

To: Selectboard Chairs
From: Tory Littlefield, Regional Planner
CC: Peter Gregory, Executive Director; TRORC Commissioners
Date: August 23, 2019

RE: Changes to the Regional Plan since July 12, 2019 Draft

The TRORC Board met on August 21, 2019 and approved several changes to the draft Regional Plan that was sent to you earlier this June. These changes were accepted up until our last hearing on July 12, 2019. Those changes are below. TRORC will hold a final hearing on the Regional Plan on September 25, 2019 at the Thompson Senior Center in Woodstock. The public hearing notice is attached to this memo. TRORC can/will receive more comments on the Regional Plan at this hearing or we can receive written comments by mail or email at regionalplan@trorc.org by 4 p.m., September 25, 2019.

TRORC Board approved changes to the July 12, 2019 Regional Plan

1. A new section to be added to the Healthy Communities chapter:

Healthy Natural Environment

Natural environments contain the components that enable life as we know it. Enhancing the ability of natural environments can mitigate the negative health impacts associated with development that affects our water and air. More information on clean water and air can be found in the Natural Resources chapter of this Plan. Climate action and more greenspace are possible solutions to creating a healthier natural environment.

Climate Action

Climate change is defined as a “long-term change in climate conditions, such as temperature, precipitation, extreme water events, snow cover, and sea level rise.”¹ There are several mitigation efforts that Vermont and its municipalities can take on, such as increasing energy efficiency (as seen in the Energy chapter) through our buildings and our transportation methods. In Vermont, an increase in extreme weather events, such as flooding, can increase risks for vulnerable populations, such as the elderly. Hotter summers can lead to increases in heat-related stress in seniors and children.

There is one epidemic that is plaguing Vermonters, and that is the prevalence of Lyme disease. Vermont is well-known for its expansive outdoor recreational opportunities that span all seasons. With an active lifestyle comes some risks for disease. Vermont is number two in the country for the most diagnoses cases of Lyme disease, which is contracted to humans from blacklegged ticks, or more commonly known as deer ticks. Ticks are becoming more prevalent in Vermont due to milder winters, increased precipitation, and an increase in wildlife. The state’s large number of white-tailed

¹ <https://planh.ca/take-action/healthy-environments/natural-environments/page/climate-action-public-health>

deer and deer mice has led to this increase in diagnoses. The Centers for Disease Control and Prevention (CDC) has labeled this an epidemic in Vermont. Much of this epidemic is due to a lack of effective early diagnosis and treatment, even with 1,093 confirmed cases in 2017.² There are many preventative measures people can take to avoid contracting Lyme disease when they go on a hike, such as; wear long socks and pants, spray bug spray, and check for ticks when you get home. Lyme disease may become harder to treat in the coming decades due to antibiotic resistance of the Lyme disease bacteria.

Other common tick borne diseases that are not as prevalent as Lyme disease include; anaplasmosis, babesiosis, borrelia miyamotoi, ehrlichiosis, powassan virus, and tularemia. While 99% of these diseases are transmitted through the black-legged tick (deer tick), these diseases can be transmitted through the dog tick, woodchuck tick, and the lone star tick in Vermont³. More information on these diseases and prevention can be found on the Vermont Department of Health website.

Green Infrastructure

Providing residents with parks and greenspace not only beautify communities, but can also increase the well-being of people. Healthy by Nature is a movement about the physical and mental health benefits of green infrastructure and states that spending more time in nature improves human health, human health depends on healthy ecosystems, and that parks or other conserved natural areas contribute to vibrant and healthy communities.⁴ Studies also show that people who connect with nature often feel less isolated and can form connections with neighbors.⁵

In a practical sense, green infrastructure can mitigate climate change effects by preserving ecological functions, such as carbon sequestration and water storage.

Goals

1. Increase in access to public green space.
2. The number of confirmed Lyme and other tick borne disease cases in Vermont is decreased.

Policy

1. Support climate change mitigation efforts.

Recommendations

1. TRORC should work with municipalities to distribute information on Lyme disease and prevention.
 2. TRORC should work with municipalities on climate change mitigation strategies.
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2. The definition of “secondary retail” will be modified as follows:

“Secondary or Ancillary Retail.—A business whose primary use is not retail sales, but contains a retail component that is clearly secondary to the primary use. Examples include (but are not limited to), eye doctor’s offices, veterinarian’s offices, small engine repair shop, manufacturer’s with a small showroom, etc. The term also includes retail within a multi-story, mixed-use building in a Mixed-Use Area where any total retail floor space is less than the total residential floor space, and any individual retail use does not exceed 4,000 square feet.”

² https://vtdigger.org/2019/06/16/high-tick-populations-prompt-lyme-disease-concerns/?mc_cid=a3b3b407d3&mc_eid=c9fd5ffa15

³ <https://www.healthvermont.gov/health-environment/climate-health/tickborne-diseases>

⁴ Healthy by Nature, "Welcome," 2011 <http://healthybynature.ca/#sthash.b9XEWBHd.dpuf> (accessed August 4, 2013).

⁵ Judy Maan Miedema, Ellen Desjardins, and Kevan Marshall, *Not Just a Passing Fancy – How Community Gardens Contribute to Healthy and Inclusive Neighbourhoods* (Garden Council of the Waterloo Region and Waterloo Public Health, 2013) http://chd.region.waterloo.on.ca/en/researchResourcesPublications/resources/Community_Gardening_Storytelling_Project.pdf

3. The Mixed-Use Area Policy #3 on page 35 will be amended to:

“Commercial uses that include land-~~consumptive~~ ~~intensive~~ uses, lumberyards, repair services, service businesses, secondary retail, warehouses, kennels, and indoor recreation are appropriate in this Area.”

4. Rural Policy #3 on page 44 will be reworded to:

“New freestanding, individual multi-unit residential buildings containing five units or less per structure are appropriate along Class 3 or better roads in order to stay in keeping with rural scale, but larger ones are not, excepting inns, outdoor recreation, and other lodging. However, a development may contain more than one such multi-unit building. Individual buildings with more than five residential units each are not appropriate in this Area. This unit limit does not apply to adaptive reuses, or to rooms in senior care facilities, outdoor recreation, or lodging establishments.”

5. The term “land-intensive commercial” will be changed to “land-consumptive commercial” throughout the Plan.

6. The definition of “principal (primary) retail” will be modified as follows:

“Principal (Primary) Retail.—As used in this Plan, “principal (primary) retail” means a use whose primary use is the supply of merchandise or wares to the end consumer for use off site. Examples include (but are not limited to) supermarkets, hardware stores (without lumberyards), dry-good stores, pharmacies, big box stores, etc. Principal retail does not include online sales with no product on site, land-~~consumptive~~ ~~intensive~~ and resource-based commercial uses, service businesses, restaurants, retail as a home occupation, or secondary retail.”

7. The definition of “service business” will be modified as follows:

“Service Business.—Any establishment whose primary activity is the provision of services and retail associated with that service assistance, as opposed to the sole provision of products. Such businesses include fuel distributors, auto body shops, storage unites, vehicle and tire sales with repair, heavy equipment and small engine sales with repair, landscaping contractors with a yard that has trees and mulch available, etc., to individuals, businesses, industry, government, or other enterprises.”

8. The definition of “mixed-use area” will be modified as follows:

“Mixed Use Area. – As used in this Plan, “Mixed Use Area” means the future land use area identified as such in the Regional Future Land Area Map, and is a regional land use area designation of land with a mixture of existing uses that is served by state highways, is generally multi-story, includes residential uses and deep lots, and is within walking distance of Regional Growth Areas. This Area and is appropriate for recreational facilities, higher ~~density~~ ~~intensity~~ residential, light industrial/manufacturing, land-~~consumptive~~ ~~intensive~~ commercial uses, service businesses, secondary retail, and uses not appropriate for the core of downtowns and villages, such as lumberyards, nurseries, warehouses, and kennels. Principal retail establishments are not allowed in this area.”

9. Page 36, item #6: Delete word insensitive “unnecessary loss of scenic qualities resulting from ~~insensitive~~ land development.

10. Page 39: “The interchange area is ~~particularly well~~ known for panoramic and distant scenic vistas, particularly the mountain views to the west.”

11. Page 40, policy #2: Small-scale retail uses secondary or subordinate to primary uses and non-traditional to downtown Randolph or its village areas may be acceptable uses subject to in-depth review and evaluation by the ~~community~~ Selectboard and Planning Commission.
12. Add a recommendation #7 on page 90: "VTrans should take over Route 132 as a state highway."
13. Add a recommendation #14 on page 228: "TRORC will work with member towns on exploring possible shared energy program services aimed at improving efficiency and adoption of electrification and conservation measures, including hiring a multi-town energy coordinator."
14. Add two new definitions for forest block and habitat connector as defined in statute:

"Forest Block – A contiguous area of forest in any stage of succession and not currently developed for non-forest use. A forest block may include recreational trails, wetlands, or other natural features that do not themselves possess tree cover, and uses exempt from regulation under subsection 4413(d) of Title 24 VSA."

"Habitat Connector – land or water, or both, that links patches of wildlife habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants and the functioning of ecological processes. A habitat connector may include recreational trails and uses exempt from regulation under subsection 4413(d) of Title 24 VSA. Synonymous with wildlife corridor."
15. On pages 125-126, the Plan will be changed to read, "An additional designation of Outstanding Resource Water can be decided by the Agency of Natural Resources Board. . . . In classifying the surface waters of the State, the ~~Board~~ Agency considers any adopted basin plan, existing uses, background conditions, and the degree of water quality to be obtained and maintained. Recommendations for use reclassifications are made during the tactical basin planning process of each watershed. The Agency Board, on its own . . ."
16. On page 133 the Plan will be changed to read, "Class 3 wetlands are those that have not been evaluated or are not considered by the ~~Water Resources Panel of the Agency of Natural Resources Board~~ (formerly the ~~Water Resources Board~~) to be significant."
17. On page 134 the Plan will be changed to read, "Municipalities, TRORC, or other interested parties may petition the ~~State Agency of Natural Resources Board~~ to (1) have a wetland reclassified to a . . ."
18. On page 135, Recommendation #1 will be changed to read, "The State of Vermont must more accurately identify and map significant wetland areas not currently classified as Class 1 or 2 wetlands and petition the Agency of Natural Resources Board to have such areas reclassified at a higher level."
19. The fourth bullet under Policy #4 on page 198 has been revised to read: "Necessary ~~critical~~ wildlife habitat identified..."
20. Text at the top of page 196 has been changed to delete reference to a telecommunications map as follows: "See ~~Map XX, the telecommunications map to see where these services are.~~"
21. Recommendation #4 on page 227 has been amended to read, "TRORC will help interested towns meet the standards set forth in Act 174 for enhanced energy planning so that local preferences receive 'substantial deference' in the Public Utility Commission's Section 248 proceedings. "Substantial deference" is a term used in statute but has not been further defined in proceedings or litigation."

22. On page 234, just prior to section I. Conclusion, we have added a goal, this new policy, moved Policy #1 from page 227 along with Recommendations #1 and #9 from page 227 on energy facility siting, and moved the policy contained in text on unsuitable areas at the bottom of page 240 and top of page 241. This now reads:

Goal, Policies and Recommendations: Utility-Scale Renewable Energy Siting

Goal

1. Carefully sited renewable energy facilities are built in the Region to meet generation goals.

Policies

1. TRORC supports the continued development and siting of renewable energy generation that counts toward the goals of the CEP.
2. Ground mounted solar arrays above 15Kw in capacity should not be constructed in Regional Growth Areas if a reasonable alternate location is available, in order to preserve these areas for compact development. Solar arrays on structures in these areas are encouraged.
3. The following locations shall be considered regionally unsuitable for renewable energy generation facilities: floodways shown on FEMA Flood Insurance Rate Maps (except as required for hydro facilities), Class 1 Wetlands as indicated on Vermont State Wetlands Inventory maps or identified through site analysis, Wilderness Areas, including National Wilderness Areas, any unsuitable Areas as identified in a duly adopted municipal plan that has received a determination of energy compliance from the Department of Public Service or TRORC.”

Recommendations

1. TRORC will encourage communities and residents to identify areas with the potential for renewable energy generation.
 2. TRORC should provide support for grid improvements that will allow improved renewable energy generation facility coverage in our Region by actively participating in the Act 250 and Section 248 review process.
23. On page 184 in the text, it has been revised to read, “Wastewater treatment facilities and/or public water supplies will eventually be necessary in all communities’ core areas if they desire to grow, create more housing, or attract businesses, and meet end-use challenges. Currently, the towns of Norwich, Hartland, Sharon, Strafford, and Fairlee are the highest priority for some type of wastewater treatment facilities to achieve the state’s goal of “densely populated villages and downtowns surrounded by open countryside.””
24. Figures in Chapter 3 are renumbered as there are four labeled as Figure 3-5.
25. Added on page 35 a new Mixed-Use Areas “Policy #5: Reasonable efforts shall be made to provide pedestrian connections between uses, interconnect parking lots, and limit access points onto the state highway.”
26. In the Utilities, Facilities and Services chapter, page 184, Policy #2, added to end of sentence “ . . . in this Plan, as well as affordable housing in Rural Areas.”
27. Page 68 of the Plan has been revised to address more modes of transportation by adding, “The bulk of this chapter focuses on the transportation facilities we use for vehicular access. This primarily is the road network, but the chapter also looks at means of access to these facilities (cars, transit, bikes, etc.), as well as other issues that affect our ease of access or the impacts of the transportation system. For example, how do access needs get served for those who cannot drive? And what have our roads done to our streams. This chapter also reviews transit services, rail, and carpooling facilities. We have no airports of any size, but residents, businesses, and visitors use smaller regional airports in Lebanon, New Hampshire and Rutland, Vermont. Larger airports within an easy drive are located in Manchester, Boston, Hartford and Burlington.”

28. To clarify the relation of the Plan to zoning, added text to Introduction chapter on page 7 as follows:

“6. In federal projects.

The Regional Plan does not create non-conformities like a zoning bylaw. Nor does it ever invalidate a local zoning bylaw. A proposed project with a valid local permit may fail to get an Act 250 permit due to a policy in the Regional Plan, just like a project with an Act 250 permit may fail to get a local permit. These are distinct processes with their own set of standards.

29. Just prior to Section E in the Introduction chapter, added, “. . . construed as policies. Like the Plan’s goals, the Plan’s future land use areas are desired future conditions and the Plan does not map every existing development node.”

30. On page 176, made Goal #1 more urgent by rewording to, “Sufficient decent and affordable primary homes (both rental and owned) are available now for residents and for needed newcomers.”

31. Inserted a new policy as Policy #1 on page 176, “Increasing the availability of homes (both rental and owned) that are affordable to our residents is an urgent, high regional priority.”

32. To more fully address energy sources, text on page 233 has been amended to read, “The state’s goal of getting 90 percent renewable energy from renewable sources by 2050 represents a substantial shift from our current energy portfolio. Sixty percent of Vermont’s electricity currently comes from renewable sources, a majority of which is hydropower generated by Hydro Quebec. A growing percentage of energy is now coming from wind and solar sources, but most energy used in the Region today is still coming from fossil fuels (see Figure 11-6) and is used for transportation and heat. The Region does get some thermal energy from wood as well. To reach the state’s renewable energy generation targets, more renewable generation will need to be developed and we believe most of this will be in from solar.”

33. On page 45, delete policy #12: “~~smaller non-formula retail stores aimed at local markets may be appropriate when located where commercial development already exists, but shall not create a new node of commerce.~~”

34. A recommendation is added to the Transportation and Utilities and Facilities chapter: TRORC should look into developing a capital budget for the Region.