-Dailey Hollow Area, and numerous historic buildings (p. 52-53).

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 consistently refers to natural resource management and development for the Town through conservation efforts and discouragement of practices that would restrict the protection of land, resources and wildlife, in accordance with Act 250 principles.

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

Yes. The Plan contains multiple goals and policies related to maintaining high quality standards. However, the Plan does not reference a basin plan and instead states that the Town has a goal to “protect, manage, and use waters... in a manner that meets or exceeds the water quality standards for Class B waters as set forth under the *Vermont Water Quality Standards*.”

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

Yes. The Plan contains a Forest Block Map and a policy stating, “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. 41).

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. The Energy section (p. 64-79) addresses efficiency of buildings, suitable areas, the use of renewables, and transportation. The objective of this section is to “encourage the

conservation of energy resources and the development of alternative, natural sources of energy supplies” (p. i).

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

Yes. The Energy section contains 15 policies for reaching energy goals (p. 78-79). These could be improved in specificity by naming actors and programs to implement the them.

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 outlines that new development must enhance the scenic and recreational amenities of the Town, and should not impair them (p. 31). Any new significant public investments for public recreational areas should be located within or in close proximity to the village.

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

Yes, this is addressed in the Recreation section of the Land Use Chapter on page 36. It is a policy of the Town to ensure continued public access for snowmobilers, hunters, hikers, and others for sporting and recreational purposes.

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 acknowledges that conversion of agricultural and forested lands for housing and commercial development is probably irreversible, and that local farming and forest industries should be supported, maintaining connections between working lands (p. 37-39). Development should be planned to minimize the reduction of agricultural and forestry potential through use of cluster design (p.40). The Plan encourages keeping agricultural and forestry land in continuous production (p. 40).

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

Yes. A goal on page 39 states, “encourage the manufacture and marketing of value added agricultural and forest products.”

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

Yes. A goal on page 39 states, “encourage the use of locally-grown food products.” The Plan also contains a policy encouraging Bridgewater residents to buy food locally through

farm stands, CSA programs, and at nearby farmers' markets (p. 40).

d. Are sound forest and agricultural management practices encouraged?

Yes. The Plan encourages acceptable management practices for timber production and harvesting (p. 36). It states that "loggers and foresters will use Accepted Management Practices and are encouraged to implement Best Management Practices"; and that "agriculture activities shall follow Required Agricultural Practices" (p. 41).

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

Yes. It is a policy that the "construction or expansion of public facilities should not significantly reduce the resource value of primary agricultural or forest property and soils... unless no feasible or prudent alternative exists and any such activities are planned to minimize its effect on adjoining lands of similar character (p. 40).

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. The Earth Resources Extraction section on page 42 explains that there are currently no operating sand or gravel pits in Bridgewater, and that the extraction of such resources is "to be limited to operations that do not conflict with the other goals, policies, and objectives of this plan."

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

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

Yes. The Plan calls for existing housing and new construction to meet the anticipated needs of the population. A policy supporting this states that it is in the best interest of the Town to "accommodate housing that is permanently affordable for households having moderate, low, and very low incomes" (page 24).

b. 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. A goal in the Housing section is for "all Bridgewater residents to have access to suitable and affordable housing that is safe and sanitary" and "should be tied to public transportation systems to enable commuting and access to child care, health care, and commercial services whenever possible" (p. 24).

c. 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. Multi-family housing is encouraged in the village where "the presence of a public sewer system in the Village suggests a higher density of housing can be located there" (p. 29). The Plan acknowledges the Mill Village Apartment development which

has 4 units that can be rented by qualifying low-income families, and 14 units designed specifically for the elderly and people with disabilities. Manufactured housing is not specifically addressed, but should be.

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 contains a policy to keep housing affordable by planning for accessory apartments (page 24). There is also a policy that affordable housing should be tied to public transportation systems to enable commuting and access to childcare, health care, and commercial services.

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 outlines the current services and facilities in the Town in detail, and notes that development and growth should not exceed the provision and capabilities of these services and facilities.

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

No.

13. Does the plan 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, partially. The Plan contains a Childcare Section (pages 16-17) and acknowledges there are no registered or licensed childcare providers in Bridgewater, but there are many programs in surrounding towns. The Plan contains a policy to “support the private development of additional in-town childcare facilities to fit the needs of residents” but does not specifically discuss financing, business assistance, or childcare work force development.

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. The Town follows federal flood hazard regulations. Only certain non-structural land uses can be permitted in these flood-prone areas.

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

It is a goal to ensure the protection and management of upland watersheds (p. 35). The Plan also acknowledges the importance of restoring and improving the flood storage capacity of existing floodplains (p. 47).

c. Are flood emergency preparedness and response planning encouraged?

The Plan mentions the Local Hazard Mitigation Plan and flood bylaws, but the encouragement of flood emergency preparedness and response planning could be made more explicit in the next version.

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

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

A statement of objectives, policies and programs for the Town is contained in the preface to the document (p. i).

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; set 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; and indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests.

A land use plan is contained in the "Use of Land in Bridgewater" chapter of the Plan (p. 26 – 42). A current land use map (Map 1) and future land use map (Map 2) are provided in the "Town Plan Maps" section.

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.

Transportation information is contained in the "Transportation Plan" section of the Plan (p. 54 – 63). A transportation map (Map 3) is provided in the "Town Plan Maps" section.

- 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.**

Utility and facilities information is contained within the “Town Services and Facilities” chapter of the Plan (pp. 11-17). A “Utilities, Facilities & Education” map is provided in the “Town Plan Maps” section beginning on p. 92.

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

Information on the preservation of natural area as well as scenic and historic features/resources is contained within a number of chapters: “The Use of Land in Bridgewater” (p. 26-42), “Critical Natural Areas” (p. 44-51), and “Critical Scenic and Historic Areas” (p 52-53).

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

Educational facilities information is contained within the “Town Services and Facilities” chapter of the Plan (p. 10-16). A “Utilities, Facilities & Education” map (Map 4) is provided in the “Town Plan Maps” section.

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

The “Plan Implementation” chapter details the various regulatory and non-regulatory avenues that may be utilized to help achieve the Plan’s stated goals and policies, as well as a section on implementation responsibility (p. 94-96).

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

This element is satisfied by the information contained within the “Neighboring Town Planning Activities Section” of the Plan (p. 90-92).

- 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.**

A town energy plan is outlined within the “Energy Planning and Conservation” chapter of the Plan (p. 64-79) as well as Appendix A: Energy.

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.

A housing element that addresses low- and moderate-income housing needs is contained within the "Housing" chapter of the Plan (p. 21-25).

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.

Economic development has been discussed within the "Economy" chapter of the Plan (p. 18-20).

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 flood resilience plan is contained within the "Critical Natural Areas" chapter (p. 44-51).

CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Bridgewater 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 Bridgewater 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 Bridgewater 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 2018 Bridgewater Town Plan is an improvement from the 2013 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. It now contains language and policies related to the preservation of forest blocks and habitat connectors. The Energy section was expanded to include information about the State’s energy goals. 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 Bridgewater Town Plan:

1. Address unemployment in the economic section.
2. Include specific basin plan information regarding water quality in the Critical Natural Areas chapter.
3. Discuss childcare more in-depth by adding information on financing, business assistance, and childcare work force development.
4. Include more about mobile and manufactured homes in discussions on housing.
5. Acknowledge the need for transportation forms to be mutually supportive and balanced.
6. Be more specific on strategies for implementing energy goals.
7. Explicitly encourage flood emergency preparedness and response planning.

Dated this 31st day of October at Woodstock, Vermont.

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