

**RE: TOWN OF HARTLAND, VERMONT
PLAN REVIEW
CASE # FY 17-7**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Hartland, Vermont requested TRORC to review and approve the Hartland Town Plan adopted on May 15, 2017. The Plan encompasses all land in the Town of Hartland, 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 May 31, 2017 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 2017 Hartland Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 11 distinct chapters that include the specific goals as required under V.S.A. Title 24, Ch. 117, §4302.

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

Yes. “The Plan has been created by the Hartland Planning Commission with assistance from our regional planning commission – Two Rivers-Ottawaquechee Regional Commission. It was subject to review and commenting at a public hearing that was held by the Planning Commission. The Planning Commission reviewed these comments and this Town Plan reflects those comments that were deemed appropriate.” (p.4).

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 consequence of growth. [e.g., “Protect the rural character of Hartland and its natural resources by avoiding sprawling development and incompatible land uses.” (p. 10)]

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

Yes, Hartland’s planning process consistently considers the plans in place by surrounding municipalities and works to ensure there are no conflicts. “...the Two Rivers-Ottawaquechee Regional Commission provided Hartland with an ‘enhanced consultation’ to identify areas of conflict between areas of Hartland’s Town Plan and the Regional Plan. Additions were added to Hartland’s Town Plan to prevent strip development along the Route 4/Route 12 interchange.” (p.88)

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. One of Hartland’s land use goals is to “encourage growth and development in designated village centers.” (p.14).

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

Yes. See above.

- 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. Hartland recognizes that “future growth of these villages in a compact manner is closely related to greater public supply of safe water and the provision of sewage disposal. As activity increases in these centers, the need for ensuring appropriate traffic patterns, adequate parking and pedestrian safety also increases.” (p.13)

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, in part. “Future economic development should be determined by the growth of the community. Business should not be promoted at the expense of the environment or the quality of life that Harland residents enjoy. It should promote job opportunities in a balanced relationship with the requirements of the community and protection of the landscape and environment.” (p.90) There should be more discussion on how to promote these job opportunities for its residents.

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

Yes, in part. The Plan addresses the education of its students that go to the Hartland School District, which serves K-8. High school-aged children can attend any high school of their choice, in which there are several in the surrounding areas. A policy of the Plan states “The Town should maintain and enhance facilities for a variety of academic, athletic, social, cultural, and community activities.” (p.85) There is no mention of adult education in the plan.

The previous town plan review also pointed out the lack of specific information (as required by statute). If the next revision of the Hartland Town Plan does not include an improved education plan, it cannot be recommended for approval.

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

a. Has the need for public transit been addressed?

Yes. The Plan mentions that Hartland is served by the Connecticut River Transit that picks up passengers at the I-91, Exit 9 Park & Ride, Stagecoach Transportation Services provides a Ticket to Ride Program for senior citizens, and those with disabilities. There should be more discussion of public transit needs (what needs exist and where, etc).

The previous town plan review also pointed out the lack of specific information (as required by statute). If the next revision of the Hartland Town Plan does not include an improved transportation plan, it cannot be recommended for approval.

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

Yes.

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 Hartland Town Plan includes lists of

- Natural areas, fragile areas, and wildlife habitat resources (p.27)
- Historic Resources (p. 22)
- Scenic and Aesthetic Resources (p. 30)

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)].

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

Yes. The Plan's Energy Chapter supports energy efficiency, energy conservation and the development of renewable energy resources.

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.

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 several recreation opportunities that are managed by a Director and Assistant Recreation Director. (p. 79-80).

9. Planning needs to encourage and strengthen agricultural and forest industries.

a. Have strategies to protect long-term viability of agriculture and forestlands been encouraged, including maintaining low overall density?

Yes. Agricultural lands and forestlands are ingrained in Hartland's history. There is an Agriculture and Forestry Resources element that discusses the history of these two resources and how to preserve these resources for future generations. "Forestry and agricultural practices shall reflect the need to protect the Town's natural resources, including soil, water, and scenic resources, as well as wildlife habitat areas.

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

Yes. A goal of the plan states that "given the economic, esthetic, historical, and environmental value of Hartland's forest and farm land, continued efforts to protect and preserve these resources are critical to its well-being" (p.26)

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

No, the Plan does not mention this.

d. Are sound forest and agricultural management practices encouraged?

No, the Plan does not mention this.

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

Yes. The Plan states that “future economic development should be determined by the growth of the community. Business should not be promoted at the expense of the environment or the quality of life that Hartland residents enjoy. It should promote job opportunities in a balanced relationship with the requirements of the community and protection of the landscape and environment.” (p.90)

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?

There are no specific strategies, however, the Plan does mention several areas in Hartland that are used for sand and gravel extraction. (p. 87)

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 states that there are two ways to meet these needs, rental assistance and the development of local land use regulations that are sensitive to the needs of lower income residents. (p.51)

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

Yes. “Hartland encourages cluster rather than tract development by granting density bonuses to protect open space and improve the efficiency of residential development design.” (p.51)

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?

There is no mention of new and rehabilitated housing to be safe, and sanitary, but there is mention that new construction should be clustered (see above).

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. One of Hartland’s Housing policies states that “land use planning in Hartland should incorporate affordable housing, including accessory units.” (p.51)

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 chapter of the Plan mentions these services. (p.77-86)

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

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

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 mentions the two largest providers in Hartland, “though generally not publicly provided, the town can still support childcare services by offering leases of public buildings and helping to coordinate the provision of services.” (p.85)

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

The Two Rivers-Ottawaquechee Regional Plan was adopted on September 8, 2015 and it will remain in effect until October 13, 2023.

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

Barnard, Bethel, Bradford, Braintree, Bridgewater, Brookfield, Chelsea, Fairlee, Granville, Hancock, Hartford, Hartland, Newbury, Pittsfield, Plymouth, Pomfret, Randolph, Rochester, Royalton, Sharon, Stockbridge, Topsham, Tunbridge, 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 Hartland 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

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 recommend actions that guide growth and land development, while protecting the environment. Hartland's Town Plan includes statements in the "Overview and Statement of Objectives" (p.5) that meet these objectives.

- 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 Hartland Town Plan includes several maps, among those are: (1) A Current Land Use Map and (2) A Future Land Use Map.

In addition, the "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. The Plan has specific goals and policies for several of its land uses: Village Area, US 4/VT 12 Junction, I-91 Interchange Area, Industrial Area, Rural Residential Area, Rural Area, River Area, and Excavation and Mining.

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 (p 52) 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.

"Hartland's town government provides (or contracts for) services and facilities funded by property taxes." (p. 77) Future needs are discussed throughout this chapter, but does not specifically indicate the priority of costs or methods of financing.

*The previous town plan review also pointed out the lack of specific information (as required by statute). The next revision of the Hartland Town Plan **must** include an improved utilities and facilities plan, otherwise it cannot be recommended for approval.*

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 “Natural, Historic, and Scenic Resources” chapter includes a list of Hartland’s historic buildings. (p. 22) As well, a list of special places and natural features is included. (p. 29)

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

The Plan includes discussion of educational facilities in its “Utilities and Facilities” chapter. This should be expanded in the next revision of the Plan. Educational facilities are recorded on the “Utilities, Facilities and Education Map.”

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

The Plan includes an “Implementation” chapter (p. 93). This chapter goes on to refer to the recommended action throughout the Plan and encourages any interested citizen to review them and get involved with the implementation.

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 “Regional Context” chapter contains an assessment of the Town Plans for those towns that border Hartland and the Hartland Town Plan determines that there is no conflicts with surrounding towns.

The Plan also discusses its compatibility with the TRORC Regional Plan.

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. It also includes the following long range goal: “To ensure the long-term availability of safe, reliable and affordable energy supplies, to increase energy efficiency, and to promote the development of renewable energy resources and facilities in the Town of Hartland to meet the energy needs of the community and region.” (p. 74)

Renewable sources of energy, the support of renewable sources, and conservation measures as they could work in Hartland are discussed.

There is no specific “policy statement” regarding the conservation of energy, but the following recommended action is included in the Plan: “Increase awareness and use of energy conservation practices, energy-efficient products, and efficiency/weatherization programs through educational outreach to the public with the assistance of Efficiency Vermont and local utilities.” (p. 52)

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 address the need for lower and moderate-priced housing and includes recommendations that would allow for more affordable housing options within the Town.

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” and “Land Use” chapters effectively discuss 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.

This version of the Plan included the addition of a “Water Resources” chapter. This serves as the flood resilience plan for the Town. (p. 32)

CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Hartland 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

TRORC appreciates the opportunity to formally evaluate the Hartland 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 Hartland 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 Hartland Town Plan is an improvement from the 2012 Town Plan. The Plan now includes a new “Water Resources” 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 which meets the standards set out by statute. The “Energy” chapter is much expanded to include energy needs, scarcities, costs, and problems.

In future versions of the Hartland Town Plan, there needs to be further discussion of adult education, as well as other types of vocational training and higher education; encouragement of locally-grown food products; and encouragement of sound forest and agricultural management practices. The Regional Commission will expect that in eight years-time, Hartland will have substantially addressed the areas of concern outlined in this review.

Dated this 31st day of May, 2017 at Woodstock, Vermont.

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