

**RE: TOWN OF TUNBRIDGE, VERMONT
PLAN REVIEW
CASE # FY 22-2**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Tunbridge, Vermont requested TRORC to review and approve the Tunbridge Town Plan adopted on December 14, 2021. The Plan encompasses all land in the Town of Tunbridge and is referred to hereinafter as the Plan.

24 V.S.A. § 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. § 4382.

Staff reviewed this Plan and offers the following information to the Board. TRORC scheduled and held a Public Hearing on this review on Wednesday, February 23, 2022. This matter is now ready for decision.

This review is based upon the Town Plan as adopted.

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 2021 Tunbridge Town Plan is a comprehensive planning document that guides municipal decision making.
- 2. Is citizen participation encouraged at all levels of the planning process?**
Yes. citizens provided input to the Planning Commission to inform revisions to the Plan.

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

Yes. The Plan recognizes that Tunbridge is “a prime candidate for growth” and encourages “controlled and orderly growth” that does not compromise Tunbridge’s rural character (p. 7, 10).

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

Yes. Tunbridge shares numerous activities and services with the surrounding towns including schools, emergency services and recreational opportunities. Tunbridge recommends encouraging “continued communication and cooperation between Tunbridge and its neighboring towns” (p. 99). Tunbridge plans to do this by exchanging “planning information and development data with neighboring communities” (p. 100).

Specific Goals

A plan for a municipality may be consistent with the goals established in 24 V.S.A. § 4302, which are:

1. Planning for development needs to be conducted 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 encourages the density of development to reflect existing settlement patterns (p. 63). Further, strip development “shall not be located outside Tunbridge’s Village Center Areas” (p. 63).

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

Yes. Tunbridge encourages home, cottage, and agriculture related businesses and “use of existing buildings in an appropriate manner” (p. 26). Tunbridge supports “economic projects that trigger Act 250 provided they are in accordance with the provisions in this Town Plan.” However, “chain retail enterprises shall not be located in Tunbridge” regardless of placement (p. 63).

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. Tunbridge supports multi-unit affordable housing as long as it does not burden existing infrastructure (p. 34). Additionally, “major public investments, such as improvements to Route 110,” are encouraged and endorsed as long as it does not “endanger character of the Village Centers” (p. 63).

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

Yes, development policies throughout the Plan are in accordance with smart growth principles. The Town's policy is to keep housing affordable by encouraging "accessory apartments, multi-dwelling units, and clustered developments" (p. 33). Development will shall also "respect traditional scales, portions, and shapes of the surrounding village" (p. 63).

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, partly. The Plan notes most residents of Tunbridge work out of town although there is support for adding small business to the villages and cottage industries to homes (p. 9). Tunbridge encourages the implementation of services like widespread internet access to encourage home businesses, but because agriculture is the "backbone of the town" economic policies that prioritize agriculture are adopted leaving less room for diverse economy (p. 26). The Town desires growth but is not willing to stray from the agricultural character, so it needs to take further actionable steps to change this reality.

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

Yes, partly. Although there are not many opportunities for adult or vocational education in town, there are five higher education options in neighboring towns. Tunbridge's goal is to ensure these opportunities are available for all residents by encouraging residents to take advantage of adult education programs (p. 39). The Plan seeks to take advantage of Village Designation benefits to improve educational facilities and encompass vocational and place-based learning initiatives and outdoor recreation (p. 39). Tunbridge could speak more on expanding partnerships with neighboring higher educational opportunities.

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, in part. The Plan addresses the lack of public transportation, rail lines, and airports. The Town supports increased facilities for transit services and "efforts to provide public and private transportation systems that meet the needs of all population segments" (p. 54). Providing safe travel via sidewalks, crosswalks and bike paths is supported but could be strengthened in future plans with policies and actions.

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 identifies fragile conservation areas wetlands, forest blocks and floodplains. The Natural Resources chapter identifies and discusses different goals and recommendations to protect natural areas.

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

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

Yes, mostly. The Plan identifies these resources and discusses ways to prevent adverse impacts from land use and development. Tunbridge supports the extraction and processing of mineral resources on existing and proposed processing facilities while minimizing adverse effects on the other resources such as water quality and fish and wildlife habitats (p. 83).

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

Yes. The Land Use section addresses careful review of potential land use projects that may threaten groundwater quality and quantity (p. 66). The Natural Resources section addresses other areas of water quality regarding wetlands and floodplains.

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

Yes. The Town's goal is to "protect scenic areas, open space, forest blocks and wildlife corridors" by evaluating subdivision layouts (p. 64).

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 Plan outlines these goals, policies, and recommendations in the Energy chapter. The Plan encourages responsible development of local renewable energy sources and reduced dependence on outside energy sources (p. 96). The Town encourages reduced commuting distances, the commercial and residential conservation of energy, and energy efficient home occupations (p. 97).

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

Yes. The Town's goal is to have 650 electric vehicles in town within 15 years and 90%

renewable energy by 2050 (p. 88, 90).

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 discusses partnerships to enhance recreational opportunities, providing accessible opportunities for outdoor recreation and connection to the natural world (p. 45). The Town also considers preserving Class 4 roads for recreational use (p. 55).

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 increased use of hiking horseback trail riding, road bike riding, mountain bike trail riding, and backcountry skiing and snowshoeing (p. 44). The Town makes mention of working with surrounding towns to connect trail systems and supporting mix-use trail development (p. 46).

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 makes many mentions of protecting agriculture. The Town's goal is to "maintain the character of Tunbridge's rural countryside and support agriculture, forestry, and recreational uses in these areas, as well as low-density residential uses" (p. 64).

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

Yes. The Plan discusses the importance of maintaining a working landscapes for agriculture uses. The Plan "supports the local exchange of agricultural products and the creation of value-added farm and forest products" (p. 26).

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

Yes. The promotion of locally grown food is encouraged through the Tunbridge Farmer's Market (p. 60).

d. Are sound forest and agricultural management practices encouraged?

Yes. The Town "encourages sound forest and agriculture management practices" (p. 60).

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

Yes. Major public investments "should be encouraged and endorsed only on finding that they will not unreasonably or unnecessarily jeopardize or endanger the character of the Village Centers" (p. 63).

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. Existing and proposed mineral extraction shall be planned and managed to not to adversely impact uses around the site, not significantly interfere with the function and safety of roads, minimize adverse effects on water quality, fish and wildlife habitats, viewsheds and adjacent land uses, and reclaim and re-vegetate sites following extraction (p. 83).

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 discusses goals, policies, and recommendations for providing new housing and creation of affordable housing including multi and single dwelling units. Tunbridge supports the creation “of affordable housing that meets the definition of affordability in that it accounts for no more than 30% of an individual’s income” (p. 33).

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. The Plan calls the location of housing and related amenities to be “planned with due regard to the physical limitations of the site and its proximity to current or planned public and private services such as roads and commercial/service centers” (p. 33)

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

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. The Town encourages the use of accessory apartments, and a policy is “to keep housing affordable by encouraging accessory apartments, multi-dwelling units, and clustered developments” (p. 33).

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, Facilities and Recreation section and the Health Emergency Services section discuss these needs.

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

No. The Town ensures “the timing and rate of new housing construction or rehabilitation does not exceed the community's ability to provide adequate public facilities” (p. 33).

13. Does the plan ensure the availability of safe and affordable childcare and integrate childcare issues into the planning process, including childcare financing, infrastructure, business assistance for childcare providers, and childcare work force development?

Yes. The Plan states that there are only two licensed childcare providers in Tunbridge (p. 37). The Town encourages “the creation of affordable childcare facilities that meet the established needs of residents” (p. 39). Although the Plan states, most residents currently arrange care with relatives or take their children to neighboring town facilities, an expanded childcare plan could be of use and data should be updated (p. 38).

14. Planning needs to encourage flood resilient communities.

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 Plan discourages structural development and placement of fill within the limits of the Special Flood Hazard Areas (p. 76).

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

Yes. The Plan’s policy is to “maintain Tunbridge’s upland forests and watershed predominantly in forest use to ensure high quality valley streams and reduce flood flows” (p. 76).

b. Are flood emergency preparedness and response planning encouraged?

Yes. One of the Plan’s recommendations is to “continue working to update hazard mitigation plans and emergency preparedness and recovery procedures” (p. 77).

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

The Two Rivers-Ottawaquechee Regional Plan was adopted on July 15, 2020 and became effective on August 19, 2020. It will remain in effect until August 19, 2028.

The Tunbridge 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 Tunbridge 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, Corinth, Fairlee, Granville, Hartford, Hartland, Newbury, Norwich, Pittsfield, Plymouth, Pomfret, Randolph, Rochester, Royalton, Stockbridge, Thetford, 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 Tunbridge 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
- (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.

Yes. Each section of the Plan includes goals, policies, and recommends implementation tasks throughout the Plan that guide the future growth and development of land, public services and facilities, and to protect the environment.

- 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.**

Yes. In Chapter XI – Land Use, goal 2, policies 5, 6 and 11, and recommendation 1 (p. 62, 63). In Chapter XII – Natural Resources goals 1 and 3, policies 2 and 4, and recommendation 1 (p. 76). The Plan includes maps for current land use and future land use (p. 135, 137).

- 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.**

Yes. In Chapter IX – Transportation goals 1,3 and 6, policy 8, and recommendations 1, 9 and 10 (p. 54,55). A transportation map is included (p. 134).

- 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.**

Yes. In Chapter VII – Utilities, Facilities, and Recreation policies 1, 2 and 4 and recommendations 2, 3, 4 and 5. (p. 46). The Plan includes a utilities, facilities and education map (p.136). The data should be updated in this section in the next iteration.

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

Yes. In Chapter XI – Land Use, the town’s goal is to “protect areas, open space, forest blocks and wildlife corridors” as well as preserving Tunbridge’s historic settlement pattern (p. 64).

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

Yes. In Chapter VI – Education goals 1 and 3, policy 2, and recommendations 3,4 and 5 (p. 38, 39). The Plan includes a utilities, facilities, and education map (p.136).

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

Yes. In Chapter XV – Implementation includes adoption of the Tunbridge Town Plan by the Selectboard, involvement of the Planning Commission, community engagement, bylaws, subdivisions, and ordinances as ways to implement the development plan (p. 101. 102).

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

Yes. The Plan includes development plans such as subdivision regulations, zoning bylaws, capital budget and programming, and other ordinances authorized by Title 24 in Chapter XI – Land Use (p. 61).

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.

Yes. Chapter XIII – Energy addresses local energy consumption, demands, and desire for more energy efficient systems (p. 87).

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.

Yes. In Chapter V – Housing goal 5, policies 1 and 3, and recommendation 1(p. 33,34).

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.

Yes. In Chapter IV – Economic Base goals 3, 5 and 7, policies 1 and 2 (p. 26).

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.

Yes. In Chapter XII – Natural Resources goals 1 and 4, policies 2, 4 and 8, and recommendation 1 (p. 76-77).

CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Tunbridge 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 Tunbridge 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 Tunbridge 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 2021 Tunbridge Town Plan is an improvement from the 2017 Town Plan. The Plan now includes recreation within the utilities and facilities chapter. More strides have been made toward broader access to fiber optic cable and future utility needs. The wildlife and forest resources sections were expanded in the new Town Plan. A timeline and responsibility for implementation was added to the implementation chapter.

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

1. The Plan recognizes that there are only two licensed childcare providers in Tunbridge, which is disincentive for young families to move to Tunbridge. Although relatives mostly take care of children and there are neighboring facilities, in the future Tunbridge should lay out specific steps that minimize the impacts and cost due to the lack of childcare within the town.
2. The Plan lacks guidance as to how Tunbridge may encourage economic growth. Tunbridge recognizes most residents work out of town. While Tunbridge encourages small businesses and industries that enhance the rural character of the town, there are no concrete plans in place to spur economic activity.

Dated this 23rd day of February, 2022 at Woodstock, Vermont.

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