

**RE: TOWN OF HANCOCK, VERMONT
PLAN REVIEW
CASE # 22-3**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Hancock, Vermont requested TRORC to review and approve the Hancock Town Plan adopted on February 15, 2022. The Plan encompasses all land in the Town of Hancock 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 April 27, 2022 in Woodstock. 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 2022 Hancock Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 17 distinct chapters that are 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. The Plan was “prepared by the town with involvement of its citizens” (p.6).
3. **Is consideration being given to the use of resources and the consequences of growth and development?**
Yes. The Plan recognizes the implications of growth and development especially on municipal services and public facilities (p.8).
1. **Is the municipality working creatively together with other municipalities to develop and implement plans?**
Yes. “It is the policy of the Town to cooperate with neighboring towns, regional planning commissions and economic development groups” to balance job availability and population growth (p.13). The Plan recommends the exchange of “planning information and development data with neighboring communities” (p.74).

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 suggests that density of develop “a land use pattern that complements the existing settlement pattern of the Hancock village area” (p.34). “Strip development is not supported as a land use pattern” (p.32).
 - b. **Is economic growth being encouraged in locally designated growth areas or being employed to revitalize existing urban or village centers, or both?**
Yes. It is the Town policy to “encourage new business development in appropriate locations” as well as to “encourage conversion of structures and older buildings to enable new and more economical uses of property” (p.13). To expand business in designated growth areas, the Town hopes to establish a “Small Enterprise Area” on a property known as Taylor Meadow (p.39).
 - 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. “Major public investments” are encouraged and endorsed “only on finding that they will not unreasonably or unnecessarily jeopardize or endanger the character of the Village Center” (p.37).

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 goal is to "respect the community's identity and share qualities of scale and form with existing development" (p. 34). Another goal to "encourage the preservation of historic structures in ways that appropriately serve the need for housing" (p.16).

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. The Town's goal is to "strengthen and diversify local economy" (p.19). To do so, The Town is in support of "business development in Hancock in industries that will not deplete our natural resources or negatively impact the health of residents or the environment" (p.13).

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

Yes. Although there are not education and vocational training opportunities in town, there is one in the nearby town of Randolph. Hancock "supports community educational workshops, technical and vocational programs, and agricultural education through partnerships between schools, such as the Randolph Technical Career Center, Middlebury Union High School, and local businesses" (p.27).

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. A goal of the Town is "to maintain a transportation system that is safe, efficient and complements the other goals and policies of this Plan" (p.32) The Plan addresses the closest rail travel options in Randolph and Rutland as well as near airports (p.31). The Town supports "statewide efforts to provide transportation systems that meet the needs of all population segments and not just those who use automobiles" (p.32).

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. It is a goal of The Town to “encourage the conservation, wise use and management of the town's agricultural and forestry resources, to maintain its environmental integrity, preserve the contiguity of the forest blocks and habitat connectors, and to protect its unique and fragile natural features” (p.67).

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

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 identifies these resources and discusses ways to prevent adverse impacts from land use and development. Goals of the Town are to “maintain or enhance the natural diversity and population of wildlife” and to encourage extraction “where such activities are appropriately managed” (p.53).

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

Yes. It is a goal of the Town to “maintain or enhance the quality and quantity of drinking quality groundwater resources” (p.48).

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

Yes. It is a goal of the Town to “preserve the contiguity of the forest blocks and habitat connectors” (p.67).

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 Chapter XII-Energy. The Plan encourages “the development of local renewable energy sources and to reduce dependence on outside foreign energy sources” and promotes design and construction of buildings and structures that are energy efficient and postpone the need for costly sources of energy” (p.60).

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

Yes. The Plan recommends consideration for future action regarding “development ordinances with provisions that encourage energy conservation and concentrate development in the best locations (e.g., grant density bonuses to projects that employ

advanced energy design and efficiency)” (p.61).

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. It is the policy of the Town to “preserve recreational opportunities” and to “encourage patterns of land use that maintain and enhance the opportunity for outdoor recreation” (p.42,63).

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

Yes. Because of the interest in biking, hiking, and other outdoor recreation activities, the Town suggests consideration be given to “preserving Class 4 roads for recreational use by downgrading their status to a legal trail and thus retaining the public’s interest in them” (p.32).

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

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

Yes. The Town recognizes the lack of agricultural endeavors in Hancock due to the rocky soil and mountainous terrain. However, “approximately 85% of the land in the Town of Hancock is part of the Green Mountain National Forest” (p.65). It is a goal of the Town to “encourage the conservation, wise use and management of the town’s agricultural and forestry resources” (p.67).

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

Yes. Hancock encourages “the growth of both forestry and agricultural industries within the community” (p.66).

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

Yes. Although there is not much locally grown food product in town, the Town encourages “the development of projects that increase local access to food” (p.68).

c. Are sound forest and agricultural management practices encouraged?

Yes. The Town encourages farmers, loggers and foresters “to implement Best Management Practices (BMP) in their operations” (p.68).

d. 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. 37).

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 should be planned and managed 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, and adjacent land uses, and reclaim and re-vegetate sites after their useful life (p.53-54).

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. It is a policy of the Town “to keep housing affordable by planning for appropriate density, accessory apartments, and clustered developments” (p.17). Hancock also has a 2-acre section of the town property, Taylor Meadow, reserved for affordable housing that has five affordably priced units located on the property (p.16).

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. It is a goal of the Town to “provide the opportunity for Hancock residents to have access to decent, sanitary, and safe affordable housing” (p.16).

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

Yes. The Plan makes mention of encouraging “single, two, and multiple family housing at medium to high densities” in Chapter X- Current and Future Land Use (p.37). The Plan mentions the location and creation of multi-family housing and manufactured housing (p.16).

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. It is the policy of the town to keep housing affordable for accessory apartments (p.17).

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 discusses these needs in the Utilities & Facilities section and the Emergency Services Section.

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

No. A principle of the Plan is “growth and development should not exceed the capacities of local utilities and municipal facilities” (p.22).

13. Does the plan ensure the availability of safe and affordable childcare 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. The Plan states there are no licensed day care centers in Hancock, but there are 9 in neighboring towns. To meet childcare needs, “Hancock supports the private development of childcare facilities in Town and may assist providers with seeking funding to develop these facilities” (p.12).

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 Plan prohibits “any land use activity (filling, or removal of earth or rock) within flood hazard areas which would result in net loss of flood storage or increased or diverted flood levels or increased risk to adjacent or other riparian areas” (p.47).

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

Yes. Hancock discourages “new development within the Town’s 100-year floodplain” a recommended strategy is to “reconnect floodplains and streams through berm removal or intentional lowering of streambanks” (p.72-73).

c. Are flood emergency preparedness and response planning encouraged?

Yes. The Plan promotes emergency planning for flood response (p.73).

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

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

The Hancock 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 Hancock 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, Strafford, Thetford, 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 Hancock 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.**

Yes. Each section of the Plan includes goals, planning principles and recommendations to 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. Chapter X- Current and Future Land Use, in the Rural Residential Area section planning principles 2 and 5 (p.37-38). Chapter XI- Natural Resources, in the Wetlands section goal 2 and planning principle 1 (p.45). Chapter XIV- Agriculture and Forestry goal 1 and planning principle 1 (p.67-68).

- 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. Chapter IV- Transportation goals 2 and 3 and planning principles 1, 2 and 4 (p.32).

- 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 VI- Utilities & Facilities the Town's goal is "to plan for and finance utilities and municipal facilities to meet the future needs of the citizens of Hancock" (p.24). The Plan recommends "the town should continue its efforts to budget for ongoing maintenance and the cost of improvements to utilities and facilities" (p.22).

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

Yes. In Chapter XI- Natural Resources, the Scenic Resources subsection states the Town's goal is "to protect and preserve the scenic resources of the Town of Hancock" (p.54).

6. **An educational facilities plan consisting of a map and a statement of present and projected uses and the local public school system.**
Yes. Chapter VIII- Education goals 1, 3 and 4 and planning principles 2, 3 and 4 (p.27).
7. **A recommended program for the implementation of the objectives of the development plan.**
Yes. Chapter XVII- Implementation includes adoption of the Hancock Town Plan by the Selectboard, involvement of the Planning Commission, citizen input, and implementation tools such as zoning bylaws, subdivision regulations, and ordinances as ways to implement the development plan (p. 75-78).
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 recommends “continued communication and cooperation between Hancock and its neighboring towns” as well as the “exchange planning information and development data with neighboring communities” (p.74).
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 XII- Energy goals 1, 2 and 3 and planning principle 2 (p.60). The Plan recommends future actions such as consideration of “development ordinances with provisions that encourage energy conservation and concentrate development in the best locations” (p.61).
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 IV-Housing, the Town’s policy is “to keep housing affordable by planning for: appropriate density; accessory apartments; and clustered developments” (p.17). The Town also encourages “the use of accessory apartments for year-round affordable rentals” (p.17).
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. Chapter III- Economic Base goals 1 and 2, planning principles 7, 8, and 9, and recommendation 2 (p.13).
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 XV-Flood Resilience, the Town's goal is "to protect the citizens, property and economy of Hancock and the quality of their rivers as natural and recreational resources by using sound planning practices within designated Flood Hazard Areas and beyond" (p.72). Policies 1,8 and 9 and recommendation 1 outline ways to reduce flood risk (p.72-73).

CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Hancock 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 Hancock 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 Hancock Town Plan 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 2022 Hancock Town Plan is an improvement from the 2013 Town Plan. The Plan now includes a subsection in the Utilities & Facilities Chapter titled Future Improvements that outlines specific future projects on public facilities and their costs. The updated plan includes the preservation of forest blocks and habitat connectors in the Agriculture and Forestry Chapter.

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

1. The energy section could be expanded to include costs.

Dated this 27th day of April, 2022 at Woodstock, VT.

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