



TOWN PLAN REVIEW COMMITTEE

October 4, 2018 at 7:00pm

Central Vermont Chamber of Commerce (Lower Level Conference Room),
963 Paine Turnpike N., Berlin, Vermont 05602

AGENDA - Revised

1. **CALL TO ORDER**

The meeting will be called to order and may include introductions.

2. **CHANGES TO THE AGENDA**

The Committee may identify and discuss any changes to the agenda.

3. **PUBLIC COMMENTS**

Time will be provided for members of the public to speak about items not on the agenda.

4. **PUBLIC HEARING: APPROVAL OF THE TOWN OF BERLIN MUNICIPAL PLAN AND CONFIRMATION OF THE LOCAL PLANNING PROCESS**

As requested by the Town of Berlin, the Town Plan Review Committee will open a public hearing to receive public comments on the Berlin Town Plan and confirmation of the local planning process.

5. **a. CONFIRMATION OF THE TOWN OF BERLIN MUNICIPAL PLANNING PROCESS**

b. APPROVAL OF THE TOWN OF BERLIN MUNICIPAL PLAN

At the close of the public hearing, the Town Plan Review Committee will consider a two recommendations to the Board of Commissioners: a) confirmation of the planning process under 24 VSA §4350(a); and b) recommendation of approval per 24 V.S.A. § 4350(b)

6. **RULES OF PROCEDURE & COMMITTEE PROCESS**

Rules of Procedure update and opportunity to discuss the staff review process and committee review process.

7. **APPROVAL OF MINUTES**

Draft minutes from the September 10, 2018 Town Plan Review Committee are included for consideration of approval.

8. **ADJOURNMENT**

If there is no additional business the Committee should consider a motion to adjourn.



MEMO

Date: October 1, 2018

To: Town Plan Review Committee

From: Clare Rock, Senior Planner

Re: Berlin Town Plan Hearing and materials

✉ **ACTION REQUESTED:** At the meeting the Committee will hold a public hearing on the Berlin Town Plan, following the hearing the Committee will be tasked with making a recommendation for approval at the CVRPC Board of Commissioners meeting which will take place on Tuesday October 9, 2018.

Background

Sept 13, 2012	CVRPC Approved the 2012 Berlin Town Plan Within the attached Municipal Plan Approval Checklist, CVRPC staff identified areas which would benefit from additional information, analysis or policies. Recommendations were made to addressing State Planning Goal 3 and 13. <ul style="list-style-type: none">➤ See attachment dated September 13, 2012 from CVRPC
March 23, 2016	CVRPC provides a Municipal Consultation for the town. The consultation identified areas of Strengths and Weaknesses in which the 2012 plan could more effectively advance the statewide planning goals. One area of weakness that was identified was the lack of information regarding State Planning Goal 3. <ul style="list-style-type: none">➤ See attachments dated March 23, 2016 from CVRPC
April 12, 2018	CVRPC receives a copy of the Draft Town Plan, ahead of the PC Hearing. In addition to receiving the Draft Plan, the PC also provides the statutory report which provides a summary of the new plan. The report focuses on how the new plan “would alter the town’s land use designations as established in the adopted 2012 Town Plan” and that “broad outlines of the land use plan for Berlin remains essentially the same from the 2012 to 2018 plan. The proposed

- changes are refinements of long-standing community goals and stated policies.”
- See attachment titled “Planning Commission reporting Form for Municipal Plan Amendments” from Berlin
- May 11, 2018
- CVRPC provides written comments on the Draft Town Plan to the PC. CVRPC identifies “Adult education opportunities should be included in the plan...” (State planning Goals 3.)
- In response to comments received, Berlin’s consultant compiles Town Plan comments (including those from the RPC) and provides proposed recommended actions. A few of the RPC comments garner a recommended action. No action or change is recommended in response to the adult education comment.
- See attachment dated May 11, 2018 from CVRPC
 - See attachment Response/Recommended Action Matrix from Berlin
- April 23, 2018
- Berlin PC holds Town Plan Hearing, approves the Plan and forwards to SB.
- July 2, 2018
- Berlin SB approves the Plan and prepares for a town-wide vote.
- August 2, 2018
- Based upon an unrelated request CVRPC reviews the status of the Berlin Town Plan and identifies areas in which the plan does not meet Statute. CVRPC finds that based upon the lack of information within the Plan regarding State Planning Goal 3 and 13, the Plan cannot be found to be consistent. CVRPC communicates with the Town and the Town request sample text which could be used to address the areas of concern.
- See attachment dated August 2, 2018 from CVRPC
 - See attachment titled “Municipal Plan Review Tool, date 8/1”
- August 14, 2018
- Berlin voters approve adoption of the Town Plan.
- August 15, 2018
- CVRPC meets with town officials to discuss the August 2, 2018 letter and Berlin provides a written response to CVRPC’s letter.
- See attachment titled “Response to CVRPC August 2 Memo” from Berlin
- August 23, 2018
- CVRPC responds to Berlin’s memo and maintains its position that based upon the lack of information within the Plan regarding State Planning Goal 3 and 13, the Plan cannot be found to be consistent.
- See attachment dated August 23, 2018 letter from CVRPC
- August 30, 2018
- CVRPC received the municipality’s request approval of the Town Plan and confirmation of its planning process via email.
- See attachment dated August 30, 2018 email to Clare Rock
- Sept 19, 2018
- CVRPC sends a letter to town acknowledging the request and outlines the review process.
- See attachment dated September 19, 2018 letter from CVRPC

Sept 20, 2018 CVRPC receives a letter from the Berlin Selectboard. The letter outlines changes the Town proposes to make to the Plan in response to CVRPC's finding the Plan does not meet some of the statutory requirements.

- See attachment dated September 17, 2018 from Berlin

Staff Review

CVRPC staff, Clare Rock reviewed the Municipal Plan for following items:

- ☒ consistency with the State goals established in section §4302
 - Staff Finding: not consistent. See previously referenced attachments:
 - See attachment dated August 2, 2018 from CVRPC
 - See attachment titled "Municipal Plan Review Tool, date 8/1"
- ☒ compatibly with its regional plan
 - Staff Finding: Staff concurs with the Compatibility Statement included within the Berlin Plan on Pages 15
- ☒ compatibly with approved plans of other municipalities in the region
 - Staff Finding: Staff concurs with the Compatibility Statement included within the Berlin Plan on Pages 14-15
- ☒ containing all the elements included in section § 4382
 - Staff Finding: The Plan contains all the elements.

To view the Central Vermont Regional Plan visit: <http://centralvtplanning.org/wp-content/uploads/2012/03/2016-Central-Vermont-Regional-Plan-ADOPTED-06.12.2018-Reduced.pdf> To view Title 24 Chapter 117: Municipal and Regional Planning and Development statutory requirements in their entirety check out: <https://legislature.vermont.gov/statutes/title/24>

Based upon the letter CVRPC received from the Town on Sept 20, 2018, the Town acknowledges areas of the Town Plan which could be amended for consistency with the State Goals. CVRPC staff recommends the Town Plan Review Committee (TPRC) evaluate the Town's proposal for amendments and then determine a recommendation to present to the Board on October 9, 2018.

As contained within the Town Plan Review Committee (TPRC) Rules of Procedure, "the primary purpose of the TPRC is to provide a recommendation to the Commissioners regarding a municipality's effort to comply with the statutory requirements regarding municipal planning as noted in 24 VSA Chapter 117 §4382 related to the elements of a municipal development plan, compliance with statutory planning goals as noted in 24 VSA Chapter 117 §4302, confirm that the municipality is actively supporting a planning process, and consistency of municipal planning efforts with the regional plan." And to **"Solicit input from staff and municipalities as needed to gather information and provide a recommendation to the Board of Commissioners regarding consistency with state statute."**

As the Board considers its recommendation, please refer to the draft Resolution which is included in the packet. If a deviation from the standard Resolution language will be proposed, the Committee should consider presenting draft language.

**Central Vermont Regional Planning Commission**

September 13, 2012

Jeff Schulz
Town of Berlin Administrator
108 Shed Road
Berlin, Vermont 05602

Dear Jeff,

Congratulations to your municipality and planning commission! The 2012 Municipal Plan has been approved and the Town's planning process has been confirmed by CVRPC as outlined in statute. I have enclosed the resolution that was adopted approving your municipal plan. I've also enclosed a copy of the staff/Committee review of the Plan with their recommendations. We are hopeful that any recommendations made by the Committee will be considered in future editions of the Plan.

We have notified the Agency of Commerce and Community Development, Department of Economic, Housing and Community Development that your Plan and planning process have been approved/confirmed according to Title 24 Chapter 117. We provided the Department with an electronic copy of the approved plan, as well. Confirmation of your planning process means that the municipality is eligible for the next round of municipal planning funds. If you are applying for a municipal planning grant, please be sure to include a copy of the attached resolution in your grant application.

If you have any questions or need further information, please let me know.

Sincerely,

Laurie Emery
Office and Grants Manager

Enc

cc Planning Commission Chair
Town Clerk
Town Representative to CVRPC



Central Vermont Regional Planning Commission

RESOLUTION

WHEREAS, the Town of Berlin, Vermont prepared a municipal plan in accordance with Chapter 117 of Title 24 of the Vermont Statutes, and the Regional Planning Commission found that the Municipal Plan meets all the requirements for approval under both the Commission's review process and Section 4350 of Chapter 117;

AND WHEREAS, Title 24, VSA, Section 4350 requires that CVRPC consult with member municipalities with respect to their planning efforts, requires that a municipality have a plan approved by its regional planning commission in order to have its planning process confirmed, and requires that a municipality maintains the use of local funds for local and regional planning;

THEREFORE, BE IT RESOLVED THAT

The Regional Planning Commission concludes that the Municipal Plan:

1. is consistent with the goals established in Section 4302 of the Act;
2. is compatible with the Central Vermont Regional Plan;
3. is compatible with the approved plans of other municipalities in the region; and
4. contains all the elements as required in Section 4382 of the Act;

AND does hereby **APPROVE** the Berlin Municipal Plan.

FURTHERMORE, in compliance with Title 24 VSA Section 4350, CVRPC has consulted with and confirms the planning process of the Town of Berlin.

It is noted that when an adopted municipal plan expires, its approval also expires. Recommendations made by the Regional Planning Commission's Review Committee are attached and should be considered when developing the next edition of the Municipal Plan. If the municipality has zoning or other regulatory bylaws or is considering adopting bylaws, it is important that the bylaws are in compliance with the current Municipal Plan.

ADOPTED by the Central Vermont Regional Planning Commission at its September 11, 2012 meeting.


Robert J. Wernicke, Chair

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)

Town Plan Review Committee

October 4 2018

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A Required Plan Elements/Maps [§4382(a)] Each of the elements (11) are required in some form for all municipal plans:	Map	Pages	Comments, notes, suggestions
1. Statement of municipal policies, objectives, programs 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. Land use plan (and map) 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. Transportation plan (and map) 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. Utilities, facilities, services plan (and map) 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. Educational facilities plan (and map); 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. Energy element, 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. Housing element, 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. Implementation program 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. 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. (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. Inventories, Studies, Analyses [§4302 (d), 4382(c)]. Include as appropriate to survey existing conditions and probable future trends	Map	Pages	Comments, notes, suggestions
1. Population characteristics and distribution, including income and employment		8-10; 40	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.		35-44	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		12-17	Future land use patterns and projected growth are identified for each land classification.
C. Consistency with Broad State Goals [§4302] Plans must show consideration/evidence of a continuing planning process that includes:	Map	Pages	Comments, notes, suggestions
1. Coordinated, comprehensive planning process		1	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		66-67	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		-	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;		-	This is not specifically addressed in the Plan.

D. Consistency with Specific State Goals [S4302] Plans must make substantial progress towards attainment of the following goals: ("or explain why goal is not applicable):	Map	Pages	Comments, notes, suggestions
1. Plan development to maintain historic settlement pattern of compact villages surrounded by open countryside, including:		11-17	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		11-17	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		11-17	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		17-28	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		28-34	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 carpools; 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 teach of these sections. Although the Plan narrative does support the development of small scale wind

			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). 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).
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		Recreation is covered in Element 7: Utilities, Facilities, and Services. These areas are also mapped on the Public Facilities and Services Map. 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.).
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	Addressed broadly in overall Plan Goals and Objectives 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 he 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 form 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.	
E. Compatibility with Municipal, Regional Plans [§4350] Plans must be:		Map	Pages	Comments, notes, suggestions	
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
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.	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.	
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.	The Housing Needs Map identifies the locations of future housing units through 2020.	
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.	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.	
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.	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.	
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.	n/a	



TO: Town of Berlin Planning Commission

FROM: Eric Vorwald, AICP, Senior Planner

DATE: March 23, 2016

RE: **2016 Municipal Consultation for the Town of Berlin**

The following information is provided as a summary of the Central Vermont Regional Planning Commission's (CVRPC) evaluation of the 2012 Berlin Town Plan. This review has been done as part of a contractual agreement between the CVRPC and the Vermont Agency of Commerce and Community Development (ACCD) to ensure that municipalities with a plan that will be expiring in 18-24 months are made aware of any new requirements for municipal plans and also to receive an analysis of the existing plan. The consultation also affords the Town of Berlin to have a discussion with the CVRPC regarding any planning goals or projects that the CVRPC can provide assistance. Areas of discussion during this consultation will include:

- The 2012 Berlin Town Plan including an analysis of items or statutory changes to consider for the plan update
- Any training needs that may be of interest
- Services provided by the CVRPC
- Other items of interest to the Planning Commission

In preparation for this consultation, the CVRPC reviewed the 2012 Berlin Town Plan to identify any areas where it might not meet current statute. Since the plan was approved in 2012, several changes have occurred to statute therefore most town plans throughout the State of Vermont are not currently compliant. Additionally, the CVRPC noted specific areas where additional information or discussion could strengthen the plan as well as sections of the plan that are strong and should be carried forward to the next plan update. The summary attached with this memo outlines the specific areas where the Berlin Town Plan is strong, where it could be strengthened, or new information that will be required for the next plan update.

Consultation Report

MUNICIPALITY: Berlin		DATE OF MEETING: March 23, 2016
<u>Attendees:</u> Karla Nuissl, Clara Ayer, Sally Herring, Geoff Farrell, Gary LaRoche – Berlin Planning Commission; Tom Badowski – Berlin Staff; Bob Wernecke – Berlin RPC Representative; Bonnie Waninger, Eric Vorwald – CVRPC Staff		
I. LOCAL PLANNING NEEDS		
a.	Municipal plan assessment and associated recommendations	<p><i>Please see attached plan review sheet for specific comments related to the assessment of the 2012 Berlin Town Plan.</i></p> <p>Overall, the 2012 Berlin Town Plan serves a solid basis for continued planning within the municipality. The goals and implementation strategies are reasonable and achievable. Updates to statute now require an element related to flood resiliency within the municipal plan (24 V.S.A. §4382(12)(a)) and the Town Plan will be required to include information describing how the plan supports the Village Center designation or New Town Center designation and how the town could benefit from the designations as per 24 V.S.A. §2793a or §2793b.</p>
b.	Training needs	Specifically, the Berlin Planning Commission noted that training on capital budgeting would be helpful. This was discussed in the context of a plan update to help prioritize the needs of the community and how projects and programs could be supported by budgetary, funding sources, and information on who would be responsible for completing the work.
II. PLAN IMPLEMENTATION		
a.	Local permitting process	Currently the Town of Berlin operates under a Development Review Board with zoning and subdivision bylaws duly adopted and in place.
b.	Non-regulatory priorities	<p>Village Center designation or New Town Center designation can help leverage resources available to implement their plan.</p> <p>A Capital Improvements Plan should be incorporated to help prioritize goals and implementation strategies as part of the town plan update.</p>
III. HOW CAN WE HELP?		
a.	RPC programs and projects and local priorities	An information sheet has been provided that outlines the programs and services offered by the CVRPC. Berlin has received assistance in the past on specific projects including a bridge & culvert inventory and assistance with grant applications.
b.	RPC Board representation	Berlin’s representative on the Central Vermont Regional Planning Commission is Bob Wernecke. There is currently no alternate designated from Berlin.

Municipal Plan Review – Town of Berlin Date of Current Plan Adoption: 2012**TOWN PLAN CONTEXT**

The 2012 Berlin Town Plan outlines a concerted effort by the municipality to promote and preserve its rural character while encouraging growth to occur within its designated centers. This is evidenced through the goals, objectives, and issues specific strategies that are identified within each section of the plan. The plan and implementation objectives could benefit from Berlin seeking Village Center Designation if applicable or possibly New Town Center designation for the Berlin Mall area.

MAJOR FINDINGS: The following points provide an outline of the plan's effectiveness in addressing statewide planning goals and identifies areas where improvements can be made.

Strengths – Which parts of the plan are particularly effective in implementing the statewide goals?

- The plan notes the development of an independent supply of public drinking water that could be utilized by the community to support additional development capacity.
- A strong emphasis on the protection and promotion of public lands for use as active and passive recreation and preservation of viewsheds is evident throughout the plan and indicates a strong commitment to preserving forest lands for future use.
- Extensive discussion and planning is noted for supporting development where existing infrastructure is located. This is specifically noted near the Berlin Mall area and the Barre Montpelier Road.
- The connections between compact, pedestrian scaled, and walkable development and impacts on energy consumption are noted therefore promoting smart growth principles.
- A community-wide commitment to preserving agriculture and forest land is noted throughout the plan and helps reinforce the character of the community.
- The plan provides a quality overview of the relationships to neighboring municipalities and how future land use patterns are consistent.
- The need for additional bicycle and pedestrian connections and facilities is evident throughout the plan.
- The overall information related to housing is well noted and thoroughly detailed.

Weaknesses – In which areas can the plan more effectively advance those statewide goals?

- The plan is lacking an economic development section. There are goals associated with economic development at the beginning of the plan, however no dedicated section exists.
- Adult education is missing from the plan and should be included related to programs that are available in Berlin (if any) or in other municipalities.
- Additional information should be included to historic and natural features to define what “significant”, “outstanding”, and “important” mean to the community.
- Limited discussion exists related to housing for the elderly. If no housing exists or is proposed, it should be noted in the plan. Similarly, information related to accessory dwellings should be included to note their place in the housing affordability equation.
- Air quality is not specifically called out in the plan, however reducing fossil fuels is discussed which could lead to improved air quality.
- Additional discussion should be included related to the specific impacts of agriculture/silviculture on the natural environment. This could be related in terms of how accepted or required practices impact the community.
- The plan notes information regarding employment, however there is little information if any regarding unemployment within the community.
- There is no discussion on local foods or sources of local foods/products. This could fit into a discussion related to energy needs for transportation of goods & services.

Opportunities – What specific opportunities exist to improve the town plan so that it more effectively addresses the statewide goals?

- A capital improvements plan could help Berlin prioritize its future planning needs and goals. This could also help identify funding sources, costs needed to complete the identified projects, and timeframes.
- A discussion of flood resiliency will be required and should address vulnerabilities and how to mitigate those vulnerabilities within the community.
- Renewable energy siting should be discussed in terms of where it is encouraged or discouraged throughout the community.
- Additional maps may be necessary to highlight specific areas for development or redevelopment such as the Barre-Montpelier Road or the Berlin Mall area.

- Including additional information on alternative transportation (including bicycle, pedestrian, and transit facilities) including the possible locations for future facilities could aid multiple sections of the plan. Some information exists, however additional information could be helpful.
- Berlin should consider applying for village center designation or new town center designation if applicable to support and show the importance of the identified growth areas within the community. A designation could elevate the status of the community when applying for grants and other funding opportunities.
- Additional discussion on bicycle and pedestrian facilities (including possible needs) would benefit the community and show a commitment to establishing a pedestrian friendly community. This could initially be focused on connections between the identified growth centers and other community resources and then be scaled up as appropriate to include other areas of the community.
- Identifying access to the western portions of the town will help increase connectivity throughout the community.
- Consideration of design guidelines or similar development review criteria for development or redevelopment in identified areas (such as the Barre-Montpelier Road) may be appropriate to create desired development patterns and land use techniques.

MUNICIPAL CONSULTATION**TOWN OF BERLIN****MARCH 23, 2016****GOAL 1 – LAND USE**

To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

1. Do the land use patterns proposed in the Land Use chapter of the plan support this goal? If so, are proposed densities higher within or adjacent to village/downtown/growth areas?

Yes. Land use patterns propose densities to be higher in the commercial centers near the mall, interstate, and Barre-Montpelier Road. Lower densities are proposed in the more rural areas. Also, density is proposed in and around the Berlin Mall area which is designated for mixed uses and density.

Sub-Goal A. Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.

1. Does the plan ensure that intensive residential development is encouraged primarily in areas related to village/downtown/growth areas?

Generally yes. Text discusses locating development within established areas that currently have services that can support residential development. Similarly, the Berlin Mall area is identified as a location for mixed uses and development activity. This location could act like a town center.

2. Does the plan allow for auto-centered commercial uses outside of designated village/downtown/growth areas?

- If so, are these areas that already have historic strip-type development? Is the town making an effort to incorporate more multi-modal land use?
- If so, is strip development limited to areas that are already developed as strip developments or is the community encouraging new strip development?

Yes. The plan allows for auto-centered strip development to occur along the Barre Montpelier Road where it is currently located and has historically occurred.

Sub-Goal B. Economic growth should be encouraged in locally designated growth areas, or employed to revitalize existing village and urban centers, or both.

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

Yes. The plan encourages development to occur in the established locations where infrastructure exists (including sewer) to support development.

2. Does the plan discuss where economic growth is to be located?

In general yes, however there is no specific section related to economic development in the plan.

3. Are the types of uses described of a scale and type that they will have little or no impact on the rural countryside (such as home businesses)?

In general yes. The plan notes that economic growth should not adversely impact existing residential development.

4. Does the plan discuss the need to locate most municipal or public buildings within the economic core of the community?

Yes. The plan acknowledges that a strong community core is in the best interest of sustaining a healthy economy into the future.

5. Does the proposed transportation system encourage economic development in existing village centers/growth areas/downtowns?

Yes. The plan discusses the need of infrastructure to accommodate multi-modal transportation options that will support new growth and development in the identified growth areas.

Sub-Goal C. Public investments, including the construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.

1. Are public investments, including the construction or expansion of infrastructure, planned to reinforce the general character and planned growth patterns of the area?

Yes. The plan discusses how to use existing capacity for wastewater and protection of potable water supplies.

2. Does the plan effectively discuss future infrastructure needs?

Yes. This is noted throughout the plan. Specifically related to infrastructure capacity and the extension of services (including roads) to support development in the northeast quadrant of town.

3. Does the plan effectively discuss where future infrastructure will be needed?

Yes. Infrastructure expansion needs are identified including wastewater to promote development in the northeast quadrant of town.

4. If no planned infrastructure investments are planned, does the plan make this clear?

N/A. The plan notes where infrastructure is needed and recommends planning for expansions.

5. Are the development patterns proposed in the land use chapter likely to lead to forced infrastructure improvements and increased services due to increases in density? (such as high density development on rural roads)

No. The development patterns promote compact development centered in designated areas.

GOAL 2 – ECONOMIC DEVELOPMENT

To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.

1. Does the plan have an economic development chapter?

No. There is no economic development chapter however there are goals related to economic development included in the plan.

2. Does the plan discuss its position in terms of regional employment? (i.e. is it an employment center, bedroom community, etc.)

Not specifically. There is no direct reference to Berlin's position in terms of regional employment but there is information related to specific employers that are large enough to attract employees from outside the region. Specifically, the Central Vermont Medical Center is noted as a major employer with over 1,400 employees.

3. Does the plan discuss unemployment or lack thereof?

No. The plan notes employment information but does not adequately discuss unemployment in the community.

4. Does the plan discuss the balance of improving the economy and maintaining environmental standards?

Generally yes. In the land use and development pattern goals it notes the protection of environmental and natural resources from incompatible development.

GOAL 3 – EDUCATION

To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

1. Does the plan discuss adult education?

No. The plan does not discuss adult education.

2. Does the plan discuss where educational opportunities are and might be found?

The plan is limited on discussion of educational opportunities however it is noted.

3. Is the town working with the local school district or the community to provide educational opportunities in schools and in other community settings?

No specific opportunities are listed, however it may be that no opportunities currently exist to support this goal.

GOAL 4 – TRANSPORTATION

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.

1. Is the proposed land use plan coordinated with the transportation network? Does it discuss the connection between land use and transportation efficiency? The following ought to be considered:

- Access management
- Discouraging new roads in outlying areas

Yes. Transportation discusses the coordination with land uses relative to safety, business needs, alternatives and access management.

2. Does the Transportation chapter discuss and encourage multi-modal transportation?

Yes. Multi-modal transportation is discussed and encouraged in the plan.

3. Does the Transportation chapter discuss and encourage public transit?

Partially. The plan recognizes public transit and notes its availability, however public transit is not discussed in detail.

Sub-Goal A. Highways, air, rail and other means of transportation should be mutually supportive, balanced and integrated.

1. Does the Plan discuss development of transportation connections between smaller towns and centers of employment?

Yes. This is discussed in terms of connections for multi-modal access and increasing access to the western parts of town.

2. In the development of the transportation system, does the plan use good resource management and minimize or reduce negative impacts to the natural environment?

Yes. The plan discusses protecting and maintaining scenic and rural qualities of the town and encouraging energy efficiency with regard to transportation.

3. If the community has rail or air transportation is it discussed?

Yes. Rail and air transportation is discussed.

4. Does the community consider other modes of transportation when discussing expansion of transportation infrastructure?

Yes. This is noted in the goals and policies where it discusses recreational paths and pedestrian connections to identified growth areas.

GOAL 5 – HISTORIC AND NATURAL FEATURES

To identify, protect and preserve important natural and historic features of the Vermont landscape, including:

Sub-Goal A. Significant natural and fragile areas;

1. Does the plan identify significant natural and fragile areas? (Note to planners: does the plan include criteria for what makes an areas “significant”? Towns should be encouraged to move in this direction so that the maps and future regulations are legally defensible).

Yes. This is noted in section XI related to natural and historic resources. However, “significant” could be more explicitly defined.

2. If identified, does the plan clearly (not vaguely) discuss how they should be preserved?

Yes. The goals and policies in section XI outline multiple specific ways to preserve these areas.

3. If identified, is land use proposed in such a fashion that these areas will be protected?

Yes. The goals and policies outlined in section XI provide guidance for ensuring the significant natural and fragile areas are protected.

4. Does the plan discuss alternative (non-regulatory) ways to protect these areas (other than through land use regulations)?

Yes. This is noted in the goals and policies of section XI.

Sub-Goal B. Outstanding water resources, including lakes, rivers, aquifers, shore-lands, and wetlands.

1. Does the plan identify outstanding water resources, including lakes, rivers, aquifers, shore-lands and wetlands? (Note to planners: does the plan include criteria for what makes a resource “outstanding”? Towns should be encouraged to move in this direction so that the maps and future regulations are legally defensible).

Yes. The plan discusses the importance of water resources. However, “outstanding” could be more explicitly defined.

2. If identified, does the plan clearly (not vaguely) discuss how they should be preserved?

Yes. The goals and policies noted in section XI outline multiple specific ways to preserve these areas.

3. If identified, is land use proposed in such a fashion that these areas will be protected?

Yes. Buffers are proposed around all the significant water bodies to limit development pressure.

4. Does the plan discuss alternative (non-regulatory) ways to protect these areas (other than through land use regulations)?

Yes. This is noted in the goals and policies outlined in section XI.

Sub-Goal C. Significant scenic roads, waterways and views;

1. Does the plan identify scenic roads, waterways and views? (Note to planners: does the plan include criteria for what makes a scenic resource “significant”? Towns should be encouraged to move in this direction so that the maps and future regulations are legally defensible).

No specific roads are identified, but views are discussed in terms of rural character and the Berlin Pond is noted for its significant views. Similarly, the plan generally discusses the importance of views throughout the diverse landscape of the Town.

2. If identified, does the plan clearly (not vaguely) discuss how they should be preserved?

Partially. There are limited goals and policies that deal directly with preservation of scenic roads, waterways, and views.

3. If identified, is land use proposed in such a fashion that these areas will be protected?

In general, the future land use map calls for rural residential and conservation throughout the majority of the town which will help protect these resources.

4. Does the plan discuss alternative (non-regulatory) ways to protect these areas (other than through land use regulations)?

No. Non-regulatory alternatives are not readily evident in the plan.

Sub-Goal D. Important historic structures, sites, or districts, archaeological sites and archeologically sensitive areas.

1. Does the plan identify historic structures, sites, or districts, archaeological sites and archeologically sensitive areas? (Note to planners: does the plan include criteria for what makes a site “important”? Towns should be encouraged to move in this direction so that the maps and future regulations are legally defensible).

Yes. The plan specifically notes structures, sites, or districts that are of historical importance to the community. However, “important” could be more explicitly defined.

2. If identified, does the plan clearly (not vaguely) discuss how they should be preserved?

Yes. This is noted in the goals and policies of section XI.

3. If identified, is land use proposed in such a fashion that these areas will be protected?

In general yes. Land uses are proposed that should preserve historic resources.

4. Does the plan discuss alternative (non-regulatory) ways to protect these areas (other than through land use regulations)?

Yes. This is noted in the goals and policies of section XI.

GOAL 6 – AIR, WATER, WILDLIFE AND LAND RESOURCES

To maintain and improve the quality of air, water, wildlife, and land resources.

Sub-Goal A. Vermont’s air, water, wildlife, mineral and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. 6086(a).

1. Is there a complete inventory/map of existing water resources, wildlife habitat, mineral resources and other land resources?

Yes. There is an inventory of resources included in the plan and a map that outlines these resources. Mineral resources are not mapped, however this information may not be readily available.

2. Does the plan discuss air quality? If so, does it describe measures to maintain and improve its quality?

Air quality is not specifically called out, however reducing fossil fuel usage and dependence is incorporated in the energy section, which would equate to air quality.

3. Does the plan discuss water quality? If so, does it describe measures to maintain and improve its quality?

Partially. Water supply and the quality of the water is discussed, however there is limited discussion regarding protection of water sources and water supplies.

4. Does the plan discuss wildlife resources? If so, does it describe measures to maintain and improve its quality?

Yes. Wildlife and wildlife resources are discussed. Specifically, deer wintering areas.

5. Does the plan discuss floodplain protection? If so, does it describe measures to maintain and improve its quality?

Yes. Measures are noted in goals and policies of section XI.

6. Does the proposed land use pattern maintain or improve the quality of the resources listed above?

Yes. Development is encouraged to protect natural resources and flood prone areas.

GOAL 7 – RENEWABLE ENERGY

To encourage the efficient use of energy and the development of renewable energy sources.

1. Does the town recognize the connection between energy, transportation and land use?

Yes. This is noted in section X which talks about energy.

2. Does the energy chapter of the plan discuss energy efficient and renewable energy?

Yes. This is noted in the energy section.

3. Does the plan contain policies and recommendations that encourage energy efficiency?

Yes. This is noted in the energy section.

4. Does the plan contain policies and recommendations that encourage the development of renewable energy resources?

Yes. There are goals and policies that discuss the development of renewable energy sources.

5. Does the pattern of land use proposed in the community appear to encourage the efficient use of energy either through the proposed location of development in relation to community services, or in terms of lot layout and design?

In general yes. The plan discusses energy efficiency in terms of transportation and the future development patterns of the community.

GOAL 8 – RECREATION

To maintain and enhance recreational opportunities for Vermont residents and visitors.

1. Does the plan discuss recreation and identify important recreational areas?

Yes. Recreation is noted in section VII and notes Boyer State Forest, the Dog River Natural Area, and several other recreational resources in the community.

2. Does the land use plan encourage development that protects or harms access to or the availability of recreational activities?

The plan seeks to protect and enhance the recreational opportunities including natural features such as ponds and recreational trails.

GOAL 9 – AGRICULTURE AND FOREST

To encourage and strengthen agricultural and forest industries.

1. Does the plan discuss agriculture and forestry?

Yes. Agriculture and forestry is noted in multiple sections of the plan.

Sub-Goal A. Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include maintaining low overall density.

1. Does the plan discuss the protection of agriculture and silviculture? If not, does it legitimately discuss why it does or cannot?

Yes. The plan notes that agriculture is not as prominent as it once was yet the plan also promotes forestry practices for use as biomass as an alternative energy source.

2. Do proposed densities of development appear to negatively impact the availability of workable land?

No. Development densities in the rural areas are anticipated to be consistent with rural type development that would be common for agricultural areas.

Sub-Goal B. The manufacture and marketing of value-added agricultural and forest products should be encouraged.

1. Does the plan discuss the economic value of agriculture and forestry?

Yes. This is noted as it relates to wood products and recreation opportunities.

2. If so, does it have viable policies and recommendations on how to encourage them?

Generally yes. The preservation of agriculture and forest land is noted in the plan.

Sub-Goal C. The use of locally grown food products should be encouraged.

1. Is the availability of locally produced food encouraged in the plan?

No. Local foods are not discussed

Sub-Goal D. Sound forest and agricultural management practices should be encouraged.

1. Does the plan discuss methods of agriculture/silviculture and their potential impact on the environment?

The plan does not specifically discuss how agriculture/silviculture impact the environment, however it is noted that limiting impacts on the environment are critical to maintaining its health and long-term sustainability.

Sub-Goal E. Public investment should be planned so as to minimize development pressure on agriculture and forest land.

1. Does the plan direct public investments such as roads and sewer systems and other infrastructure away from agricultural and forest land?

Yes. The plan discusses focusing development and infrastructure into areas that are identified for future development such as the Berlin Mall and the Barre-Montpelier Road.

GOAL 10 – NATURAL RESOURCES/EARTH RESOURCES/AESTHETIC PRESERVATION

To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.

1. Does the plan adequately discuss the extraction of earth resources?

Yes, to the extent that they are limited within the community. This is noted in section XI.

GOAL 11 – AFFORDABLE HOUSING

To ensure the availability of safe and affordable housing for all Vermonters

1. Do the proposed land use patterns or public investments in the plan support the residents' ability to have safe and affordable housing?

Yes. Residential development is proposed in identified growth centers and in conjunction with mixed uses at densities that can lead to affordability. Also, weatherization in construction is discussed which can lead to safety.

2. Does the plan inventory the types and costs of housing in the community?

Yes. There is good information regarding types and costs of housing included in the plan.

3. Does the plan adequately discuss housing and housing density throughout the community?

Yes. Housing density is discussed in the context of affordability and walkability/alternative transportation.

Sub-Goal A. Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income.

1. Does the plan have a housing section that encouraged low income housing and housing for the elderly?

Yes. Information is provided for low income, elderly, disabled, and homeless populations.

Sub-Goal B. New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.

Issues related to housing safety, location, and coordination with other uses is discussed in the plan.

Sub-Goal C. Sites for multi-family and manufactured housing should be readily available in locations similar to those generally used for single-family conventional dwellings.

This is noted in the goals and policies of the housing section.

Sub-Goal D. Accessory apartments within or attached to single family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives or disabled or elderly persons should be allowed.

1. Does the plan discuss accessory apartments?

No. Accessory dwellings are not discussed in this plan.

2. Does the plan discuss the availability of health care and elderly services?

Limited discussion is included related to elderly housing issues or other services specifically targeted towards elderly residents.

GOAL 12 – PUBLIC FACILITIES & SERVICES

To plan for, finance and provide an efficient system of public facilities and services to meet future needs.

1. Does the plan discuss future public facility investments, or at least acknowledge that none are needed?

Yes. Multiple public facility investments are noted in section VII including the desire to locate a U.S. Postal Office in the community.

2. If so, does the plan discuss how these projects will be financed and how they will meet the needs of the public?

The discussion includes information on why the investments are needed and notes that a capital improvements plan should be developed to plan for improvements and upgrades.

3. Does the plan discuss how it provides services to the community and whether or not they are meeting the community's needs?

Yes. This is noted in section VII related to utilities, facilities, and services.

4. Does the town have a Capital Improvement Plan and Budget outlining timing and funding for necessary public investments to ensure efficiency and coordination in their provision?

No. A capital improvement plan and budget is not included however it is noted that one should be developed to plan for future needs of the community.

Sub-Goal A. Public facilities and services should include fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal.

1. Are fire, police, emergency medical services, schools, water supply, sewage and solid waste disposal discussed adequately in the plan?

Yes. These topics are discussed in detail throughout section VII.

Sub-Goal B. The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

1. Does the plan ensure that high density development occurs only where urban public facilities and services exist or can be reasonably made available?

Yes. The plan focuses density in areas that are currently developed or planned for development including the Berlin Mall area and the Barre-Montpelier Road.

2. Does the plan discuss growth in relation to the provision of services and facilities adequately?

Yes. There is adequate discussion regarding growth and options for providing services.

3. Does the plan speak clearly about how growth might impact these services and facilities?

Yes. One specific area is discussion of the need for alternative water sources and the potential for developing an independent water supply source for the community.

4. Does the plan discuss how they will control growth in a manner that allows them to phase upgrades in facilities and the expansion of services at a rate that is sustainable?

Yes. Growth is being encouraged in limited areas which are currently have adequate services therefore future growth would coincide with service upgrades.

GOAL 13 – CHILD CARE

To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.

1. Within the child care element of the plan, is there a discussion about the availability of child care related to the needs of the community?

Yes. This is noted in section VII.

2. Does the plan discuss how the town can make child care more available?

Yes. This is noted in the goals and policies of section VII.

GOAL 14 – FLOOD RESILIENCY

To encourage flood resilient communities by:

- (A) New development in identified flood hazard, fluvial erosion, and river corridor protection areas should be avoided. If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.**
- (B) The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.**
- (C) Flood emergency preparedness and response planning should be encouraged.**

This is a new goal that has been added since the Berlin Town Plan was last updated therefore these specific issues are not addressed. However, the plan does note that protection of floodplains and flood hazard areas should be encouraged and development in these areas should be discouraged. Specific information related to flood resiliency will be required in the updated town plan.

Planning Commission Reporting Form for Municipal Plan Amendments

The draft 2018 Berlin Town Plan is consistent with the 14 state planning goals established in 24 VSA §4302 as demonstrated on pages 3-4 of the plan and would alter the town's land use designations as established in the adopted 2012 Town Plan as follows:

Town Center. The 2012 Berlin Town Plan designated a town center in the area bounded by Route 62, Paine Turnpike North and Fisher Road (the Berlin Mall site and adjoining properties). The draft 2018 Town Plan expands the town center area to include the properties on the north side of Fisher Road, including Central Vermont Medical Center, and properties south of Route 62, including the shopping plaza and the new traveler service center. This change does not substantially increase the development potential of the town center but rather reflects a recognition that it will be necessary and beneficial for the existing development to the north and south of the originally proposed town center area to be functionally integrated with any future town center development. For example, CVMC is the town's largest employer and a major destination that will generate potential customers for other businesses and a potential market for new housing in the town center. This change in land use designation is reflected in zoning amendments proposed by the Berlin Planning Commission, although the overall vision for development of a higher-density, mixed-use, walkable town center remains essentially the same between the 2012 and 2018 plans.

Residential Areas in the Northeast Quadrant. The 2012 Berlin Town Plan indicated that the town was encouraging higher density residential development in the northeast quadrant through its policy language, but the land use map was not entirely consistent with that goal (the highest density residential classification on the map was 1 dwelling per 2 acres). The draft 2018 Berlin Town Plan establishes a Residential (moderate to high density) future land use classification for the land in the northeast quadrant between the Route 2 and Route 302 corridors, in the area between Hill Street Extension and Paine Turnpike, and in Berlin Corners south to Scott Hill Road. The town water system is now serving portions of this area and Berlin plans to continue expansion of both water and sewer infrastructure in the northeast quadrant making higher density residential development possible. This change in land use designation is reflected in zoning amendments proposed by the Berlin Planning Commission, which establish the highest residential densities in the town center, expand opportunities for higher-density mixed-use development in areas along Route 302 formerly zoned solely for commercial use, and create high- to moderate-density mixed-use and residential zoning districts in suitable areas of the northeast quadrant where supporting infrastructure exists or is planned. While this is not a change in overall town policy, it is a refinement of where and how to realistically implement the stated goal of encouraging higher density housing in the northeast quadrant.

Riverton. The 2012 Berlin Town Plan designated the Riverton area on Route 12 for industrial use. The draft 2018 Town Plan recognizes Riverton's history and traditional settlement pattern as a hamlet that developed first around water-powered industry and later rail access. The 2018 plan continues the industrial classification for a portion of Riverton but also proposes a mixed-use classification for additional land in the area. This change in land use designation is reflected in zoning amendments proposed by the Berlin Planning Commission, which establish a new hamlet zoning district for Riverton

to reflect and re-assert its traditional settlement pattern and accommodate mixed uses as existed historically in the area.

Exit 6. The 2012 Berlin Town Plan designated the Exit 6 area for commercial use. The draft 2018 Town Plan designates the Exit 6 area as Rural (low to moderate density). This change is consistent with the town's long-standing goal to direct commercial and industrial growth to the northeast quadrant, which is already a focus for development and is served by municipal infrastructure. The Exit 6 area, which is in the southeastern part of town, remains largely rural in character. It is developed with several homes, a small professional office building and an extraction operation. It is not served by municipal infrastructure and the town is not planning to extend infrastructure to the area during the planning period. For these reasons, the town has decided that it does not desire to encourage commercial development at Exit 6 at this time. This change in land use designation is also reflected in zoning amendments proposed by the Berlin Planning Commission.

Rural Areas. The 2012 Berlin Town Plan designates most land outside the northeast quadrant as Rural Residential or Highland Conservation. The proposed 2018 Town Plan continues the same approach but re-shapes and re-classifies rural lands largely based on proximity to the existing road network. It also takes into consideration the special circumstances and use restrictions of the Berlin Pond watershed, and public and conserved private lands that are not available for development. This change in land use designation is also reflected in zoning amendments proposed by the Berlin Planning Commission.

The broad outlines of the land use plan for Berlin remains essentially the same from the 2012 to 2018 plan. The proposed changes are refinements of long-standing community goals and stated policies. They are not anticipated to have substantial new or different impacts on traffic, the need for public facilities or the municipal tax base. Berlin continues to plan for and is actively working to facilitate growth and development (residential, commercial and industrial) in the northeast quadrant, and to preserve rural character and working lands elsewhere in town.



May 11, 2018

Karla Nuissl, Chair
Town of Berlin Planning Commission
108 Shed Road
Berlin, VT 05602

Dear Ms. Nuissl,

On April 12, 2018 the Central Vermont Regional Planning Commission (CVRPC) received a draft update to the Town of Berlin's Municipal Development Plan (Town Plan). The following comments are provided to the Town for consideration prior to the final draft plan.

1. The 2016 Central Vermont Regional Plan requires municipalities to address the Housing Distribution Plan. While this information is dated, the requirement to address the information is still included and will need to be addressed for consistency. Please feel free to contact the CVRPC to discuss how this can be achieved in the context of the current draft plan.
2. The CVRPC commends the Town of integrating the guidance from the State of Vermont regarding "maintain, evolve, and transform" from state planning manual guidance. This helps outline specific areas of importance and focus for the Town.

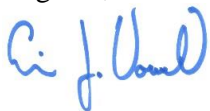
With that said, however, there is no indication of the timeframe or who will be responsible for completing the recommendations. This will be important for measuring success and identifying how the town is implementing its plan.

3. The plan notes that the Town's Local Hazard mitigation plan was adopted in 2012. This plan will expire on May 14, 2018. With this in mind, the Town Plan update should include discussion of consistency with future updates to the Local Hazard Mitigation Plan and vice versa to maintain the continuity between these two planning efforts. Additionally, specific goals or actions should be identified that can be utilized in the Local Hazard Mitigation Planning process.
4. Is land cover map to be used as existing land use map (as required by statute)? If so, consideration should be given to updating the title to reflect this.
5. It appears as though additional detail will be required for the plan to meet the requirements of Act 171 of 2016 regarding forest integrity. Please contact Clare Rock at the CVRPC to discuss specific changes or information that may be necessary to meet this requirement.
6. Consider adding definitions for future land use categories or providing a reference for where the definitions can be found. As an example, there are two categories for "rural" with different generalized densities associated with each. Further explanation will help provide additional context regarding where and to what extent the Town supports development.

7. Consider adding resource extraction areas, as noted in the plan, on one or more maps.
8. The land use section has specific recommendations regarding future land uses and implementing the maintain, evolve, and transform framework, however no other section has this. If this section is intended to address implementation actions for all plan sections it may be more appropriate to move this section and clarify the purpose of this information.
9. The renewable energy classifications that are outlined on Page 24 include descriptions that are different than the Department of Public Service's guidance for municipal energy planning. The Town should consider aligning the definitions for consistency or explaining that the Town ill use standards that are different from the Department.
10. Adult education opportunities should be included in the plan to note where these services exist.
11. Several references in section 1G – State Planning Goals are incorrect. For example, Goal 3 notes a reference to Policy 4 in the Utilities & Facilities section, however there is no policy 4. Additionally, references indicate that Economic Development is on page 23, when in fact Energy is on page 23. Please ensure these references are updated.
12. The Future Land Use Map on page 13 lists the area around Exit 6 as being in the Rural (very low to low density) category. This designation would presume that this area is not intended for residential development. The Housing Map on Page 25 does not similarly reflect this limitation. Please confirm this is the intent of the Town.
13. While there is discussion regarding workforce and affordable housing, there is no mention of accessory dwelling units in the plan. It would be appropriate to specifically list accessory dwellings as a viable form of workforce and affordable housing to address this section of statute.
14. Page 27 has a section that discusses On-Farm Businesses and notes the proposed changes to Berlin's land use regulations will allow for expanded on-farm businesses. It may be appropriate to discuss this in terms of the current conditions and that expanding on-farm businesses is a component of the proposed update rather than assume the proposed regulations will be adopted.
15. Page 30 includes discussion on Berlin meeting the Federal Emergency Management Administration's requirements for the Community Rating System (CRS), however the Town opted not to enroll. The plan seems to indicate that the benefits of the CRS program are available to the residents. Additional language should be included to note that Berlin is not currently in the CRS program.

On behalf of the CVRPC, thank you for the opportunity to review and comment on the draft town plan. If you have any questions regarding the above comments, please do not hesitate to contact the CVRPC.

Regards,



Eric Vorwald, AICP
Senior Planner

Page	Comment	Response / Recommended Action	PC Action
1	CVRPC There is no indication of the timeframe or who will be responsible for completing the recommendations.	<p>All of the actions included in the plan are the responsibility of town government. The parties responsible would be a combination of Selectboard, Planning Commission and town staff primarily. The plan does not include actions that would be the responsibility of individuals or organizations not under the direct authority or direction of town government. It does include actions that would require town government to partner with neighboring communities or regional organizations.</p> <p>Revise the description of the actions on page 1 to read: Actions are the next steps – concrete activities or programs intended to attain (or contribute to attaining) one or more objectives <u>that the town government will implement during the 8-year planning period.</u></p> <p>Alternatively, also include an implementation matrix as an appendices that would list all of the actions from each chapter, identify the parties (SB, PC, etc.) responsible and suggest a timeline/year for each.</p>	
2	4-25 PC Meeting Add link to recent Berlin Stormwater Management Plan.	Add the following reference to the 2017 list: Berlin Stormwater Master Plan, Watershed Consulting Associates, LLC	
2	4-25 PC Meeting Add link to the Vermont Supreme Court Ruling of access use of Berlin Pond.	Add the following reference to the 2014 list: Memorandum of Decision on Montpelier’s Petition in re Berlin Pond, VT Agency of Natural Resources, Dep’t of Environmental Conservation	
3	CVRPC Several references in section 1G – State Planning Goals are incorrect. For example, Goal 3 notes a reference to Policy 4 in the Utilities & Facilities section, however there is no policy 4. Additionally, references indicate that Economic Development is on page 23, when in fact Energy is on page 23. Please ensure these references are updated.	<p>Policy 4 on page 21 got cut off on the printed draft. It reads, "Support provision of quality childcare, education and recreation services so Berlin will be an attractive community for families." Formatting has been corrected.</p> <p>Fixed page-number cross-reference error to Economic Development Chapter.</p>	
3	Stridesberg 5-14 last sentence “and policies” needs a space	Fixed the formatting error.	
5	4-25 PC Meeting Policy #2 should be revised to “Support the permanent conservation of the publicly owned lands around Berlin Pond.”	<p>The second half of the sentence should not be deleted as it states Berlin's position in regard to use of the public land around the lake and the desire for public recreation use, while recognizing that there are limitations on that use while the pond serves as a public water supply. Given that federal regulations discourage use of surface waters as public drinking supplies, it is possible that at some future time Montpelier will no longer be able to use the pond as its water supply. At that point, greater recreational use would be possible and Berlin's policy would be for the pond and shorelands to become a full-fledged public recreation area.</p> <p>Revise policy 2 as follows: Support the permanent conservation of the <u>publicly owned</u> land around Berlin Pond, and <u>maintain</u> public recreation use commensurate with the pond's function as a public water supply.</p>	

Page	Comment	Response / Recommended Action	PC Action
5	5-9 PC Meeting under Policies add the following at the beginning of #5 “Encourage and support continued permanent conservation of public and private land.”	Recommend adding an additional policy to be inserted below Policy #5, but qualifying it to target rural land. The town may not want to encourage or support conservation of land in areas served by infrastructure and planned for future development. New policy would read: Encourage and support continued permanent conservation of farm and forest land outside the northeast quadrant.	
5	4-25 PC Meeting Add a new policy to read, "Support low impact public recreation use of Berlin Pond and surrounding Public lands as sanctioned by the Vermont Supreme Court and State of Vermont."	If second half of Policy 2 is not eliminated then adding this new policy will not be necessary. As discussed above, the opportunity for recreation use may change in the future. No change to the plan is recommended in response to this comment.	
5	CVRPC Is land cover map to be used as existing land use map (as required by statute)? If so, consideration should be given to updating the title to reflect this.	The land cover map on page 5 is a visual representation of the current land use pattern as stated in the first sentence under 2A. An "existing land use map" is not required by statute. 24 VSA § 4382(a)(2) requires a map "indicating those areas <u>proposed</u> for forests, recreation, agriculture, residence, commerce, industry, public, and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes;" – in other words, a future land use map. That map is found on page 14 of the plan and is described in the section entitled "Future Land Use Map" on page 12. No change to the plan is recommended in response to this comment.	
5	CVRPC Consider adding resource extraction areas, as noted in the plan, on one or more maps.	There is no statutory requirement to map resource extraction areas in the municipal plan. As stated in 24 V.S.A. 4382(a), municipal plans may be consistent with the state planning goals in 24 V.S.A. § 4302(c) including (10), "To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.", but there is no requirement to do so. Add new policy (7) on page 5 to read: <u>Allow resource extraction in rural and industrial areas of town that is undertaken in accordance with town and state regulations to avoid or mitigate off-site and environmental impacts.</u>	
6	4-25 PC Meeting Berlin Conservation and Open Space Map replace all references of “Village of Northfield” with “Town of Northfield”, indicate that the 346 acres of Parcels R10-045.000 and R10-049.000 are held in Conservation, and Town of Berlin owned Parcel R11-019.000 is held in Conservation.	Change references to Village of Northfield to Town of Northfield on the Conservation and Open Space Map. Add additional conserved lands to the map.	

Page	Comment	Response / Recommended Action	PC Action
6	4-25 PC Meeting Berlin Conservation and Open Space Map replace “(with the exception....)” with “(with the exception of three Parcels owned by Berlin).” And delete “along with increased recreational access should it no longer serve as a drink water supply.”	As discussed above, removing reference to maintaining recreational use of the pond in the future is not recommended. Revise the text on the map as follows: The City of Montpelier owns nearly 730 acres of undeveloped land in the Berlin Pond watershed, including nearly all the shoreland (<u>with the exception of three parcels owned by the Town of Berlin</u>)... Berlin residents strongly support permanent conservation of the land around Berlin Pond, <u>along with maintaining public recreational access</u> , should it no longer serve as a drinking water supply.	
6	Stridesberg 5-14 “The City of Montpelier owns nearly 730 acres...” – Berlin has two parcels	This comment is addressed by the changes recommended above. No further change to the plan is recommended in response to this comment.	
7	4-25 PC Meeting Surface Waters and Riparian Areas add Stevens Branch as an additional surface water.	Revise the two references to the Winooski River to read, "Winooski River (<u>main stem and the Stevens Branch</u>)."	
7	4-25 PC Meeting Wetlands and Vernal Pools change next to last sentence of paragraph 2 to read “The Wetland Rules do not apply to Class 3 wetlands but are subject to Federal Regulations.”	Add the following sentence: Wetlands, including Class 3, may also be subject to federal regulation.	
7	Stridesberg 5-14 Actions #5 “Work with Vermont state and federal elected representatives to once again petition the U. S. Postal Service to re-establish a post office and zip code for Berlin.” Also on page 27 Actions #6	Revise both to read: Work with Vermont state and federal elected representatives to again petition the U.S. Postal Service to re-establish a post office and zip code for Berlin.	
8	4-25 PC Meeting Water Resources Map add to top right description “.....and East Montpelier and the third, the Stevens Branch, running parallel....”	Revise the map text to read: Three segments of the Winooski River flow through Berlin. In two stretches, the main stem serves as the town boundary with Middlesex, Montpelier and East Montpelier, and the Steven’s Branch runs parallel with Route 302.	
8	4-25 PC Meeting Water Resources Map delete on bottom right description “was formed by impounding Berlin Brook”	Berlin Pond as it exists today is not a natural pond but was created through impoundment. This is an important fact about the water body that should be included in the description. No change to the plan is recommended in response to this comment.	
9	Stridesberg 5-14 last sentence – eliminate the word “Montpelier” ... “and points to the Junction area as being”	Montpelier Junction is the official name of the area (despite its being in Berlin!). No change to the plan is recommended in response to this comment.	

Page	Comment	Response / Recommended Action	PC Action
9	<div>CVRPC</div> <div>It appears as though additional detail will be required for the plan to meet the requirements of Act 171 of 2016 regarding forest integrity.</div>	<div>Act 171 made a series of changes to Chapter 117 (the statute governing municipal plans), which the Berlin plan addresses as described below:</div> <div>Added another sub-goal under 24 VSA § 4382(6), "Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors." As indicated on page 6, the Berlin plan is consistent with this goal. For example, Policy 5 on page 25 states "Guide any new housing in rural areas to sites that minimize the conversion and fragmentation of working lands and forest blocks." and the land use recommendations for the rural areas of town mapped by the state as priority forest blocks on pages 17-18 include statements such as "Maintain forest cover in the upland portions of the watershed to protect wildlife habitat, water quality and scenic character.", "Maintain working farm and forest land in productive use.", "Maintain and discourage fragmentation or conversion of productive farm and forest land.", and "Maintain and discourage fragmentation of large tracts of farm and forest land."</div> <div>Revised 24 V.S.A. § 4382(a)(2)(A) and added 24 V.S.A. § 4382(a)(2)(D) to require the land use element of a municipal plan to indicate "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." It also added that "A plan <u>may</u> include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the municipality." The Berlin plan shows the state-mapped priority forest blocks on the Ecological Resources Map and discusses maintenance of forest blocks in the sidebar on page 9, as well as in the Forest Blocks and Habitat Connectors on page 13. It also discusses wildlife habitat more broadly in Section 2B on pages 7-9. As outlined above, the plan does include objectives, policies and actions related to maintaining forestland.</div> <div>No change to the plan is recommended in response to this comment.</div>	

Page	Comment	Response / Recommended Action	PC Action
10	4-25 PC Meeting Historic Resources start this Section with information of the Berlin Historical Society. From their website the following is a possibility: “We collect and catalogue donated material and develop databases of historic Town Records. We research a variety of topics, sometimes based on questions we’re asked or programs we’re asked to present. Our growing collection includes information on Berlin families, cemeteries, schools, churches, births, deaths, marriages, various Berlin related stories and histories, structure fires, as well as a general file for all other Berlin related subjects. We are always searching for new material, including photographs, artifacts, and stories, related to Berlin. If you have any such material that you are willing to share please contact us. We have the ability to scan or copy it at our office.”	Add as the last paragraph under Historic Resources (with hyperlink to Historical Society webpage): Berlin has an active Historical Society that maintains a collection of historic materials and databases, and can provide more information about town history and historic resources.	
11	Stridesberg 5-14 Lover’s Lane Bridge – built in 1915? The framed info on wall says 1919 – maybe it’s a typo, is there info on this?	National Register nomination form gives the date of construction as 1918 (probably opened in 1919, hence the date on the photo). Revise date to 1918.	
11	4-25 PC Meeting Recreational Resources change first sentence of third paragraph to read “Berlin has a volunteer recreational Board that offers some winter recreation opportunities to residents.”	Recommend keeping first sentence and adding the following sentence after: There is a volunteer group that organizes some winter recreation opportunities.	
12	4-25 PC Meeting Future Land Use Map the last bullet should read “Protection and conservation of Berlin Pond, the surrounding land and the Irish Hill ridgeline.	Revise to read: Protection and conservation of Berlin Pond and surrounding land, and the Irish Hill ridgeline.	
13	CVRPC Consider adding definitions for future land use categories or providing a reference for where the definitions can be found. As an example, there are two categories for “rural” with different generalized densities associated with each. Further explanation will help provide additional context regarding where and to what extent the Town supports development.	The Berlin plan expresses a clear vision regarding where and to what extent the town supports development that begins on the cover page and continues throughout the document. The town is planning to guide development to the northeast quadrant and to maintain rural character and working lands elsewhere in town. Each chapter has objectives, policies and actions that support this underlying vision. Revise the text on the Future Land Use Map on page 13 as follows: This map divides the town into a series of land use planning areas as indicated by the white dotted lines and labels. The northeast quadrant boundary is shown with the heavier white dotted line along I-89 and Scott Hill Road. <u>Generalized land use types and densities are indicated by the underlying colors. More detailed land use recommendations for each area are found on pages 16-18 of the plan. The specific uses and densities of development allowed are established in the Berlin Land Use and Development Regulations.</u>	

Page	Comment	Response / Recommended Action	PC Action
14	4-25 PC Meeting first sentence should read “The impact of proposed development on priority forest blocks will be considered during Berlin regulatory reviews and state regulatory processes such as Act 250.”	While there are some natural resource protection standards in Berlin's adopted and draft land use regulations that would have the effect of discouraging fragmentation and conversion of forest blocks, there is no reference to the state-mapped priority forest blocks in either document. No change to the plan is recommended in response to this comment.	
15	Stridesberg 5-14 Historic mill site currently home to Riverton Memorials.... Mill?? Prior to Riverton Memorials it was Davis Bros Granite and another smaller granite plant and Davis Bros bought from Berlin Granite Also, “General Store (currently closed)” – labeled as general store, can it still be one?	Revise text on map to read, "Historic <u>industrial</u> site..." To be eligible for village center designation the area needs to primarily consist of income-producing (i.e., businesses and rental housing) and civic properties. If there are other such properties in Riverton or the Four Corners that are not identified on the map, those should also be called out.	
15	5-9 PC Meeting have the Riverton Center Map be reflective of the Hamlet boundaries in the proposed Zoning Regulations and then reference the Town Fire Station and Town Parcel R11-019.000 there.	As described above, the proposed village center boundary will need to be smaller than the draft Hamlet zoning district boundary to be approved by the state - the zoning district includes undeveloped and residential parcels that would not qualify for designation. Undeveloped land generally needs to be excluded unless its needed to "connect" eligible properties. Revise the proposed boundary and add a limited amount of land on the west/south side of Route 12, including the fire station to the map. Add additional information to the map.	
16	4-25 PC Meeting Route 302 add to #7 by adding “....Montpelier and Barre City in accordance with the US Route 302 Berlin Bicycle and Pedestrian Scoping Study.”	The 2015 scoping study recommended the road diet on Route 302 and creation of bicycle lanes, which has been implemented. While a significant improvement, it is not functionally equivalent to the envisioned off-road shared use path linking Montpelier and Barre City through Berlin. Many bicyclists, particularly recreationists and those biking with children, will not use bike lanes on a busy state highway due to safety concerns. Berlin should continue to advocate for the eventual completion of the off-road path. No change to the plan is recommended in response to this comment.	
16-18	CVRPC The land use section has specific recommendations regarding future land uses and implementing the maintain, evolve, and transform framework, however no other section has this. If this section is intended to address implementation actions for all plan sections it may be more appropriate to move this section and clarify the purpose of this information.	The Berlin Town Plan is first and foremost a land use and development plan, and the primary purpose of the plan is to guide future land use and development. It is therefore fitting that the land use chapter has more specific and detailed recommendations than other chapters of the plan. The other chapters of the plan are intended to support the land use chapter and meet statutory obligations. The purpose of land use recommendations found on pages 16-18 of the plan is described on page 12 under Future Land Use Map. No change is recommended in response to this comment.	
17	Stridesberg 5-14 under Junction Road – eliminate “Montpelier” – “The train station anchors an industrial”	The official name of the station is the Montpelier-Berlin station. Revise to read, "The Montpelier- <u>Berlin</u> Train Station anchors..."	

Page	Comment	Response / Recommended Action	PC Action
17	5-9 PC Meeting under Description Berlin Pond change the next to last sentence to read "...the roads around the pond are popular places for walking, biking and nature observations like bird watching."	Revise to read: While recreational use of the pond is strictly controlled and limited, the roads around the pond are popular places for <u>walking, biking and nature observation</u> .	
17	4-25 PC Meeting Berlin Pond #5 should read "Transform the Berlin Pond, its shorelands and surrounding roads into a low-impact recreation destination. All efforts should be made to preserve and expand public use and access to the pond."	See discussion above regarding reference to future change of status for Berlin Pond. No change is recommended in response to this comment.	
18	4-25 PC Meeting Route 12 under Evolve add "Improve vegetative buffers along the Dog River."	Add the following: Evolve the land use and vegetative cover along the Dog River to provide improved riparian buffers, stabilize the streambanks, filter run-off and remove invasive species.	
18	4-25 PC Meeting Exit 6 under Description add "Development is limited by lack of public infrastructure."	Add the following sentence: Development potential is limited by a lack of public infrastructure.	
18	4-25 PC Meeting Exit 6 under Transform delete all.	Reference to the Exit 6 park-and-ride was already removed from the Transportation chapter. Recommend deleting it from the Land Use Recommendations as well.	
19	Stridesberg 5-14 First paragraph - Interstate 89, I-89 was not opened in Berlin in 1960. Newspaper article quotes: In 1961 "The first leg of Interstate 89 from Montpelier to Middlesex opened Nov. 21, 1960 and from Middlesex to Waterbury Dec 31, 1960, at a cost of \$16,000,000" In 1962 "The tentative location of proposed Interstate Route 89 may be seen on plans available' In 1968 "Interstate projects currently under construction include 3.2 miles of Interstate 89 between Berlin and Montpelier" In 1970 ""Interstate 89, which will open through Berlin on Nov 19" and "A motorist's dream comes true this afternoon when the final link of Interstate 89 is opened to traffic. Now a motorist will be able to travel Interstate 89 from the Vermont-Canadian border at Highgate Springs into New Hampshire or, by turning south at White River Junction onto Interstate 91, into Massachusetts. In either case, he can travel the length of Vermont on modern four-lane highways without encountering a single traffic light. The section of Interstate 89 which will open today, between Montpelier and Bethel was a long time coming. More than a few Vermonters never thought they would see the day when the Interstate got around Barre. The effort took 11 years, but it clearly was worth the time and patience."	I-89 from Montpelier to Middlesex opened in 1960. Revise to read: Construction of I-89 commenced in 1960, but the interstate was not opened in Berlin until 1970 as part of the final segment that completed the full length of the interstate through Vermont and New Hampshire.	

Page	Comment	Response / Recommended Action	PC Action
20	4-25 PC Meeting top left add “...for year-round travel and 4 miles of legal trails no longer maintained but to remain available for”	This is a policy statement that should be called out in the policy section rather than being incorporated into the narrative. Recommend adding a new policy on page 19 to read: Maintain town ownership of Class 4 roads and legal trails as a public recreation resource.	
20	Rushman 4-12 There is no reference to the rail line that connects Barre and Montpelier running parallel to Route 302. As you probably know, there has been discussion about instituting passenger service on this line.	The rail line is shown on the Transportation Map on page 19 and is mentioned in the Rail section on page 20. No change to the plan is recommended in response to this comment.	
20	Stridesberg 5-14 under Rail, eliminate the word Montpelier “joining the NECR line at the Junction. And then put the second one in quotes “...Amtrak’s Vermonter line is available from the “Montpelier Junction Station” and is the only	As per response above, Montpelier Junction is an official place name and the official name of the railroad station is the Montpelier-Berlin station. Revise to read: ...joining the NECR line at Montpelier Junction. Daily passenger service via Amtrak’s Vermonter line is available from the Montpelier-Berlin Station and is the only passenger rail service in the Barre-Montpelier area.	
20	5-9 PC Meeting under Rail revise the last sentence to read “...line is available from the Montpelier Junction Station, located in Berlin, and is the only...”	If change recommended above is made, no further change will be needed.	
20	Stridesberg 5-14 under Bicycle and Pedestrian Network, end of 2nd paragraph – “It is anticipated that the new configuration will be made permanent.” – wasn’t it?	Vtrans considered the initial re-striping project as part of the road diet that created bike lanes on Route 302 to be a test and provided that the new configuration worked (which it has) it would be made "permanent" and continue to be striped in this manner. At this point, there is no reason to think that VTrans would not continue to maintain the highway with the reduced travel lanes and buffered bike lanes. No change to the plan is recommended in response to this comment.	
20	5-9 PC Meeting under Priority Needs revise the second bullet to read “...is no longer considered a viable option, however the 2015 US 302 Berlin Bicycle and Pedestrian Scoping Study identifies new alternatives for bicycle and pedestrian use	See comments above. The pedestrian and bicycle improvements within the Route 302 right-of-way are not a replacement for the off-road recreation path as they serve different users and purposes. No change to the plan is recommended in response to this comment.	
20	Stridesberg 5-14 under Airport, end of 1st paragraph “The Development Plan for the airport was last updated in 2010 and show taxiway and apron improvements in progress at that time.” – Doesn’t say if this was completed.	Revise to read: The Development Plan for the airport was last updated in 2010 and shows taxiway and apron improvements in progress at that time <u>and now in place</u> .	
20	Stridesberg 5-14 under Priority Needs, second bullet last line, should say “a new route” not an new route.	Fix grammatical error.	

Page	Comment	Response / Recommended Action	PC Action
21	CVRPC Adult education opportunities should be included in the plan to note where these services exist.	There is no statutory requirement to identify adult education opportunities in a municipal plan. 24 V.S.A. § 4382(a)(6) requires "An educational facilities plan consisting of a map and statement of present and projected uses and the local public school system." As stated in 24 V.S.A. 4382(a), municipal plans <u>may</u> be consistent with the state planning goals in 24 V.S.A. § 4302(c) including (3), "To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.", but there is no requirement to do so. No change to the plan is recommended in response to this comment.	
21	Stridesberg 5-14 Educational Facilities – 3rd paragraph, “U-32” and in second place “U-32 High School”	Revise to read: The last major upgrades to the Union 32 <u>High School</u> ...	
21	Stridesberg 5-14 Town Government Facilities – “sewer commission” is mentioned, now Public Works. Should note that large meetings must be held at another location such as the elementary school. Last sentence expand to “The Town of Berlin also owns and maintains nine historic cemeteries with the still active Berlin Corner Cemetery being operated by the Berlin Corner Cemetery Association.”	Revise to read: The Municipal Building houses the town administration, police department, <u>public works department</u> and historical society. It was most recently expanded and renovated in 2006. <u>While meeting most of the town’s needs, it does not provide space for large meetings...</u> The Town of Berlin also owns and maintains nine <u>historic</u> cemeteries. <u>The Berlin Corner Cemetery Association operates that cemetery, which is still active.</u>	
21	Rushman 4-12 There should be a long term capital improvements plan to improve pedestrian and bike options in employment centers. For example, the connection between the CVMC campus and the Berlin Mall could be made much more user friendly and safer.	Action 1 on page 21 is for the town to maintain a capital improvement program aligned with the goals and objectives of the plan, and that meets the requirements for the proposed new town center designation. Pedestrian connections between CVMC and the Berlin Mall site (proposed new town center) are mentioned in several places in the plan. No change to the plan is recommended in response to this comment.	
21	Stridesberg 5-14 Actions #4 and Page 22 under Planning Considerations, 2nd paragraph – regarding public safety services – this was voted down	While the most recent proposal was not supported by the voters, regionalization of public safety services remains something the town should be exploring with neighboring municipalities as a way to reduce costs and improve service. No change to the plan is recommended in response to this comment.	
22	Rushman 4-12 May want to reference recently announced UVM Health Network plan to add a psychiatric hospital to its Berlin campus	This expansion is still being planned and is not certain, so do not recommend referencing it specifically in the plan. Instead, add the following recommendation to the Paine Turnpike area on page 16: Evolve and expand the medical campus anchored by CVMC to enhance the availability of healthcare services in the region, attract new businesses and increase employment in Berlin.	
22	Stridesberg 5-14 under Public Water Systems. End of 3rd bullet, stray “s”; Municipal Sewer Service has an asterisk where a number of gallons needs to be inserted	Fixed the grammatical error. Add the number to replace the asterisk (Brandy note to Tom, I need that number again - it is one of the things that was lost when the file went corrupt).	

Page	Comment	Response / Recommended Action	PC Action
22	5-9 PC Meeting under Planning Considerations last sentence of second paragraph should read “The town should consider working with neighboring municipalities...”	The sentence is calling for the town to work with its neighbors to study and plan, not necessarily take any specified action. Adding "consider" weakens the statement to the point of being meaningless. No change to the plan is recommended in response to this comment.	
23	5-9 PC Meeting under Renewable Energy Resources first sentence should read “Renewable energy sources – hydro, solar, wind, biomass...”	Revise to read: Renewable energy sources – <u>hydro</u> , solar, wind, biomass, geothermal – are constantly replenished unlike fossil fuels...	
23	5-9 PC Meeting on the Potential for Wind or Solar Energy Generation in Berlin Map add a bullet reflecting the area north and west of I89 Exchange #6 stating “Commercial wind on conservation area west of I89 would not be compatible with conservation goals.”	Revise text on map to read: <u>Large-scale</u> commercial ground-mounted solar or <u>wind</u> in planned growth areas would not be compatible with the land use, housing and economic development goals, objectives and policies of this plan. <u>Large-scale</u> commercial wind on the Irish Hill ridgeline <u>and east of Interstate 89</u> would not be compatible with the conservation goals, objectives and policies of this plan.	
24	CVRPC The renewable energy classifications that are outlined on Page 24 include descriptions that are different than the Department of Public Service’s guidance for municipal energy planning. The Town should consider aligning the definitions for consistency or explaining that the Town ill use standards that are different from the Department.	The three types of renewable energy projects described in the plan - individual or residential, small-scale commercial or community, and large-scale commercial or utility - generally reflect the categories used by the state when it applies different regulatory standards and permitting processes to renewable energy projects based on their purpose and scale. Act 164 and the implementing DPS Guidance for Municipal Enhanced Energy Planning Standards do not define or classify renewable energy projects based on their purpose or scale. In fact, there is no consistent usage of terms to define or classify renewable energy projects by the state and energy organizations. No change to the plan is recommended in response to this comment.	
24	Stridesberg 5-14 under Siting Standards – 2nd paragraph – “Three-phase power, which is needed to transport electricity from renewable projects to the power grid, is not available in most areas of town outside the northeast quadrant and in the vicinity of Junction Road” Could this be written more clearly – is there three-phase power on Junction Road?	The map on page 28 shows the location of 3-phase power in the northeast quadrant, but there is also 3-phase on Junction Road that is not able to be shown on that detail map. Revise to read: Three-phase power, which is needed to transport electricity from renewable projects to the power grid, <u>is generally only available</u> in the northeast quadrant and in the vicinity of Junction Road (see “Commercial and Industrial Areas” on page 28).	
24	5-9 PC Meeting under Siting Standards add a fifth bullet that states “Consideration should be given to redevelopment of gravel pits for commercial solar energy projects.”	Do not recommend adding as a bullet point, but rather the following revision: Roof-top solar and solar canopies in parking lots, <u>and use of land with other development limitations (such as brownfields and former gravel pits) for renewable energy production</u> should also be encouraged throughout town.	

Page	Comment	Response / Recommended Action	PC Action
25	CVRPC The 2016 Central Vermont Regional Plan requires municipalities to address the Housing Distribution Plan.	Add the following: <u>Central Vermont Housing Distribution Plan</u> The Central Vermont Regional Housing Distribution Plan found on pages 6-16 to 6-18 of the 2016 Regional Plan is incorporated into this plan by reference. It called upon Berlin to plan for the addition of 376 housing units between 2000 and 2015, and for 116 between 2015 and 2020. The plan was based on a projection that has proven to be significantly higher than actual growth rates in the region. While the targets are unrealistic, the goals, objectives, policies and actions outlined in this plan are consistent with the regional goal of providing needed housing within or adjacent to developed areas that are or can be efficiently served by public infrastructure and transportation.	
25	CVRPC The Future Land Use Map on page 13 lists the area around Exit 6 as being in the Rural (very low to low density) category. This designation would presume that this area is not intended for residential development. The Housing Map on Page 25 does not similarly reflect this limitation. Please confirm this is the intent of the Town.	The plan does not state that areas shown on the Future Land Use map as Rural (very low to low density) are not intended for residential development. As the naming suggests, they are intended to be rural in character and the lowest density areas of town. The gray on the Housing Map indicates areas where residential development is discouraged due to a combination of terrain and distance from existing roads. These areas tend to align with the Rural (very low to low density) future land use classification. However not all Rural (very low to low density) areas are considered poorly suited for residential use. No change is recommended in response to this comment.	
25	Stridesberg 5-14 Single-Family Housing – why is 2016 Grand List information being used instead of 2017? “843 single-family homes” What does that include? Residential I 523 Residential II 239 Seasonal I 4 Seasonal II 10 Farm 10 Total 786 which is 57 less than the 843 mentioned	The 2016 grand list is the most recent data file available from the Vermont Department of Taxes and it was used instead of 2017 because most of the other available state data is also 2016. The 2016 Grand List included 526 R1, 242 R2 and 75 mobile homes on their own lot (MHL) properties - the number did not include seasonal camps or homes (S1 or S2) and any housing that may be on farm properties. No change is recommended in response to this comment.	
25	Stridesberg 5-14 Mobile Home Parks – 1st paragraph – “There was no change in the number of sites within the mobile home parks between 2007 and 2017. Actually, there was, after May 2011 flooding at River Run, not able to have mobile homes along the two rows closest to the river which is 20 MH. (2016 - Mobile Homes unlanded 202, landed 75; 2010 – Mobile Homes unlanded 233, landed 74) Also – it says Growth was most rapid during the 20-year period following construction of Interstate 89.... I’m hoping this is being counted as 1970-1990 and not 1960-1980 since on page 19 it said in error I-89 was completed in 1960 / 1967.	Delete the sentence regarding no change (state MHP registry still lists those sites in the River Run MHP interestingly but does note that they are currently vacant). Revise to read: As of 2017, approximately 200 of the 225 available sites in the mobile home parks were occupied. <u>Most of the vacant sites were in the River Run MHP where mobile homes were removed from the flood hazard area following Tropical Storm Irene in 2011.</u> Yes, growth rates referred to were in the 1970s and 1980s.	

Page	Comment	Response / Recommended Action	PC Action
25-26	CVRPC While there is discussion regarding workforce and affordable housing, there is no mention of accessory dwelling units in the plan. It would be appropriate to specifically list accessory dwellings as a viable form of workforce and affordable housing to address this section of statute.	There is no statutory requirement to address accessory dwelling units in a municipal plan. 24 V.S.A. § 4382(c)(10) states, "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 subdivision 4348a(a)(9) of this title. The program <u>should</u> account for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of this title, which provide affordable housing.", but it is not required. No change to the plan is recommended in response to this comment.	
27	Rushman 4-12 I don't think the description of Route 302 is very accurate. There has been a significant Renaissance along it over the past 5 years (e.g., a number of buildings have been renovated and new ones added, several noteworthy national brand stores/businesses have located here). While there is not a lot of vacant land, many of the strip centers are over parked and could be redeveloped with mixed-uses including housing.	Recommend the following revisions to the Route 302 paragraph in the first column: Route 302, a connecting highway between two urban centers, has been a preferred location for national and regional retailers serving the Central Vermont market for more than 50 years. In recent years, there has been some turnover in the businesses located along Route 302 <u>and redevelopment</u> , but little overall growth. The corridor is largely built-out, but proposed changes to the town's land use and development regulations are intended to facilitate infill, redevelopment and revitalization (see "Future Land Use Recommendations" on page 17).	
27	Stridesberg 5-14 Current Conditions – "There were more than 5,200 jobs based in Berlin in 2016" , in our "All Roads Lead to Berlin" brochure is says "Berlin is Central Vermont's employment hub with the population of the Town expanding from 2,900 residents to a total of 28,000 individuals during the work day."	The 28,000 number is wrong. The Vermont Department of Labor covered employment and wage data indicates that there were 5,230 jobs in Berlin in 2016 (there were only 33,000 covered jobs in all of Washington County) and the Census Bureau On the Map data estimated there were 4,892 jobs in Berlin in 2015. No change to the plan is recommended in response to this comment.	
27	CVRPC Page 27 has a section that discusses On-Farm Businesses and notes the proposed changes to Berlin's land use regulations will allow for expanded on-farm businesses. It may be appropriate to discuss this in terms of the current conditions and that expanding on-farm businesses is a component of the proposed update rather than assume the proposed regulations will be adopted.	The On-Farm Business paragraph is included in Section 7B. Planning Considerations within the Economic Development chapter. It is identified as one of several things the town intends to do to promote economic development. It follows-up on the discussion of the diversification of agriculture in town in the Agriculture and Forestry section on the same page. No change to the plan is recommended in response to this comment.	
27	Stridesberg 5-14 Healthcare and Insurance – CVMC says 1,500 workers, does this include Woodridge and state hospital?	It includes Woodbridge but not the state hospital. No change to the plan is recommended in response to this comment.	
27	Stridesberg 5-14 Agriculture and Forestry, 2nd sentence need "s" on farm. "10 farms". 2nd paragraph, if indeed only one vineyard, end the sentence with "and a vineyard"	Add the word "parcels" after farm in the second sentence. Revise to read: Agriculture in Berlin, once dominated by dairy farms, has diversified. Berlin is home to poultry farms, horse farms, vegetable farms, and a vineyard.	

Page	Comment	Response / Recommended Action	PC Action
27	Stridesberg 5-14 Development Regulations, last sentence, add year “The Planning Commission’s 2018 proposed zoning changes” (since plan is good for eight years good to include date)	This structure of referring to the proposed zoning changes is used in several places in the plan. While the zoning has been drafted since 2017, it is not likely that it will be put before the voters until 2019, so the date that should be used is not clear. No change to the plan is recommended in response to this comment.	
27	5-9 PC Meeting under Actions from the #1 delete “including pursuing a local option tax.”	This is a recommendation of the Economic Development Plan and while the voters turned down the most recent proposal, it should be reconsidered as a way limit property tax increases particularly if the town center development occurs as planned and the town's retail base expands. At this point, both Barre and Montpelier have adopted a local option tax so the concerns over having a higher tax rate than neighboring municipalities is moot. No change to the plan is recommended in response to this comment.	
27-28	Rushman 4-12 Overall, it didn’t seem to me that this section was as well thought out as many other sections of the draft plan. Much of Berlin’s economic development in the past has been attributable to its location midway between Barre and Montpelier and easy access to I-89. My sense is that future economic growth will depend to a much greater extent on whether Berlin offers employers and their employees a full range of complementary land uses (e.g., housing), services, and amenities.	There are numerous places in the plan that speak to the need for workforce housing and amenities to attract new residents and businesses to Berlin. No change to the plan is recommended in response to this comment.	
28	Stridesberg 5-14 eliminate “Montpelier” making the top map point “The Junction area (which continues...”	See prior response to use of Montpelier Junction as a place name. No change to the plan is recommended in response to this comment.	
29	Stridesberg 5-14 Floodplains, 2nd paragraph – Stevens Branch did have severe flooding from Tropical Storm Irene, it was from the May 2011 flooding.	Revise to read: Tropical Storm Irene in 2011 <u>resulted in severe flooding in Berlin</u> with up to five feet of floodwaters in some areas resulting in total damages that exceeded \$2.5 million... it was only one of a number of storms that caused significant local damage in Berlin since the late-1990s. <u>There was also severe flooding in Berlin in May 2011</u> (see “Damage in Berlin from Recent Storms” on page 30).	
29	5-9 PC Meeting under Floodplains change fourth sentence to read “However, the frequency and intensity of major floods may have increased during the past two decades...”	There is evidence that the frequency and intensity of storm events has increased as weather patterns have shifted in response to climate change. No change to the plan is recommended in response to this comment.	
30	5-9 PC Meeting first sentence should read “Given that flood damage is exasperated by human activity it can also be mitigated by human actions.”	It is not that flood damage is exasperated by human activity. Flooding is a natural process and like ice storms or wildfires, it can cause dramatic change to the natural environment. But it is only a "disaster" or "damage" because it impacts structures, infrastructure and human use of land. The goal of hazard mitigation is not to prevent flooding, but rather to limit damage to life, structures and infrastructure and prevent intensifying flooding by human alteration of the natural landscape. No change to the plan is recommended in response to this comment.	

Page	Comment	Response / Recommended Action	PC Action
30	CVRPC The plan notes that the Town's Local Hazard mitigation plan was adopted in 2012. This plan will expire on May 14, 2018. With this in mind, the Town Plan update should include discussion of consistency with future updates to the Local Hazard Mitigation Plan and vice versa to maintain the continuity between these two planning efforts. Additionally, specific goals or actions should be identified that can be utilized in the Local Hazard Mitigation Planning process.	As with all town planning efforts and decision-making, updates to the All Hazards plan should be consistent with the broader goals, objectives and policies of the town plan. The All Hazards Mitigation Plan would be adopted into the town plan by reference and it is the document that provides specific recommendations for hazard mitigation. The town plan is intended to be an umbrella document that incorporates other plans without the need for unnecessary duplication of language. Revise the first bullet under 8B on page 30 to read: The Local Mitigation Plan (<u>as most recently adopted</u>) is adopted into this plan by reference... Revise Action 1 on page 29 to read: Update and re-adopt Berlin's All Hazards Mitigation and Emergency Operations plans, <u>and ensure they are consistent with the goals, objectives and policies of this plan.</u>	
30	CVRPC Page 30 includes discussion on Berlin meeting the Federal Emergency Management Administration's requirements for the Community Rating System (CRS), however the Town opted not to enroll. The plan seems to indicate that the benefits of the CRS program are available to the residents. Additional language should be included to note that Berlin is not currently in the CRS program.	Berlin entered the CRS program on May 1, 2017. No change to the plan is recommended in response to this comment.	
30	Stridesberg 5-14 2nd paragraph, 2nd to last line space between 5%reduction; 3rd categories FEMA categories floodplains – I think perhaps it should say "categorizes"	Fix grammatical error.	
30	Stridesberg 5-14 under River Corridors, 3rd sentence take out "the" Many small streams flow down Berlin's hillsides"; 2nd paragraph take out "is" "This type of flood hazard"; 3rd paragraphs 2nd sentence add the word "to" "encompass land adjacent to the stream"	Fix grammatical error (is). Revise to read: The NFIP applies to areas at risk of inundation flooding... Many small streams flow down Berlin's hillsides to the major rivers, which can become powerful torrents of water during heavy storms or rapid snowmelt....	
30	5-9 PC Meeting under 500-Year Floodplain delete the last sentence.	The sentence provides context with regard to the level of storm that would cause flooding within the 500-year floodplain. No change to the plan is recommended in response to this comment.	

Page	Comment	Response / Recommended Action	PC Action
30	5-9 PC Meeting Major Floods in Berlin 1927-2017 reference the source of this data and delete the portions of the time line graph from 1927 to 1995.	<p>The flood dates are based on historical data river gauge and weather data from USGS and NOAA, and are the same as used in Berlin's hazard mitigation plan. The graph is intended to illustrate the increase in high-intensity storm events and would not be effective if it only showed 1995 to 2017.</p> <p>Do not alter the timeline but add the following text below the chart: Historic floods (prior to 1980) are identified from USGS river gauge and NOAA weather data. Since 1980, floods have been assessed to determine whether they qualify as federally-declared disasters based on the amount of damage to buildings and infrastructure and the current threshold is \$1 million across the county.</p>	
	Rushman 4-12 Numerous studies show that younger workers prefer offices in a walkable, mixed-use setting with easy access to shopping, entertainment and housing. Currently the area surrounding the mall and CVMC where most employment is concentrated have a lack of services, amenities and housing. Encouraging the addition of those items will help insure the long term viability of this area as an employment center.	<p>The Berlin plan calls for additional housing in the northeast quadrant generally, and specifically in the proposed new town center, for these very reasons.</p> <p>No change to the plan is recommended in response to this comment.</p>	
	Rushman 4-12 The designation of Route 62 as a “scenic highway” between the interstate and Fisher Road makes development of that corridor more difficult in a number of ways. Is that stretch of road really worthy of such a designation?	<p>Route 62 is not designated as a scenic highway by the state, but rather it is classified as a limited access highway. This means that the state imposes a higher standard of review for signs and development visible from limited access highways through Act 250. This is not a designation that can be changed, but rather is a functional classification.</p> <p>No change to the plan is recommended in response to this comment.</p>	
	Rushman 4-12 Consider setting a target ratio between employment and housing units as well as an annual goal of new housing units in or adjacent to existing employment centers.	<p>With proposed changes to the zoning to increase residential density and the provision of water and sewer to potentially developable land in the northeast quadrant, it should not be necessary to mandate housing construction. There is a regional need for workforce housing and by removing barriers, the market should act to meet that demand.</p> <p>No change to the plan is recommended in response to this comment.</p>	
	Rushman 4-12 Consider requiring that housing be part of any future commercial development in the CVMC campus/Berlin Mall area and along Route 302.	<p>Vermont communities that have required mixed-use development in their land use regulations have not found it to be a particularly effective tool. Colchester, for example, eliminated their requirements that linked the number of residential units allowed to the square footage of commercial space in their growth center at Severance Corners. Burlington has had to become more flexible in allowing a wider range of non-residential uses on the groundfloor of residential buildings rather than just retail. The markets for housing development and for commercial space often do not cycle together, so there is usually higher demand for one type of development than there is for the other. By requiring both in any project, a community may ultimately limit growth of either type.</p> <p>No change to the plan is recommended in response to this comment.</p>	

Page	Comment	Response / Recommended Action	PC Action
	Stridesberg 5-14 The use of the Oxford Comma was not consistent.	My use of the Oxford comma is fairly consistent, although admittedly idiosyncratic ;-) Generally, I do not employ a comma before the and unless it is a complex sentence where it helps separate the clauses.	
	Stridesberg 5-14 While it can be “towards” or “toward” my preference is no “s’	While mine is toward towards ;-)	



Date: August 2, 2018

To: Dana Hadley, Berlin Town Administrator

From: Clare Rock, Senior Planner

Re: Regional Plan Approval and Sample Text

The 2018 Berlin Municipal Plan is a well written, concise, graphically-rich, planning document which clearly lays out the Town's vision for future development. For a municipal plan to be approved by the Regional Planning Commission, the RPC must find that the Plan:

- is consistent with the goals in §4302
- is compatible with the regional plan
- is compatible with approved municipal plans of the region
- contains all 10 required elements in §4350(b)

Based upon staff review of the Berlin Municipal Plan, approved by the Selectboard on July 2, 2018, CVRPC finds the Berlin Plan cannot be found consistent with the following State Planning Goals (§4302) due to the lack information presented in the plan.

- State Planning Goal 3: To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

Chapter 4 *Utilities & Facilities* includes limited discussion on Elementary and High School Facilities. Accompanying Policy 4 (page 21) states "Support provision of quality childcare, education, and recreation services so Berlin will be an attractive community for families." There is no mention of broadening access to educational or vocational training opportunities. In the absence of any narrative, analysis or specific reference of broadening access to educational and vocational training opportunities the plan cannot be found consistent. If the goal is not relevant or attainable, the plan should address why.

- State Planning Goal 13: To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.

The Berlin Plan contains no discussion on childcare, integration of the issue into the planning process, or recognition that the availability of childcare supports the workforce. Chapter 4 *Utilities & Facilities* includes broad Policy 4 (page 21) which simply states "Support provision of quality childcare, education and recreation services so Berlin will be an attractive community for families." In the absence of specific information, the plan cannot be found consistent. If the goal is not relevant or attainable, the plan should address why.

Sample Language

CVRPC offers the following sample language to address Goals 3 & 13:

Page 21, Educational Facilities section

Add 2 sentences: Aside from the Elementary preschool program very limited early childcare servicesⁱ are available within Town. While a handful of higher education institutions are located within the Central Vermont region many young adults will leave the area to seek vocational or technical training or advanced degrees.

Page 21, Policy 4

Amend to read: *Support provision of quality childcare, access to education and recreation services so Berlin will be an attractive community for families.*

Page 27, Infrastructure Improvements section

Add 2 sentences: Adequate, quality early childcare is also an integral aspect of the Economic Development infrastructure, as it is critical to supporting working parents' ability to enter the workforce, be productive while at work, and remain employed. Access to vocational and technical training is also important to ensuring a skilled workforce for the future.

Page 27, Policies

Add: Advocate for public/private partnerships to fund the early childcare system.

Add: Encourage development of vocational and technical training programs.

Consider amending existing Action 5 to read:

Maintain an up-to-date inventory of property available for commercial and industrial development, infill and redevelopment (including space suitable for the establishment of licensed childcare.)

Consider adding a new Economic Development Action:

Evaluate a property tax abatement for licensed childcare providers.

Resources

Additional Resources which contain polices for addressing the affordable childcare State Planning Goal:

- ☐ Guidelines for Addressing the Vermont Child Care Planning Goal:
<http://windhamregional.org/images/docs/town-planning/childcare.pdf>
- ☐ Blue Ribbon Commission on Financing High-Quality, Affordable Child Care Report:
<http://buildingbrightfutures.org/wp-content/uploads/2015/11/VT-BRC-Final-Report-1.pdf>

Additional Plan Considerations

Municipal Plan Requirement: Land Use & Forest Integrity

Passage of Act 171 last year added a new provision to the municipal plan requirement (2) *A land use plan*. Which states that the land use plan “**[I]ndicates 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.**”

The ANR guidance document titled *Planning: A Key Step Toward Protecting Forest and Wildlife Resources*ⁱⁱ states that “To comply with Act 171 requirements, identified and located forest block and habitat connector resources need to be included on the future land use map or equivalent...The identified forest blocks and habitat connectors could also be included on a natural resources map or a map of areas for special consideration...” [Page 14] The Ecological Resources Map contained within the Berlin Plan depicts “Priority forest blocks.” Habitat connectors are not mapped in the Berlin Plan.

The Berlin Plan narrative (included within subsection “Wildlife Habitat and Travel Corridors” [page 9]) only includes information on deer wintering areas. Yet due to the large Priority Forest Block a greater variety of wildlife would find habitat within the forest block. Large forest blocks will most likely contain a matrix of regulatory habitats (bear and deer) plus clusters of natural plant communities, wetlands, vernal pools, etc. And a range of species rely on movement between forest blocks, either by using riparian areas, small forest blocks as stepping stones, and most likely crossing roads. The plan does reference Riparian Areas and their function as a wildlife corridor, but these corridors are not mapped (page 8).

The ANR Guidance document goes on to state that “[T]he 2016 Highest Priority Wildlife Road Crossings dataset in BioFinder provides insight into site-specific connectivity at the local scale.” (Page 16) and “[T]he network of habitat connectivity at the local scale involves a mix of smaller forest blocks that connect the larger Connectivity Blocks as well as locations where wildlife can successfully cross over (or under) the road.” (Page 17) The ANR Guidance document further describes the data sets which should be used to meet the requirements of Act 171.

While the Berlin Plan doesn’t map wildlife corridors as per ANR guidance, CVRPC finds that based on all the components of the land use plan, this deficiency doesn’t preclude the plan from meeting the overall intent of the municipal plan requirement (2) *A land use plan*. CVRPC does recommend the town to identify and map wildlife corridors during the next iteration of the plan.

Municipal Plan Requirement and State Planning Goal: Housing

The Municipal Housing Element and State Planning Goal 11 reference the need to recognize accessory apartments or dwellings as a means to providing affordable housing. The Berlin Plan does not contain any references to accessory apartments. This omission doesn’t preclude the plan from meeting the overall intent of the housing requirements, however CVRPC does recommend the town address this item during the next iteration of the plan.

As a side note: On page 26, within the Berlin Plan’s Housing Element sidebar it states “That definition equated to a owner-occupied home valued at up to \$300,000 (\$2,175/month housing costs) or a rental unit with costs not to exceed \$1,450/month for Washington County in 2016.” What’s the median income in Berlin? Is a \$300,000 home affordable to people who live in Berlin? A clarification would be helpful to better understand Berlin’s housing affordability issue.

ⁱ Based upon the VT Department of Children and Families website there is only one licensed or registered childcare provider in Berlin.

ⁱⁱ <http://anr.vermont.gov/sites/anr/files/co/planning/documents/guidance/Act171Guidance.pdf>

Municipal Plan Review Tool

This form addresses the statutory requirements of the State of Vermont for town plans, as cited in the Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A Chapter 117 (the Act). It includes the 12 required elements found in § 4382 of the Act; the four planning process goals found in § 4302(b), the 14 specific goals found in § 4302(c); and the standard of review found in § 4302(f), which covers consistency with goals and compatibility standards. 7

During the Regional approval and confirmation process, specified in § 4350 of the Act, the regional planning commission is required to assess town plans and the process whereby they are developed according to the criteria of the Act. Sections of relevant statute are quoted at each question.

	Required Elements § 4382	Met	Not Met
1	Statement of Objectives, Policies, Programs	<input type="checkbox"/>	<input type="checkbox"/>
2	Land Use Plan and Map	<input type="checkbox"/>	<input type="checkbox"/>
3	Transportation Plan and Map	<input type="checkbox"/>	<input type="checkbox"/>
4	Utility and Facility Plan and Map	<input type="checkbox"/>	<input type="checkbox"/>
5	Rare Natural Resources/Historic Resources	<input type="checkbox"/>	<input type="checkbox"/>
6	Educational Facilities Plan and Map	<input type="checkbox"/>	<input type="checkbox"/>
7	Implementation Program	<input type="checkbox"/>	<input type="checkbox"/>
8	Compatibility Statement	<input type="checkbox"/>	<input type="checkbox"/>
9	Energy Plan	<input type="checkbox"/>	<input type="checkbox"/>
10	Housing Element	<input type="checkbox"/>	<input type="checkbox"/>
11	Economic Development Element	<input type="checkbox"/>	<input type="checkbox"/>
12	Flood Resiliency Plan	<input type="checkbox"/>	<input type="checkbox"/>

	State Planning Goals § 4302	Met	Not Met
1	Compact village centers	<input type="checkbox"/>	<input type="checkbox"/>
2	Economy	<input type="checkbox"/>	<input type="checkbox"/>
3	Education	<input type="checkbox"/>	<input type="checkbox"/>
4	Transportation	<input type="checkbox"/>	<input type="checkbox"/>
5	Natural and Historic Resources	<input type="checkbox"/>	<input type="checkbox"/>
6	Quality of air, water, wildlife, and land resources	<input type="checkbox"/>	<input type="checkbox"/>
7	Efficient use of Energy and Renewable Energy Resources	<input type="checkbox"/>	<input type="checkbox"/>
8	Recreation	<input type="checkbox"/>	<input type="checkbox"/>
9	Agriculture and Forest Industries	<input type="checkbox"/>	<input type="checkbox"/>
10	Use of Resources and Earth Extraction	<input type="checkbox"/>	<input type="checkbox"/>
11	Safe and Affordable Housing	<input type="checkbox"/>	<input type="checkbox"/>
12	Public Facilities and services	<input type="checkbox"/>	<input type="checkbox"/>
13	Child Care	<input type="checkbox"/>	<input type="checkbox"/>
14	Flood Resiliency	<input type="checkbox"/>	<input type="checkbox"/>

MUNICIPAL PLAN REQUIRED ELEMENTS

Title 24 Chapter 117: Municipal and Regional Planning and Development

24 V.S.A. § 4382. The plan for a municipality

(a) A plan for a municipality may be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

(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.

Comments:

(2) A land use plan, which shall consist of a map and statement of present and prospective land uses, that:

(A) Indicates those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses, and open spaces, areas reserved for flood plain, and areas identified by the State, the regional planning commission, or the municipality that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes.

(B) Sets 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 service.

(C) Identifies those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought.

(D) 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. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the municipality.

Comments:

Regarding (2)(D) The ANR draft guidance doc states that "Once located, forest block and habitat connector resources, at a minimum, need to be included on a future land use map or equivalent to comply with Act 171 requirements." The Ecological Resources Map depicts "Priority forest blocks" it is unclear whether these blocks include both interior blocks and connectivity blocks. The narrative included within subsection "Wildlife Habitat and Travel Corridors" only includes information on deer wintering areas, yet due to the large Priority Forest Block a greater variety of wildlife would find habitat within the block. The plan does reference Riparian Areas and their function as a wildlife corridor, but these corridors are not mapped. The ANR draft Guidance documents further describes the data sets which should be used to meet the requirements of Act 171 <http://anr.vermont.gov/sites/anr/files/Act171Draft%20121417.pdf>

Choose an item.
Pages:

MAPS

Present Land Use Plan ☐

Prospective Land Use Plan ☐

(3) A transportation plan, consisting of a map and 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;

Comments:

Choose an item.

Pages:

MAP

Transportation ☐

(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 method of financing;

Comments:

Choose an item.

Pages:

MAP

Utility and Facility ☐

(5) A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources;

Comments:

Choose an item.

Pages:

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

Comments:

Choose an item.

Pages:

MAP

Educational Facility ☐

(7) A recommended program for the implementation of the objectives of the development plan;

Comments:

Choose an item.

Pages:

(8) A statement indicating how the plan relates to development trends and plans of adjacent municipalities, areas and the region developed under this title;

Comments:

Choose an item.
Pages:

(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;

Comments:

Choose an item.
Pages:

(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 subdivision 4348a(a)(9) of this title. The program should account for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of this title, which provide affordable housing.

Choose an item.
Pages:

From the Central Vermont Regional Plan 2016, Adopted June 12, 2018:

The Regional Housing Distribution Plan is intended to be used by municipalities when updating their land use plans and regulations.

- Town Plans adopted after January 1, 2009 are expected to incorporate this Housing Distribution Plan into their town plan housing element.
- The Regional Planning Commission has established a town-by-town housing distribution plan at least 15 years into the future. The formula and allocation will be reviewed and updated with each Regional Plan's five year update.
- 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 percent of the anticipated 10 to 15 year housing demand. ("Demand" is the difference between the number of units at the time of town plan approval and the Housing Distribution number at least 10 years thereafter.)
- 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.
- 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.

Comments:

(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.

Comments:

Choose an item.
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(12)(A) A flood resilience plan that:

(i) identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, 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

(ii) recommends policies and strategies to protect the areas identified and designated under subdivision (12)(A)(i) of this subsection and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.

(B) A flood resilience plan may reference an existing local hazard mitigation plan approved under 44 C.F.R. § 201.6.

Choose an item.

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Comments:

GOALS AND STANDARDS OF REVIEW

GOALS

24 VSA § 4302

(a) General purposes . . .

(b) It is also the intent of the legislature that municipalities, regional planning commissions and state agencies shall engage in a continuing planning process that will further the following goals:

(1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.

(2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.

(3) To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.

(4) To encourage and assist municipalities to work creatively together to develop and implement plans.

(c) In addition, this chapter shall be used to further the following specific goals:

Goal 1:

To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

(A) Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.

(B) Economic growth should be encouraged in locally designated growth areas, or employed to revitalize existing village and urban centers, or both.

(C) Public investments, including construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.

(D) Development should be undertaken in accordance with smart growth principles as defined in subdivision 2791(13) of this title.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Choose an item.

Pages:

Goal 2:

To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Choose an item.

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Goal 3:

To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Choose an item.

Pages:

Goal 4:

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.

Choose an item.

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(A) Highways, air, rail and other means of transportation should be mutually supportive, balanced and integrated.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 5:

To identify, protect and preserve important natural and historic features of the Vermont landscape including:

- (A) significant natural and fragile areas;**
- (B) outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands;**
- (C) significant scenic roads, waterways and views;**
- (D) important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas**

Choose an item.

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How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 6:

To maintain and improve the quality of air, water, wildlife and land resources.

(A) Vermont's air, water, wildlife, mineral, and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. § 6086(a).

(B) Vermont's water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

(C) Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors

Choose an item.

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How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 7:

To encourage the efficient use of energy and the development of renewable energy resources.

(A) General strategies for achieving these goals include increasing the energy efficiency of new and existing buildings; identifying areas suitable for renewable

Choose an item.

Pages:

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.

(B) Specific strategies and recommendations for achieving these goals are identified in the State energy plans prepared under 30 V.S.A. §§ 202 and 202b

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 8:

To maintain and enhance recreational opportunities for Vermont residents and visitors.

(A) Growth should not significantly diminish the value and availability of outdoor recreational activities.

(B) Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate.

Choose an item.

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How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 9:

To encourage and strengthen agricultural and forest industries.

(A) Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include maintaining low overall density.

(B) The manufacture and marketing of value added agricultural and forest products should be encouraged.

(C) The use of locally-grown food products should be encouraged.

(D) Sound forest and agricultural management practices should be encouraged.

(E) Public investment should be planned so as to minimize development pressure on agricultural and forest land.

Choose an item.

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How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 10:

Choose an item.

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To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 11:

To ensure the availability of safe and affordable housing for all Vermonters.

(A) Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income.

(B) New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.

(C) Sites for multi-family and manufactured housing should readily available in locations similar to those generally used for single-family conventional dwellings.

(D) Accessory apartments within or attached to single family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives or disabled or elderly persons should be allowed.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 12:

To plan for, finance and provide an efficient system of public facilities and services to meet future needs.

(A) Public facilities and services should include fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal.

(B) The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 13:

To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing,

Choose an item.

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Choose an item.

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Choose an item.

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infrastructure, business assistance for child care providers, and child care work force development.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why:

Goal 14:

To encourage flood resilient communities.

(A) New development in identified flood hazard, fluvial erosion, and river corridor protection areas should be avoided. If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.

(B) The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.

(C) Flood emergency preparedness and response planning should be encouraged.

Choose an item.

Pages:

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

STANDARD OF REVIEW

24 V.S.A. § 4302(f)

(1) As used in this chapter, "consistent with the goals" requires substantial progress toward attainment of the goals established in this section, 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. The determination of relevance or attainability shall be subject to review as part of a consistency determination under this chapter.

(2) As used in this chapter, for one plan to be "compatible with" another, the plan in question, as implemented, will not significantly reduce the desired effect of the implementation of the other plan. If a plan, as implemented, will significantly reduce the desired effect of the other 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.

24 V.S.A. § 4350. Review and consultation regarding municipal planning effort

(a) A regional planning commission shall consult with its municipalities with respect to the municipalities' planning efforts, ascertaining the municipalities' needs as individual municipalities and as neighbors in a region, and identifying the assistance that ought to be provided by the regional planning commission. As a part of this consultation, the regional planning commission, after public notice, shall review the planning process of its member municipalities at least twice during an eight-year period, or more frequently on request of the municipality, and shall so confirm when a municipality:

- (1) is engaged in a continuing planning process that, within a reasonable time, will result in a plan which is consistent with the goals contained in section 4302 of this title; and
- (2) is maintaining its efforts to provide local funds for municipal and regional planning purposes.

(b)(1) As part of the consultation process, the commission shall consider whether a municipality has adopted a plan. In order to obtain or retain confirmation of the planning process after January 1, 1996, a municipality must have an approved plan. A regional planning commission shall review and approve plans of its member municipalities, when approval is requested and warranted. Each review shall include a public hearing which is noticed at least 15 days in advance by posting in the office of the municipal clerk and at least one public place within the municipality and by publication in a newspaper or newspapers of general publication in the region affected. The commission shall approve a plan if it finds that the plan:

- (A) is consistent with the goals established in section 4302 of this title;

(B) is compatible with its regional plan;

(C) is compatible with approved plans of other municipalities in the region; and

(D) contains all the elements included in subdivisions 4382(a)(1)-(10) of this title.

The following are procedures for Regional Planning Commission review of town plans. The first procedure pertains to review of town plan re-adoptions and town plan amendments. The second is an alternate procedure for review of town plan amendments. For review of amendments, it is up to the discretion of the Regional Planning Commission as to which procedure will be used.

Town Plan Review & Approval Process

The following may be used for town plan re-adoption reviews as well as town plan amendment reviews

1. The regional planning commission (RPC) receives a request for town plan approval.
2. If the staff review reveals a flaw that would preclude RPC approval, the town will be notified. It is the town's option as to whether they want a final decision on the plan or if the plan should be withdrawn from the approval process.
3. Staff comments, including draft findings and recommendations, will be provided to the committee or board given responsibility by the RPC's bylaws for town plan approval.
4. The RPC's public hearing will be held before the RPC makes its final decision on the plan.
5. In all cases the RPC will take final action on the plan approval request within 60 days of its receipt.

Town Plan Amendment Review Process

This is an alternative procedure for town plan amendment reviews

1. The regional planning commission (RPC) receives a request to review an amendment to the town plan.
2. Staff comments, including draft findings and recommendations, will be provided to the committee or board given responsibility by the RPC's bylaws for town plan approval.
3. The town will be notified whether or not the amendment may be approved within the context of the current regional approval of the town plan, or if the amendment constitutes a material change to the plan that is beyond the scope of the current regional approval.
4. If the amendment constitutes a change to the plan that is beyond the scope of the current regional approval, the town will be given the option of submitting the amended plan for regional approval.

Response to CVRPC August 2 Memo

Education Goal. As demonstrated below, the Berlin Town Plan is consistent with goal 24 V.S.A. § 4302(c)(3) – To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters. As established in 24 V.S.A. § 4302(f)(1), to be consistent requires substantial progress towards attainment of the goal.

1. **Goal 3** (page 3) is “To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all residents.” Section 1E. Using the Plan (page 1) states, “Goals are not listed in each chapter because this plan incorporates the state’s planning goals as Berlin’s planning goals. The objectives and policies from each chapter are intended to further those goals.” The Town of Berlin commits to the planning goal of educational and vocational services as articulated in 24 V.S.A. § 4302(c)(3). The Berlin Town Plan indicates how the community intends to work towards attainment of that goal through the objectives, policies and actions detailed in #2-5 below.
2. **Objective 1** (page 21) states “Provide the utilities and facilities necessary to support further residential, commercial and industrial growth in the northeast quadrant.” Meeting this objective would demonstrate the municipality’s commitment to making substantial progress towards ensuring access to educational and vocational training opportunities. While the provision of educational and vocational services is not a responsibility of town government, this objective points to the municipality’s role in providing for public utilities and facilities needed to support future growth and development and in ensuring the rate of growth does not exceed the ability to provide public utilities and facilities.

Berlin’s public educational facilities are shown on the Utilities and Facilities Map and are described in the Educational Facilities section on page 21. That section states that existing public school enrollment is well below facility capacity and that the school district is not planning any major expansions or upgrades to those facilities, indicating that public education facilities can support the rate of growth and development envisioned to occur in the northeast quadrant for at least the 8-year planning period and likely longer. CVRPC has not indicated that the Berlin plan does not meet the education facilities plan requirement of 24 V.S.A. § 4382(a)(4).

3. **Policy 4** (page 21) states “Support provision of quality childcare, education and recreation services so Berlin will be an attractive community for families.” While provision of educational services is not a responsibility of town government, this policy declares that the municipality will support (and not act to impede) the provision of educational services by the responsible parties. CVRPC is suggesting this policy could be made more consistent with the state goal by revising Policy 4 to include the phrase “access to education” rather than just the word “education.” This is a semantic difference that does not affect the meaning of the policy.
4. **Policy 1** (page 27) states “Ensure that town government supports economic development, maintains a strong relationship with the town’s business community, and assists business growth and development.” While the provision of vocational training is not a responsibility of town government, this policy indicates that the municipality will support (and not act to impede) the provision of vocational training necessary for business growth and development in the community by the responsible parties.

CVRPC is suggesting that an additional policy be added to the plan to read “Encourage development of vocational and technical training programs.” However, the Berlin Economic Development Plan (which is incorporated into the Berlin Town Plan by reference) did not identify vocational training as a need or factor limiting economic growth in Berlin at this time. This raises the question of why the town would be encouraging programs that have not been identified as necessary in a local planning study. Does the RPC encourage municipalities to engage in their own planning assessment which may conclude that there is in fact adequate provision of a public good or service? Or does the RPC insist on adherence to statutory language which may result in plans establishing policies and making recommendations that that don’t

reflect local planning assessments? Is town planning in Vermont a bottom up process or is it really top down?

Further, it is not clear how the proposed additional policy would result in a different outcome than is already assured by Policy 1. If a business or other entity came to the Selectboard seeking support for development of vocational or technical training programs to assist the business community, Policy 1 as written would guide them to support such a proposal.

5. **Action 5** (page 21) states “Call upon the state and supervisory union to continue efforts to control education costs, including via shared services & consolidation.” This action references the primary challenge to making substantial progress towards attaining this goal – the escalating cost of education. While the municipality has no control over the public education system and its costs, this action expresses the position of town government on the issue.
6. **Consistency and Substantial Progress.** In writing the 2018 Berlin Town Plan, the town made a conscious decision for the document to be a strategic land use plan that narrows its focus to those policies and actions that are within the purview of town government. Section 1B. Purpose (page 1) states, “The Berlin Town Plan states the town’s objectives, policies and actions for guiding future land use and development in the community consistent with the vision expressed above... The primary purpose of this plan is to establish and communicate public policy.” The Berlin Plan therefore seeks to reinforce the state planning goals as articulated in 24 V.S.A. § 4302(c) while focusing on the statutory and legislative powers delegated to municipalities in Vermont. This is intended to guide the reader of the plan to have realistic expectations for the implementation of goals and objectives in the plan. There is a parallel system of accountability and management for public education. Residents and property owners in Berlin have the same opportunity to engage in that public process as all do members of all other communities in Vermont.

In assessing whether the Berlin Town Plan is consistent with goals contained in 24 V.S.A. § 4302(c) that are not the direct responsibility of town government, the question should be: does the plan call for municipal government to take a specific policy position or action that would impede substantial progress towards attainment of the goal by the responsible entity(s)? Alternatively, the plan would need to call for a major commitment of municipal resources in support of a state goal that the state has already charged other entities to implement and/or a hollow promise to affect a change that is not within the power of town government to meaningfully affect.

There is no case law or statutory guidance on what constitutes “substantial progress”. Other approved municipal plans in the Central Vermont region do not contain policies or actions that establish more specific qualitative or quantitative measures of “substantial progress” towards 24 V.S.A. § 4302(c)(3) than those included in the Berlin Town Plan, nor indeed, does the Central Vermont Regional Plan. What distinguishes the 2018 Berlin Town Plan is the absence of the simple description included in those plans. For example, it is CVRPC’s suggestion to state in the plan that many young adults leave the area for higher education or vocational training after high school – how stating such a fact would contribute to the plan making substantial progress towards 24 V.S.A. § 4302(c)(3) is not clear (further, there is no evidence that (1) this is happening in Berlin at a higher rate than anywhere else in Vermont, (2) it is detrimental to the community in any way, (3) any municipal policy or action would reduce it, or (4) young people even want to stay in the area to obtain education and training). Simply reciting facts with regard to educational and vocational services does not demonstrate consistency with the goal of broadening access to educational and vocational training opportunities.

Childcare Goal. As demonstrated below, the Berlin Town Plan is consistent with goal 24 V.S.A. § 4302(c)(13) – To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development. As established in 24 V.S.A. § 4302(f)(1), to be consistent requires substantial progress towards attainment of the goal.

1. **Goal 13** (page 4) is “To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.” The Town of Berlin commits to the childcare planning goal as articulated in 24 V.S.A. § 4302(c)(3). The Berlin Town Plan indicates how the community intends to work towards attainment of that goal through the objectives, policies and actions detailed in #2-4 below.
2. **Objective 1** (page 21) states “Provide the utilities and facilities necessary to support further residential, commercial and industrial growth in the northeast quadrant.” Meeting this objective would demonstrate the municipality’s commitment to making substantial progress towards ensuring the availability of safe and affordable childcare, particularly public programs and services. While the provision of childcare services is not a responsibility of town government, this objective points to the municipality’s role in providing for public utilities and facilities needed to support future growth and development and in ensuring the rate of growth does not exceed the ability to provide public utilities and facilities. It can also be argued that Berlin’s vision for increased residential density and economic development in an area where Berlin is committed to improving municipal water and sewer results in a more viable market area for the delivery of a wide range of private, non-profit and public services, including childcare and education.
3. **Policy 4** (page 21) states “Support provision of quality childcare, education and recreation services so Berlin will be an attractive community for families.” While provision of childcare services is not a responsibility of town government, this policy indicates that the municipality will support (and not act to impede) the provision of childcare services by the responsible parties.
4. **Policy 1** (page 27) states “Ensure that town government supports economic development, maintains a strong relationship with the town’s business community, and assists business growth and development.” While the provision of childcare services is not a responsibility of town government, this policy indicates that the municipality will support (and not act to impede) the provision of childcare services necessary for business growth and development in the community by the responsible parties.

Additionally, the Berlin Economic Development Plan (which is incorporated into the Berlin Town Plan by reference) did not identify childcare services as a need or factor limiting economic growth in Berlin at this time and did not include any recommended actions such as the property tax abatement for childcare providers suggested by CVRPC. Again, this raises the question of why the town plan would recommend that the municipality implement a program to address an issue that has not been identified as a local priority.

5. **Consistency and Substantial Progress.** The points raised in #6 above (under the education goal) are also relevant. Again, CVRPC has suggested that background information about childcare services be added to the text, including that childcare services are necessary for working parents to be productive and remain employed. It is not clear how stating known facts describing current conditions such as these would contribute to making substantial progress towards meeting 24 V.S.A. § 4302(c)(13).

CVRPC also suggests that Action 5 on page 27 of the Berlin Plan related to maintaining an inventory of property available for commercial and industrial use be revised to specifically mention space suitable for childcare facilities. There is no local planning basis on which to call out this one category of commercial activity – which is only one of many services needed to support the workforce – and the proposed

revision does not change the outcome of the implementation measure. Moreover, in Berlin like most Vermont communities, childcare facilities are frequently small home businesses due to the preferences of parents and childcare providers as well as the economics of the business (not enough income to afford commercial real estate). So, it is not likely that commercial or industrial space will be converted to childcare (unless the service is employer-provided or -supported), nor is it necessarily the first best use of such properties. It is, however, a permitted use under Berlin's land use regulations.



August 23, 2018

Dana Hadley, Town Administrator
Town of Berlin
108 Shed Road
Berlin, VT 05602

Dear Dana,

Thank you for meeting with us to discuss Berlin's new Town Plan. We appreciated the opportunity to learn more about the Town's focus for the plan's development and its perspective regarding contents.

The State Planning Manual encourages municipalities to create user-friendly plans. Berlin transformed its 2018 Plan into a concise, graphically-rich document that clearly lays out the Town's vision for future development. Policies and actions were narrowed to reflect direct responsibilities of town government.

The challenge when creating clear and concise plans is to still address the required elements while also demonstrating "substantial progress" towards state planning goals. Staff reviewed the Town's "Response to CVRPC August 2 Memo," considered information provided, and questions posed. This letter responds to the Town's memo and answers several questions asked during our meeting.

Standard of Review

24 V.S.A. § 4302(f)(1) defines the standard of review for consistency with state goals:

As used in this chapter, "consistent with the goals" requires substantial progress toward attainment of the goals established in this section, 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. The determination of relevance or attainability shall be subject to review as part of a consistency

determination under this chapter.

Statute address plan consistency with State goals in two locations.

- 24 V.S.A. § 4382(a) states a plan for a municipality *may be consistent* with the goals established in section 4302.
- 24 V.S.A. § 4350(b)(1) sets a higher bar for approved municipal plans. It requires a regional planning commission approve a plan if it finds that the plan *is consistent* with the goals.

Plan approval provides municipalities with access to state benefits, such as grant eligibility or increased competitiveness, designation program eligibility, a requirement that state agency plans be compatible with municipal plans, the ability to levy local impact fees, etc.

Changes after Adoption

The Town asked what, if any, changes can be made to a plan after it has been adopted. Statute does not address making changes after adoption of a plan. 24 V.S.A. § 4385(b) addresses the Selectboard's ability to make changes to a proposed plan prior to holding a public hearing. CVRPC advises the Town to discuss this issue with its attorney.

Areas Highlighted as "Inconsistent" with Statute

Goal 3: To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

The Town makes a compelling argument within the Town Plan that providing utilities and facilities necessary to support further growth in the northeast quadrant demonstrates substantial progress. This argument would be more persuasive if the plan contained narrative or analysis demonstrating a lack of utilities and facilities is a barrier to accessing training opportunities. The response letter noted public education facilities can support the rate of growth and development for the 8-year planning period, suggesting it is not a barrier

Vocational training is not addressed in the plan. CVRPC documented this issue in its 2012 Town Plan approval review, its 2016 consultation with the Town, and its comments on the Planning Commission's public hearing draft. The response letter noted the Berlin Economic Development Plan did not identify vocational training as a need or limiting factor for economic growth. Economic conditions and available workforce have changed significantly during the 10+ years since the economic plan's development. The State's FY18 Workforce Innovation and Opportunity Act State Plan describes Vermont's workforce development challenges: its rural landscape (technology access & population density), aging demographics, lack of public/private coordination and collaboration for workforce development programs; and maintaining a skilled workforce. Absent any narrative or analysis, the Plan does not demonstrate whether these are

challenges for Berlin's workforce, employers or town government and whether town government can assist to address them.

The staff analysis that the Plan is not consistent with this goal has not changed.

Goal 13: To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.

The Town's statement in response to CVRPC's staff memo indicated that providing utilities and facilities necessary to support further residential, commercial and industrial growth in the northeast quadrant may demonstrate substantial progress towards this goal is compelling. This statement would be more compelling if the plan contained narrative or analysis demonstrating whether a lack of utilities and facilities is a barrier. Providing known facts describing current conditions and relating those conditions to anticipated future trends acts as a foundation to support how policies and actions link to goals.

Berlin's response letter notes that provision of child care services is not a responsibility of town government. The goal does not ask town government to provide child care services. It requires municipalities be partners in insuring child care availability and to integrate the issue into the municipal planning process. It also defines how municipalities might partner to affect the issue. Without any narrative or analysis, child care issues have not been integrated into the planning process.

Staff agrees that the Plan does not demonstrate a local planning basis on which to call out this category of commercial activity. The State planning goal requires that communities consider this particular category of commercial activity if a municipality seeks approval of its plan. CVRPC's suggestion to mention space suitable for child care facilities in the Town's commercial and industrial property inventory provided an example of how the Town might take action towards substantial progress.

Berlin's response noted the Berlin Economic Development Plan did not identify child care services as a need or factor limiting economic growth in Berlin. The Central Vermont Building Bright Futures Regional Action Plan 2016 – 2021 describes regional challenges to early childhood education and provision of child care and identifies what works to address them. Absent any narrative or analysis, the Plan does not demonstrate whether these are challenges for Berlin's families, employers or town government and whether town government can assist to address them.

The staff analysis that the Plan is not consistent with this goal has not changed.

CVRPC's Municipal Plan Approval Process

As shared in our meeting with the Town, the staff review is advisory. The decision regarding plan approval is made by CVRPC's Board of Commissioners. Parties and actions for the approval process are described below.

<i>Party</i>	<i>Action</i>
Municipality	Develops plan; if desired, submits request to CVRPC for municipal plan approval. The request for approval can be made at any time.
CVRPC Staff	Completes the statutory review; makes a recommendation regarding approval; notices a public hearing; acts as staff to the Town Plan Review Committee
CVRPC Town Plan Review Committee	Holds a public hearing to receive comments (if possible, the public hearing is held in the community); discusses comments received and the staff review in the context of statutory requirements; makes a recommendation to the CVRPC Board of Commissioners regarding plan approval.
CVRPC Board of Commissioners	Receives and discusses the recommendation; makes a determination regarding plan approval. Customarily, the Commission completes confirmation of the municipal planning process simultaneous with plan approval.

CVRPC encourages the requesting municipality to participate actively in the review process by participating in any hearings and meetings and by providing verbal and/or written testimony addressing a plan's conformance with statute.

24 V.S.A. § 4350(b)(2) directs regions to complete this process within two months. The fact that the plan is approved after the two-month period does not invalidate the plan nor automatically deem the plan approved.

Plan Approval/Disapproval Appeal Process

If any party chooses to appeal the Board of Commissioners' decision, 24 V.S.A. § 4476 provides for a formal review of regional planning commission decisions. Reviews can be requested for either decisions regarding municipal planning effort confirmation or municipal plan approvals. 24 VSA § 4305 established a council of regional commissions for this and other purposes. The Legislature repealed § 4305 in 2010. Thus, it is unclear how an appeal would be reviewed since there is no legal body to receive an appeal.

If municipality requests review of the RPC's decision by a regional review panel, the following actions must take place:

- The request for review must be filed within 21 days of the RPC decision. [§4476(a)]
- The review panel must hold a hearing within 45 days of the request, and it must issue a decision approving or disapproving the RPC's decision within 20 days after the hearing. [§4476(c)]
- Appeal of a review panel decision goes to the Supreme Court. [§4476(f)]

Regional planning commissions have been educating the Legislature for at least five years about the need to modernize Chapter 117. Until changes are made, State statute does not provide us with flexibility to discard planning goals and plan elements as not relevant to municipalities. 24 V.S.A. § 4302(f)(1) does provide that power to municipalities.

I commend the Town again on the transformation of its plan. The implementation program provides a concrete work program to further the Town Plan's priorities. It has the added benefit of allowing partners like CVRPC to understand how and when we can assist the Town to achieve its goals.

If you have questions about this response or would like to discuss next steps, I would appreciate the opportunity to continue our conversation.

Sincerely,



Bonnie Waninger
Executive Director

Enclosure: 2012 Berlin Town Plan Municipal Plan Approval Checklist

cc: Robert Werneke, Berlin Regional Commissioner

*Berlin***Clare Rock**

From: Town Admin <townadministrator@berlinvt.org>
Sent: Thursday, August 30, 2018 10:23 AM
To: Clare Rock
Cc: Bonnie Waninger
Subject: RE: Appeal

Yes, that is my understanding as well Clare. I appreciate your confirmation and will wait for scheduling update.

Dana

Dana I. Hadley, Town Administrator
Town of Berlin
108 Shed Road
Berlin, Vermont 05602
Tel: 802-552-8801

From: Clare Rock [mailto:rock@cvregion.com]
Sent: Thursday, August 30, 2018 10:20 AM
To: Town Admin <townadministrator@berlinvt.org>
Cc: Bonnie Waninger <waninger@cvregion.com>
Subject: RE: Appeal

Hello Dana,

Thanks for your email. To confirm, based on our brief conversation this morning, the Town of Berlin is requesting Approval and Confirmation of its planning process by the Regional Planning Commission – the Town Plan Review Committee will conduct the hearing on the plan and will make a formal recommendation to the Board of Commissioners. The Town Plan Committee Hearing will take place at a location within the Town of Berlin within 90 days.

Next week CVPRC staff will follow up with the town regarding the schedule and location of the hearing.

Regards,

Clare

Clare Rock, CFM
Senior Planner
Central Vermont Regional Planning Commission
29 Main Street, Suite 4, Montpelier, Vermont 05602
Phone: (802) 229-0389 / Email: rock@cvregion.com
Web: centralvtplanning.org



Central Vermont Regional Planning Commission

From: Town Admin [<mailto:townadministrator@berlinvt.org>]
Sent: Thursday, August 30, 2018 9:54 AM
To: Clare Rock <rock@cvregion.com>
Subject: Appeal

Clare,

I appreciate your time to talk with us regarding the Town of Berlin's town plan. This email is to request the opportunity to appear before the proper committee for appeal on the Regional Planning Commission's decision. Please let me know if you know anything further from me.

Dana

Dana I. Hadley, Town Administrator
Town of Berlin
108 Shed Road
Berlin, Vermont 05602
Tel: 802-552-8801



September 19, 2018

Dana Hadley, Berlin Town Administrator
108 Shed Road
Berlin, VT 05602

Re: Berlin Town Plan Approval and Confirmation Request

Dear Mr. Hadley,

The Central Vermont Regional Planning Commission appreciates the Town's request for municipal plan approval per 24 V.S.A. § 4350(b)(1). This letter provides an overview of statutory requirements and CVRPC's review process. CVRPC encourages municipal participation in the process.

Statute requires that the "RPC shall review and approve plans of its member municipalities, when approval is requested and warranted and each review shall include a public hearing which is noticed at least 15 days in advance by posting in the office of the municipal clerk and at least one public place within the municipality and by publication in a newspaper or newspapers of general publication in the region affected. The commission shall approve a plan if it finds that the plan:

- ☐ is consistent with the goals established in Title 24 V.S.A. §4302;
- ☐ is compatible with its regional plan;
- ☐ is compatible with approved plans of other municipalities in the region; and
- ☐ contains all the elements included in Title 24 V.S.A. §4382(a)(1)-(10).

Title 24 V.S.A. § 4350(b)(2) directs regions to complete this process within two months. CVRPC's schedule for review of your municipality's plan is:

August 30, 2018

CVRPC received the municipality's request.

October 4, 2018

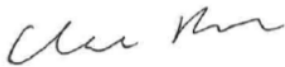
CVRPC's Town Plan Review Committee meets and holds the Commission's required hearing. The meeting begins at 7pm at the Central VT Chamber of Commerce Conference Room, 963 Paine Turnpike North, Berlin. The purpose of the hearing is to receive comments. The Committee will also consider the written staff review in the context of statutory requirements and make a recommendation to the CVRPC Board of Commissioners regarding plan approval at its meeting.

October 9, 2018 CVRPC's Board of Commissioners meets at 7pm at the Central VT Chamber of Commerce Conference Room. The Commission considers the recommendation of the Town Plan Review Committee, and it makes the final decision regarding plan approval.

CVRPC encourages the municipality to participate in the review process by providing verbal and/or written testimony addressing a plan's conformance with statute at, or prior to, the hearing. Municipalities are also welcome to share their approaches to the plan's development and other information that assists regional Commissioner to understand the community, its needs and its implementation strategy.

If you have any questions regarding statute or the Commission's plan review process, I hope you will contact me at rock@cvregion.com or 802-229-0389.

Sincerely,



Clare Rock
Senior Planner

Cc: Karla Nuissl, Planning Commission Chair
 Robert Wernecke, RPC Representative



SEP 20 2018

TOWN OF BERLIN, VERMONT

Washington County

Selectboard:

Brad Towne, Chair

Jeremy Hansen, Vice Chair

Wayne Lamberton, Secretary

Pete Kelley

Angelina Capron

Municipal Office Building

108 Shed Road

Berlin, Vermont 05602

Telephone: 802-223-4405

Fax Number: 802-229-9530

Town Administrator

Dana Hadley

September 17, 2018

Bonnie Waninger
Central Vermont Regional Planning Commission
29 Main Street, #4
Montpelier, Vermont 05602

Re: Town of Berlin-Town Plan

Dear Ms. Waninger:

We have received word the Town Plan that was recently approved by the Selectboard and voters was not approved by planning commission staff. We appreciate the help that you have given to us and we realize the situation should have been handled differently on both of our parts.

In your letter to us you suggest three non-substantive changes to the plan, the Planning Commission has recommended that we address immediately. As you recall they are:
On Page 21, Education Facilities section:

Add 2 sentences: Aside from the Elementary preschool program very limited early childcare services are available within Town. While a handful of higher education institutions are located within the Central Vermont region many young adults will leave the area to seek vocational or technical training or advanced degrees.

Berlin Selectboard

Bonnie Waninger, Central Vermont Regional Planning Commission

September 17, 2018

Page 2 of 2

On Page 21, , Policy 4

Amend to read: *Support provision of quality childcare, access to education and recreation services so Berlin will be an attractive community for families.*

Page 27, Infrastructure Improvements section

Add 2 sentences: *Adequate, quality early childcare is also an integral aspect of the Economic Development infrastructure, as it is critical to supporting working parents' ability to enter the workforce, be productive while at work and remain employed. Access to vocational and technical training is also important to ensuring a skilled workforce for the future.*

In addition, the Planning Commission recommend that the Selectboard agree to a more comprehensive revision of the pertinent sections of the Berlin Town Plan to be put to a town vote on Town Meeting Day, 2022, that will include the two substantive CVRPC recommendations as below:


Page 27, Policies

Add: *Advocate for public/private partnerships to fund the early childcare system.*

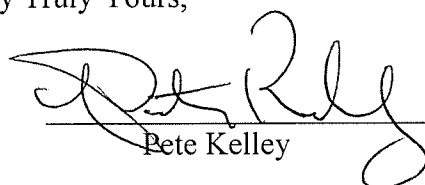
Add: *Encourage development of vocational and technical training programs.*

In closing, we appreciate the assistance given to us in this process. We would ask that you consider our request to make the non-substantive changes immediately and the other changes to be approved in 2022.

Very Truly Yours,



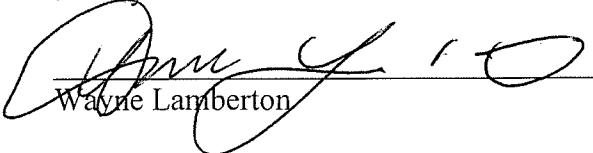
Brad Towne



Pete Kelley

Jeremy Hansen

Angelina Capron



Wayne Lamberton

Selectboard of Berlin



RESOLUTION

Whereas Title 24, VSA, Section §4350 requires that regional planning commissions, after public notice, shall review the planning process of member municipalities and shall so confirm when a municipality:

1. is engaged in a continuing planning process that, within a reasonable time, will result in a plan that is consistent with the goals contained in 24 V.S.A. § 4302;
2. is engaged in a process to implement its municipal plan, consistent with the program for implementation required under 24 V.S.A. § 4382; and
3. is maintaining its efforts to provide local funds for municipal and regional planning purposes;

Whereas as part of the consultation process, a regional planning commission shall consider whether a municipality has adopted a plan;

Whereas a regional planning commission shall review and approve plans of its member municipalities, when approval is requested and warranted, and a commission shall approve a plan if it finds that the plan:

1. is consistent with the goals established in 24 V.S.A. § 4302;
2. is compatible with its regional plan;
3. is compatible with approved plans of other municipalities in the region; and
4. contains all the elements included in 24 V.S.A. § 4382(a)(1)-(12);

Whereas the Town of Berlin prepared a municipal plan in accordance with 24 V.S.A Chapter 117;

Whereas the Central Vermont Regional Planning Commission concluded that the 2018 Berlin Town Plan meets the requirements for approval; now, therefore, be it

Resolved, that the Central Vermont Regional Planning Commission:

1. approves the 2018 Berlin Town Plan, adopted August 4, 2018; and
2. consulted with and confirms the planning process of the Town of Berlin.

Under 24 V.S.A. § 4350, when an adopted municipal plan expires, its approval and confirmation of the municipality's planning process also expire. Recommendations made by the Central Vermont Regional Planning Commission are attached and should be considered when developing the next municipal plan.

A municipality that has adopted a plan may define and regulate land development in any manner that the municipality establishes in its bylaws, provided those bylaws are in conformance with the plan and are adopted for the purposes set forth in 24 V.S.A. § 4302.

ADOPTED by the Central Vermont Regional Planning Commission on October 9, 2018.

Juliana Potter, Chair

CENTRAL VERMONT REGIONAL PLANNING COMMISSION
Town Plan Review Committee
Draft Minutes

Orange Town Hall, 392 US Route 302, Orange, Vermont.

September 10, 2018

Committee Members:

<input checked="" type="checkbox"/>	Bill Arrand, Worcester
<input checked="" type="checkbox"/>	Lee Cattaneo, Orange Commissioner
<input type="checkbox"/>	Ron Krauth, Middlesex Commissioner
<input type="checkbox"/>	Joyce Manchester, Moretown Alternate Commissioner
<input checked="" type="checkbox"/>	Jan Ohlsson, Calais Alternate Commissioner
<input type="checkbox"/>	Karla Nuissl, Berlin Alternate Commissioner (Alternate Seat)

Staff: Clare Rock

Town representatives: Sue Perreault, Eric Holmgren

CALL TO ORDER

The meeting was called to order by Bill Arrand, Vice Chair at 6:06 pm.

CHANGES TO THE AGENDA

None.

PUBLIC COMMENTS

None.

PUBLIC HEARING: APPROVAL OF THE TOWN OF ORANGE MUNICIPAL PLAN AND CONFIRMATION OF THE LOCAL PLANNING PROCESS

Rock provided a summary of the Staff Memo which was included in the packet that included:

- Clarification that the Plan was officially approved by the Selectboard on 9/7 (not on 8/13 following the SB Hearing.)

- The 2018 Orange Town Plan is an update of the 2013 Plan.

- Former CVRPC staff member Eric Vorwald worked with the town on the plan update and assisted with writing new sections to address new statutory requirements and provided updated and new data.

- The Town uses the State Planning Goals to frame its municipal Goals, Objectives, and Actions.

- The Plan prioritizes its top 5 priorities for implementation providing a helpful reference for the Selectboard and Planning Commission.

Staff review found:

- Consistency with the State goals, as the plan demonstrates substantial progress toward attainment of the planning goals.

- Compatibly with the regional plan

- Compatibly with approved plans of other municipalities in the region

- Containing all the elements

Discussion followed about what changes which were made to the plan since the last adoption, the town

1 decided not to make any significant changes and to take out some of the extra wording which was
2 extraneous. Further discussion included a clarification on the housing distribution map, appreciation and
3 acknowledgement of a rural town's ability to plan considering variety of constraints and weather the
4 town would or has considered adopting zoning. The town as a whole would most likely not be in favor of
5 zoning but could support a simple permit process what would collect basic information about
6 development primarily as a record of where development is happening and to ensure the highway
7 department is aware of new driveways and roads (which would have to meet town highway
8 ordinances.) Lastly those in attendance discussed the public input process and what level of attendance
9 the town had at its PC meetings and town plan approval hearings.

10
11 The Public Hearing ended at 6:21 and members of the public left.

12
13 **CONFIRMATION OF THE TOWN OF ORANGE MUNICIPAL PLANNING PROCESS**

14 J Ohlsson asked about the confirmation process and Rock referenced the Town Plan Review Tool,
15 second to last page. This has generally been measured by the existence of the PC (the CVRPC checks in
16 with the town during the consultation period) and weather the towns provides meeting space and if the
17 town pays their RPC dues.

18
19 *J Ohlsson made a motion to recommend confirmation of the Town of Orange's planning process under*
20 *24 VSA §4350(a), seconded by Cattaneo, all in favor. Motion carried.*

21
22 **APPROVAL OF THE TOWN OF ORANGE MUNICIPAL PLAN**

23
24 *J Ohlsson made a motion to recommend approval of the Orange Town Plan as per 24 V.S.A. § 4350(b),*
25 *seconded by L Cattaneo, all in favor. Motion carried.*

26
27 **RULES OF PROCEDURE & COMMITTEE PROCESS**

28 Rock provided a summary of the Rules of Procedure and added that an additional bullet is being
29 proposed under the section titled GENERAL ACTIVITIES which would be:

- 30 • Certify local energy plans in accordance with <insert stator reference>

31
32 Discussion followed about the role of the Regional Energy Committee and their potential involvement in
33 reviewing this technical aspect of town plans. Rock provided a brief update on the Preferred Sites
34 discussions happening at the Project Review and Regional Plan Committee level. Discussion continued
35 about the use of the work "Certify" and how this means a greater responsibility compared to the other
36 GENERAL ACTIVITIES. The committee would like the Commission to weigh in on this.

37
38 *L Cattaneo made a motion to approve the Rules of Procedure as written (without the additional bullet),*
39 *seconded by B Arrand, all in favor. Motion carried.*

40
41 **APPROVAL OF MINUTES**

42 *L Cattaneo made a motion to approve the July 10, 2018 minutes, seconded by J Ohlsson, all in favor.*
43 *Motion carried.*

44
45 **ADJOURNMENT**

46 *L Cattaneo made a motion to adjourn at 6:50 pm, seconded by J Ohlsson, all in favor. Motion carried.*