

## Municipal Plan Approval Checklist

**Town:** Town of Berlin **Date:** 8/2012

**Reviewer:** Jackie Cassino

**Staff / Committee Present:** J. Cassino (staff); Tim Carver;  
George Malek; Bill Arrand; Robert Wernecke;

**Town Representative(s):** Jeff Schultz (Municipal Staff); Scott  
Smith (Planning Commission)

**Background:** The following is a review of the Berlin Plan under the provisions and standards of Chapter 117, Section 4350, wherein it is stated “a regional planning commission shall review and approve plans of its member municipalities, when approval is requested and warranted.” Conditions warranting approval include findings that the plan:

- Contains each of the **eleven** elements listed in section 4382 of Chapter 117;
- Is consistent with the **thirteen** goals established in Section 4302 of Chapter 117. (“Substantial progress toward attainment” of these goals is the standard by which consistency is evaluated); and
- Is **compatible** with the Regional Plan and the approved plans of other municipalities in the Region.

**General Comments/Notes:** The previous Berlin Town Plan was adopted in 2003 and approved by CVRPC the same year. In 2005 the Town amended the Plan primarily to bolster those aspects dealing with plans to create a “new town center” in the Northeast Quadrant (aka the “plateau section”) of the community. The 2005 Plan also contained some data and informational updates. Otherwise it is quite similar to the previous document. This plan was approved by CVRPC in December, 2008. The 2012 Plan represents an update from its 2005 predecessor. The 2012 update provides Berlin the opportunity to expand upon many goals, policies and implementation strategies established in the 2005 plan, as well as provide status updates on planning goals/policies/strategies.

The 2012 Berlin Town Plan aptly represents the Town through an overall theme of balanced interests throughout the narrative. These themes include the conservation of rural character and the preservation of development rights in the appropriately regulated areas. The Plan utilizes a previous build out analysis and other specialized area and content plans to promote its findings. The Plan provides an exceptional Housing Element-utilized state, regional, and local data to specifically address the current and future location of various housing types based on trends, available infrastructure, and projections. It is important to note that the majority of the Berlin Plan was drafted before the much of the 2010 United States Census data was available as well as before the state’s July 2012 deadline requiring the inclusion of a separate Economic Development Element. The Plan does not include an Economic Development Element, although an overall Economic Development Goal and corresponding objectives are included in the beginning of the Plan and the Plan utilizes data and findings from the 2008 Berlin Economic Development Plan.

### Staff Conclusion(s):

The Berlin Plan has met all the statutory mandates of Chapter 117 required for the “approval” of the document by the CVRPC. The Plan is also in conformance with the 2008 Regional Plan. In addition, it is important to understand that the majority of the Plan was drafted before the much of the 2010 Census data was available as well as before the July, 2012 deadline requiring the inclusion of a separate Economic Development Element. That being said, there is specific feedback throughout this review that future Plan updates would greatly benefit from in order to strengthen the Town Plan and move it beyond simply meeting the basic requirements. Such improvements would serve to guide regulatory revisions and development proposals.

Staff recommends its approval by the Review Committee and the full Regional Commission.

On 9/6/2012 the Town Plan Review Committee unanimously voted to recommend approval to the full Regional Commission.

Summary of MUNICIPAL PLAN REQUIREMENTS (under 24 V.S.A., Chapter 117 Subchapter 5)

<b>A Required Plan Elements/Maps</b> [§4382(a)] Each of the elements (11) are required in some form for all municipal plans:	<b>Map</b>	<b>Pages</b>	<b>Comments, notes, suggestions</b>
1. Statement of municipal <b>policies, objectives, programs</b> to guide growth and development		2-6	The Plan's overall "Goals and Objectives," addressing the majority of the required elements (exceptions being 9. Implementation and 10. Compatibility) appear at the beginning of the Plan. Additionally, each required element and specific goals, objectives, and policies are addressed in the corresponding Element. The latter would benefit from either text or charts identifying the responsible party(s) and appropriate timeline for objective implementation.
2. <b>Land use plan (and map)</b> showing proposed land use areas/districts	y	11-17	The Plan contains detailed description of land use areas, but does not address zoning districts. A current zoning map, as well as a future land use map, are both included in the Plan. The Plan text accurately addresses current land use and future land uses for the identified geographical area within the community. The need for zoning regulation revisions is discussed as appropriate, such as the need to facilitate the development of a Town Center.
3. <b>Transportation plan (and map)</b> showing needed/proposed improvements	y	28-34	The Transportation Map would benefit from the addition of public transportation routes-either in map form or in the text. Overall, the transportation text reflects a detailed analysis of the current transportation system, accurately describing the link between historical and current land use patterns of development and the limited opportunity for multi-modal transportation. The Plan does identify specific areas of Town that have been targeted for improved bicycle and pedestrian facilities based on their appropriateness. The Plan would benefit from: goals/policies that specifically address public transportation opportunities; a discussion on the presence or absence of access management issues; support for discouraging roads in outlying areas (this is discussed in the Land Use Element and the Facilities/Utilities Element and could generally be linked with Goal 6 of the Transportation Element which addresses the need to maintain rural characteristics); and a general discussion of travel to work patterns/employment centers-which would help to support multi-modal options such as the placement of Park and Rides, Public Transit, and Bike/Ped facilities-as well as links with other elements such as housing and economic development.
4. <b>Utilities, facilities, services plan (and map)</b> showing present/proposed facilities, including water, sewer, solid waste, libraries, medical facilities, storm water drainage	y	17-28	The Plan narrative discusses the existing conditions for the following services and infrastructure: water supply; wastewater; municipal buildings/property; public services; and organizations. The Plan narrative and Goals/Policies effectively identify the current capacity of infrastructure (water supply, wastewater, roads) and potential future needs based on projected demand-specifically identifying areas to concentrate such services (Berlin Plateau, Route 302). The Plan would benefit from: an updated education section addressing current and projected student enrollment numbers; potential funding opportunities for an integrated infrastructure study/plan; an update on

			the Regional Public Safety Services Committee/Study; a direct discussion of how proposed projects will be financed and how they will meet the needs of the public.
5. <b>Educational facilities plan (and map)</b> ; often included with the utilities/facilities element	y	24-25	The Plan narrative identifies current public education facilities, historical enrollment patterns, and additional community facilities co-located at the schools. The Plan would benefit from additional analysis of secondary and vocational opportunities in Berlin and the surrounding region.
6. Statement of municipal policies on preservation of rare and irreplaceable natural areas, scenic and historic features and resources		52-62	The Natural and Historic resources Goals and Policies-Goals 7-9 identify the need to protect significant scenic and natural features; reserve historic resources; and protect environmentally sensitive and unique areas.
7. <b>Energy element</b> , including analysis of resources, needs, scarcities, costs, problems, and opportunities for conservation		45-52	The Plan narrative addresses current energy resources, issues and identifies recommendations for energy conservation. Although some data can be updated based on the 2010 census, the narrative effectively addresses the state of the two largest energy uses in the state (heating and transportation) at the local (Berlin) level.
8. <b>Housing element</b> , including program for addressing affordable housing needs		35-44	The Housing narrative appropriately addresses the demand and supply of the housing stock in relation to current and projected demand. Overall, Berlin's housing unit growth has outpaced population growth over the past few decades, primarily due to decreasing household sizes. Considering the future demand and the need to provide additional affordable workforce housing (i.e. multi-family housing options), the Plan identifies the future Town Center as the receiving area for such development.
9. <b>Implementation program</b> for the plan's objectives		63-65	The Plan contains a stand-alone Implementation Element narrative, identifying both regulatory and non-regulatory methods for implementation. The Plan would benefit from a proposed timeline and responsible champions of each implementation strategy.
10. Statement of how plan relates to development trends/plans for adjacent municipalities, areas and the region		67-71	The Plan outlines a detailed section on "compatibility," comparing zoning and land use issues in adjacent towns.
11. <b>Economic development</b> 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. (effective date of July 1, 2012)		2	As the plan was adopted before the July 1, 2012 deadline, this is not applicable. The current Plan does not include a separate Economic Development Element. However, the Plan does include an overall Economic Development Goal and corresponding objectives in the Plan Goals/Objectives section.

<b>B. Inventories, Studies, Analyses</b> [§4302 (d), 4382(c)]. Include as appropriate to survey existing conditions and probable future trends	<b>Map</b>	<b>Pages</b>	<b>Comments, notes, suggestions</b>
1. Population characteristics and distribution, including income and employment		<b>8-10; 40</b>	The Plan effectively addresses population characteristics and future projections as well as the 2006 median household and family income. The Plan lacks specific information on employment characteristics of Berlin residents and an analysis of employment opportunities in Berlin and the surrounding areas.
2. Existing & projected housing needs by type, amount, loc.		<b>35-44</b>	The Plan utilizes the CVRPC Regional Housing Distribution when analyzing the projected demand and supply of housing. The Plan also identifies specific locations that are optimal for increased residential development, such as the proposed Town Center.
3. Existing and estimated patterns of growth in various land use classifications, and in relation to facilities & services		<b>12-17</b>	Future land use patterns and projected growth are identified for each land classification.
<b>C. Consistency with Broad State Goals</b> [§4302] Plans must show consideration/evidence of a continuing planning process that includes:	<b>Map</b>	<b>Pages</b>	<b>Comments, notes, suggestions</b>
1. Coordinated, comprehensive planning process		<b>1</b>	This is addressed to an extent in the Introduction of the Plan narrative- specifically listing the previous plans and studies that were incorporated into the making of the current Town Plan. Future updates would benefit from a discussion of the public participation process as well as any coordination among special interest and volunteer groups that took place during the revision of the Town Plan.
2. Citizen participation at all levels of the planning process		<b>66-67</b>	The importance of citizen input is generally discussed in the Plan narrative. Future updates would benefit from a more specific description of the citizen input used throughout the process.
3. Consideration of use of resources, consequences of growth to region and state		<b>-</b>	Although not clearly identified in the Plan, this concept is addressed through various sections, such as: natural resources; transportation; energy; and land use.
4. Working creatively with other municipalities to develop, implement plans;		<b>-</b>	This is not specifically addressed in the Plan.

<b>D. Consistency with Specific State Goals</b> [§4302] Plans must make substantial progress towards attainment of the following goals: (*or explain why goal is not applicable):	<b>Map</b>	<b>Pages</b>	<b>Comments, notes, suggestions</b>
1. Plan development to maintain historic settlement pattern of compact villages surrounded by open countryside, including:		<b>11-17</b>	Overall, the proposed land use patterns proposed in the Land Use Element of the Plan support this goal, with higher proposed densities in the identified new Town Center. Berlin does not have a designated growth area-but has identified areas where the Town would like to encourage various types of development and growth-from village hamlet to commercial center-primarily concentrating more intense development along the northeastern quadrant of the Town as well as along Rte 302.
(i) Encouraging intensive residential development primarily in areas related to community centers and discouraging strip development along highways		-	See comments above.
(ii) Encouraging economic growth in growth centers and / or village and urban centers		<b>11-17</b>	Although Berlin does not have a designated growth area, the Plan does encourage economic growth in the corresponding areas appropriately zoned that are well-equipped to provide the necessary service for such development. Plan updates would benefit from a more thorough discussion of the types and scale of uses described and their predicted impact on the rural countryside.
(iii) Reinforcing the character and planned growth patterns of public investments, including infrastructure		<b>11-17</b>	The current and future demand/supply of infrastructure necessary for development (water, sewer, roads) is addressed in the <i>Utilities and Facilities</i> Element as well as the <i>Land Use</i> Element and is linked to the desire to protect natural and scenic resources, protect Berlin's rural character and working landscape as well as promote growth in already existing commercially dense areas (i.e. Rte 302 corridor) and promote residential density in areas that are adjacent to existing services and employment centers (i.e. Northeast quadrant).
2. Provide a strong and diverse economy		-	This is not specifically addressed in the Plan.
3. Broaden access to educational and vocational training opportunities		<b>17-28</b>	The Plan narrative does not discuss adult education, but Element 7: Utilities, Facilities, and Services Goals and Policies (Goal 3; Policy 1) does mention the need to support broad access to education and vocational training opportunities for all Berlin residents. Future updates would benefit from an in-depth analysis of current adult ed opportunities both in Berlin and neighboring towns.
4. Provide for safe, convenient, economic, and energy efficient transportation systems		<b>28-34</b>	To some extent the Transportation Element, and to a greater extent, the Land Use Element addresses this, particularly through the discussion of the role of the Town Center District. The Town is predominantly rural in nature, with commercial and industrial districts and development adjacent to transportation corridors. Future development/redevelopment of the Town Center district will help to address multi-modal transportation opportunities,

			pedestrian circulation, and serve as a functional Town Center.  Plan updates would benefit from additional discussion of public transportation and other multi-modal opportunities and programs such as Go Vermont, which matches carpoolers; travel to work patterns, and; a more thorough discussion of employment centers.
5. Identify, protect and preserve important natural and historic features of the Vermont landscape, including		-	See comments below.
(i) Significant natural and fragile areas		52-62	The Plan narrative identifies some significant natural areas that have been designated so by the State (Wetlands, Economically sensitive areas, deer wintering areas, historical structures). As these designations are based on State or Federal designation, the definition of significant is clear. Future Plan updates would benefit from specific identification of significant scenic resources, other wildlife habitat in need of protection, and ridgelines in need of protection as relevant and unique to the Town as well as a defined plan or recommended policy/regulation for preservation of such resources.
(ii) Outstanding water resources, including lakes, rivers, aquifers, shorelands, and wetlands		52-62	Water protective resources are identified in the Plan narrative as those used for drinking, flood control, and recreation.
(iii) Significant scenic roads, waterways, and views		52-62	Significant scenic waterways are identified, but roads and views need to be identified. Further development of the term "significant" in relation to both the state definition and Town-specific definition would be beneficial in future Plan updates.
(iv) Important historic structures, sites, or districts, archaeological sites and arch. sensitive areas		59-62	The plan identifies historic structures and sites as designated by the state.
6. Maintain and improve the quality of air, water, wildlife and land resources		52-62	The Plan lacks a discussion on air quality.  The Plan narrative identifies valuable scenic resources (Berlin Pond, the forested mountain ridges, and the Dog River Valley). Plan updates would benefit from a map identifying these areas.  Other than deer wintering habitats, the Plan narrative does not address other key wildlife corridors.
7. Encourage the efficient use of energy and the development of renewable energy resources		45-52	The Plan narrative identifies the connection between energy, transportation and land use-although this connection is not uniformly addressed throughout each of these sections.  Although the Plan narrative does support the development of small scale wind

			<p>projects at lower elevations (below 2500 ft), and states that “Berlin probably does not have viable sites for industrial scale wind generation...”, future plan updates would benefit from a more in depth analysis of such a claim as well as narrative/mapping demonstrating where solar/wind installations would be viable and supported by the Town and where such developments would not be appropriate (Link to protection of resources, scenic views, etc).</p> <p>Future plan updates would benefit from a more specific discussion and illustration regarding lot layout/design and a link to specific zoning regs that would encourage such efficient lot layouts z(i.e. clustering, passive solar orientation, etc).</p>
8. Maintain and enhance recreational opportunities for residents and visitors, including identifying, providing, and protecting public access to noncommercial outdoor recreational opportunities, where applicable		21-22	<p>Recreation is covered in Element 7: Utilities, Facilities, and Services. These areas are also mapped on the Public Facilities and Services Map.</p> <p>Future Plan updates would benefit from a direction narrative discussion/link to the importance of recreational facility access management and the effect development pressure can play on such facilities (i.e. maintenance of Class IV roads, etc.).</p>
9. Encourage and strengthen agricultural and forest industries, including:		-	See comments below.
(i) protection of long-term viability of agricultural and forest lands and maintenance of low overall density		52-62	If the proposed Town Center moves forward, this will be one specific development that would support working lands elsewhere. Future Town Plans would benefit from a more in-depth discussion of other regulatory and non-regulatory mechanisms to encourage the protection of working lands.
(ii) encouraging the manufacture and marketing of value-added agricultural and forest products		52-62	The plan does not thoroughly discuss the economic value of agriculture and forestry. Plan updates would benefit from an analysis of the economic impact of working lands, the amount of property owners enrolled in the current uses program, and the development of viable policies and recommendations on how to encourage such economic development.
(iii) encouraging sound forest and agricultural practices		52-62	Future plan updates would benefit from a more thorough discussion of this.
(iv) planning public investment so as to minimize development pressure on agriculture and forest land		52-62	Berlin's proposed Town Center will be located on prime agricultural soils. The Plan identifies the role the Town Center will serve in mitigating development pressure in other prime soil areas, but does not discuss current or proposed regulations that will support this plan.
10. Provide for the wise and efficient use of natural resources, facilitate the appropriate extraction of earth resources and proper restoration and preservation of aesthetic qualities		61	The plan addresses the extraction of earth resources in the Natural resources Goals and Policies (Goal 3) as well as under the subsection <i>Earth Resources</i> , but future plan updates would benefit from more specific policies identifying how the planning and regulatory process will serve to minimize conflicts and

			preserve natural resources.
11. Ensure the availability of safe and affordable housing, incl:		-	See comments below.
(i) Encouraging housing to meet the needs of a diversity of social and income groups in the community, particularly for citizens of low and moderate income.		43-44	Goals 1-3 in the Housing Element address the need to promote housing that will serve vulnerable populations as well as encourages education around workforce/affordable housing.
(ii) Ensuring that new and rehabilitated housing is safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.		35-44	<b>Addressed broadly in overall Plan Goals and Objectives</b> as Housing Goal (3)-“Encourage the development of a variety of housing types, including multi-family...in the proposed town center.”
(iii) Identifying sites for multi-family and manufactured housing in locations similar to those generally used for single-family conventional dwellings.		35-44	Although a link between encouraging traditional settlement patterns and locating such housing types in the new Town Center for efficiency and proximity to services is addressed in the Goals and Objectives section, this concept is not addressed in main Element narrative.
(iv) Allowing accessory apartments within or attached to single family residences.		43	This concept is addressed in the Goals and Objectives section.
12. Finance and provide an efficient system of public facilities and services to meet future needs, (eg fire, police, EMS, schools, water, sewage, & solid waste)		65-66	This concept is addressed in Section B. Capital Projects Section of the Implementation Element. Future updates would benefit from more information being available throughout the text. The Plan identifies that the development of a Capital Budget and Program to address these needs.
13. Ensure the availability of safe and affordable child care		24	Childcare is generally addressed in the <i>Utilities, Facilities, and Services</i> Element. Future updates would benefit from additional analysis, such as the supply versus demand (based on population and current enrollment statistics) of the facilities that are within the Berlin limits, as well as identifying those within regional employment centers.
<b>E. Compatibility with Municipal, Regional Plans</b> [§4350] Plans must be:	<b>Map</b>	<b>Pages</b>	<b>Comments, notes, suggestions</b>
1. Compatible with other regionally approved town plans		67-70	The Plan contains a detailed and thorough section on compatibility with adjacent towns.
2. Compatible with the Regional Plan		36, 70	Regional Housing Distribution Plan-appropriately addresses the 2008 projections and identifies the Town Center area as the targeted location for up to half of the future housing demand.

CVRPC Regional Housing Distribution Plan elements	Plan
<p>The Regional Housing Distribution Plan is intended to be used by municipalities when updating their land use plans and regulations; AND Town Plans adopted after January 1, 2009 are expected to incorporate this Housing Distribution Plan onto their town plan housing element.</p>	<p>Regional Housing Distribution Plan-appropriately addresses the 2008 projections and identifies the Town Center area as the targeted location for up to half of the future housing demand.</p>
<p>Town Plans shall contain a detailed map or maps of the town showing the town's preferred locations for future housing units – consistent with current or proposed zoning – for 80% of the anticipated 10 to 15 year housing demand.</p>	<p>The Housing Needs Map identifies the locations of future housing units through 2020.</p>
<p>Town Plans shall also provide mapping updates that identify the locations and number of housing units created in the town since the previous town plan adoption.</p>	<p>The Housing Needs Map as well as the Housing Element narrative identifies the number of housing units created in the town since the previous town plan adoption.</p>
<p>Towns and cities are required to demonstrate the community's intent to meet the proposed housing unit numbers laid out in the Housing Distribution Plan or to describe in detail the obstacles that make attainment impossible. CVRPC will consider the planning effort to encourage housing development in relation to the Housing Distribution plan when approving a municipal plan.</p>	<p>The Plan identifies that CVRPC projections are somewhat inflated as related to their pre-economic downturn creation. That being said, the Plan narrative does identify the difference in units built versus those predicted thus far. The Plan narrative does specifically identify the need to create more multifamily housing units and that the town currently contains 40% of the county's total mobile homes. In summary, the Plan effectively identifies the type of units the town will focus on as the market demand for housing increases.</p>
<p>CVRPC can and will work with municipalities to overcome any local barriers to housing production that prevent attainment of the housing unit numbers and suggest programs of local actions to address those barriers to housing. Towns unwilling to implement programs to address barriers to housing may have their plans denied Regional approval.</p>	<p>n/a</p>