



MUNICIPAL PLAN REVIEW COMMITTEE

Tuesday October 11, 2022 at 4:30 pm

Remote Participation via

Zoom: <https://us02web.zoom.us/j/81751907943?pwd=eXplaU9JZFptVm9sYlVsUGVKNWh5Zz09&from=addon>

Meeting ID: 817 5190 7943, Passcode: 185622. Dial in via phone: 1 (312) 626-6799, Passcode: 185622.

For in-person participation the physical location shall be 29 Main Street, Suite 4, Montpelier.

Facial coverings are required for in-person participation.

Persons with disabilities who require assistance or alternate arrangements to participate in programs or activities are encouraged to contact Nancy Chartrand at 802-229-0389 or chartrand@cvregion.com at least 3 business days prior to the meeting for which services are requested.

page	AGENDA
I.	<u>CALL TO ORDER</u> The meeting will be called to order and may include introductions.
II.	<u>CHANGES TO THE AGENDA</u> The Committee may identify and discuss any changes to the agenda.
III.	<u>PUBLIC COMMENTS</u> Time will be provided for members of the public to speak about items not on the agenda.
2	<u>IV. PUBLIC HEARING: APPROVAL OF THE WORCESTER TOWN PLAN 2022 AND CONFIRMATION OF THE LOCAL PLANNING PROCESS</u> Anticipated postponement to a later date yet to be decided.
3	<u>V. MUNICIPAL PLAN REVIEW & APPROVAL PROCESS</u> Discuss guidance for staff and municipalities to aid in the municipal plan approval and confirmation process.
10	<u>VI. APPROVAL OF MINUTES</u> Draft minutes from the September 30, 2022 Committee meeting are included for consideration of approval.
VII.	<u>ADJOURNMENT</u> If there is no additional business the Committee should consider a motion to adjourn.



MEMO

Date: October 4, 2022
To: Municipal Plan Review Committee
From: Clare Rock, Senior Planner
Re: October 11 meeting and agenda items

☒ **ACTION REQUESTED:** none likely. The Worcester Public Hearing will be rescheduled (and not postponed as the agenda identified). Staff suggests meeting anyway in case any members of the public show for the warned hearing. Staff is requesting feedback on draft guidance materials enclosed. Finalization of materials is not anticipated at this meeting.

Public Hearing

While preparing materials for the Worcester Town Plan review, staff identified a glitch in the local adoption process. Staff has spoken with local Planning Commission and Select Board representatives. It appears the municipality held one warned hearing on the plan, while statute requires at least two hearings (one by the PC and at least one by the SB) as per [24 V.S.A. § 4384](#) and [24 V.S.A. § 4385](#).

To ensure the town has a valid locally adopted plan staff recommended the municipality run the plan through the local adoption process again, following all necessary and required statutory steps, at which point we expect them to come back in for local approval.

As reference [24 V.S.A. § 4350](#) regarding review and consultation regarding municipal planning effort, Subsection (b)(1) states in part “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, a municipality must have an approved plan.”

Municipal Plan Review & Approval Process

At the January 20, 2022 the MPRC discussed a Municipal Plan Review Procedure. Staff requests the Committee revisit this topic and comments upon the revised process and guidance. Below is background information from the January 20, 2022 packet and minutes as reference. What follows is a draft letter in which staff proposes to send to municipalities (which includes the revised information.)

Background Information

The January 20, 2022 MPRC packet included the following:

The process of requesting plan approval and confirmation by CVRPC has been informal. In recent years, CVRPC has simply requested the approval be submitted in writing (email) by a member of the legislative body. Staff recommends the process be more defined and asks the municipality to provide more information as to how the municipality is meeting the requirements on which confirmation and approval are based. Staff is seeking Committee comment and support of the following expectations:

Draft expectations as per [24 VSA §4350](#):

If your municipality wishes to seek formal confirmation and plan approval please provide CVRPC with:

- A copy of the locally adopted plan (preferable in pdf format)*
- A letter signed by the appropriate municipal authority requesting CVRPC to consider confirmation of its planning process and approval of its plan; and the following information:*

a) A summary of the municipality's funding over the prior five years dedicated to municipal and regional planning purposes; (as per 24 VSA §4350 (a)(3))

b) A summary of the municipality's process to implement the adopted plan, as described in 24 VSA§4350(c);

c) A summary of how the plan:

- Is consistent with the goals of 24 VSA §4302,*
- Is compatible with the most recent version of the Regional Plan,*
- Is compatible with the approved plans of adjacent municipalities,*
- Contains the required elements of 24 VSA §4382(a).*

A municipality requesting a Determination of Energy Compliance (per [24 VSA §3552](#)) must also submit:

- A completed Energy Planning Standards checklist (please contact the RPC for a copy)*

Excerpt from the January 20, 2022 MPRC minutes:

REVIEW DRAFT MUNICIPAL PLAN APPROVAL PROCEDURE

Clare Rock provided an overview of how CVRPC would like to change the municipal plan approval procedure/guidance. The change would be for municipalities to have clearer guidelines and requirements for submitting request for plan approvals and confirmations to CVRPC. Past requests have been very informal. Consistent guidelines would help

communities know what to expect from the process. Example: Energy compliance requests requires municipalities to fill out the checklist instead of CVRPC. Would like to have this stand for all plan requests.

J. Manchester asked who in the municipality would be responsible for doing this work and signing off on it. It was decided that the select boards would have the responsibility. Following the checklist at the plan creation stage would also help municipalities understand what was required in the plan throughout the whole process.

Regarding point A. in the packet (A summary of the municipality's funding over the prior five years dedicated to municipal and regional planning purposes; (as per 24 VSA §4350 (a)(3)) J. Ohlsson stated that many small towns do not have a planning budget. Clare Rock clarified that paying dues to CVRPC would qualify. Sharing how municipalities use funds for planning would be beneficial. Clarification on how CVRPC dues are used. J. Ohlsson suggested to keep point A on the checklist but have no limit on what the 5-year budget was.

Committee was supportive of this change in procedure but wording needs to be worked on. Staff shall update the guidance documents and share with the committee for review at the next meeting.

Proposed draft letter

Staff proposes to send the following letter to municipalities (which includes the revised information) – see next page.



DATE

PC Chair

VIA EMAIL

Address

Town, VT 05...

Dear PC Chair,

Thank you for providing the Central Vermont Regional Planning Commission (CVRPC) the opportunity to review the planning commissions *draft* <insert official title of the municipal plan and date,> in preparation of the hearing on <insert date of the PC hearing.>

Please find CVRPC's comments contained within this letter along with information about voluntarily requesting confirmation of (insert town name) municipal planning process and approval of the (insert town name) municipal plan.

Municipal Plan Comments

<Insert comments here....>

Review and consultation regarding municipal planning effort

Upon local adoption of your plan, the municipality may request CVRPC to confirm its municipal planning process and approve the municipal plan (as per [24 V.S.A. § 4350](#)). Benefits of this formal process include:

- The municipality's plan will not be subject to review by the Commissioner of Housing and Community Development.
- State agency plans shall be compatible with the municipality's approved plan.
- The municipality shall be eligible to apply for additional funds from the municipal and regional planning fund.
- The municipality may levy impact fees on new development.

Municipalities may also seek a Determination of Energy Compliance for their locally adopted municipal plan. Receiving such Determination can provide the municipality with Substantial Deference in Vermont Public Utility Commission's Section 248 proceedings.

If your municipality wishes to seek formal confirmation and plan approval please provide CVRPC with:

- A letter or email addressed to the RPC Executive Director from the Select Board/City Council or Municipal Manager/Town Administrator requesting confirmation of its planning process and approval of its plan;
- A copy of the locally adopted municipal plan, preferable in pdf format (as per [24 V.S.A. § 4385\(c\)](#));
- If your municipality is also requesting a Determination of Energy Compliance (as per [24 V.S.A. § 4352](#)) please specify this within your letter/email and include a completed *Energy Planning Standards for Municipal Plans* checklist. For a form-fillable version of the detailed standards for municipal plans please visit the [Department of Public Service website](#) or contact the RPC.

In the review process the CVRPC is tasked with determining whether the municipality:

- Is engaged in a continued planning process that will result in a plan that is consistent with the State Planning Goals (as contained within 24 V.S.A. § 4302);
- Is engaged in a process to implement its municipal plan; and
- Is maintaining its efforts to provide local funds for municipal and regional planning purposes.

Additionally, CVRPC is tasked with determining if the municipal plan:

- Is consistent with the goals of 24 VSA §4302 [aka the State Planning Goals];
- Is compatible with the most recent version of the Regional Plan;
- Is compatible with the approved plans of adjacent municipalities; and
- Contains the required elements of 24 VSA §4382(a) [aka the Required Elements].

If you have any questions regarding CVRPC's comments or review process I hope you will contact me at rock@cvregion.com or 802-229-0389.

Sincerely,

The Plan for a Municipality: Required Elements

From Title 24 : Municipal And County Government, Chapter 117 : Municipal And Regional Planning And Development, Subchapter 005 : Municipal Development Plan, § 4382. The plan for a municipality

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. A municipal plan must include all 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;
2. A land use plan consisting of a map and statement of present and prospective land uses that:
 - indicates those areas proposed for forests, recreation, agriculture (using the agricultural land identification process described 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 protections, for wetland protection, for the maintenance of forest blocks, wildlife habitat, and habitat connectors, or form other conservation purposes.
 - 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.
 - identifies those areas, if any, proposed for state designation under chapter 76A of this title, together with, for each area proposed for state designation, an explanation of how the state 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.
 - 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.
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;
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;
5. A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources;
6. An educational facilities plan consisting of a map and statement of present and projected uses and the local public school system;
7. A recommended program for the implementation of the objectives of the development plan;

8. A statement indicating how the plan relates to development trends and plans for adjacent municipalities, areas and the region developed under this title;
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;
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;
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;
12. A flood resilience plan that:
- 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
 - 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.
- A flood resilience plan may reference an existing local hazard mitigation plan approved under 44 C.F.R. § 201.6.

The maps called for by this section may be combined into one or more maps, and may be referred to in each separate statement called for by this section.

Where appropriate, and to further the purposes of subsection 4302(b) of Title 24 of the Vermont Statutes, a municipal plan shall be based upon inventories, studies, and analyses of current trends and shall consider the probable social and economic consequences of the proposed plan. Such studies may consider or contain, but not be limited to:

1. population characteristics and distribution, including income and employment;
2. the existing and projected housing needs by amount, type, and location for all economic groups within the municipality and the region;
3. existing and estimated patterns and rates of growth in the various land use classifications, and desired patterns and rates of growth in terms of the community's ability to finance and provide public facilities and services.

Where appropriate, a municipal plan may provide for the use of "transit passes" or other evidence of reduced demand for parking spaces in lieu of parking spaces.

State Planning Goals

From Title 24 : Municipal And County Government, Chapter 117 : Municipal And Regional Planning And Development, Subchapter 001 : General Provisions; Definitions, § 4302. Purpose; goals

Municipal plans should further the following specific goals:

1. To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.
 - Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.
 - Economic growth should be encouraged in locally designated growth areas, employed to revitalize existing village and urban centers, or both, and should be encouraged in growth centers designated under chapter 76A of this title.
 - Public investments, including the construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.
 - Development should be undertaken in accordance with smart growth principles as defined in subdivision 2791(13) of this title.
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.
3. To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.
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.
 - Highways, air, rail, and other means of transportation should be mutually supportive, balanced, and integrated.
5. To identify, protect, and preserve important natural and historic features of the Vermont landscape, including:
 - significant natural and fragile areas;
 - outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands;
 - significant scenic roads, waterways, and views;
 - important historic structures, sites, or districts, archaeological sites, and archaeologically sensitive areas.
6. To maintain and improve the quality of air, water, wildlife, and land resources.
 - 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).
 - 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.
 - Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.
7. To make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.
 - Specific strategies and recommendations for achieving these goals are identified in the State energy plans prepared under 30 V.S.A. §§ 202 and 202b.

7.^{cont.}

- MPRC
- General strategies for achieving these goals include increasing the energy efficiency of new and existing buildings; identifying areas suitable for renewable energy generation; encouraging the use and development of renewable or lower emission energy sources for electricity, heat, and transportation; and reducing transportation energy demand and single occupancy vehicle use.

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

- Growth should not significantly diminish the value and availability of outdoor recreational activities.
- Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate.

9. To encourage and strengthen agricultural and forest industries.

- Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include maintaining low overall density.
- The manufacture and marketing of value-added agricultural and forest products should be encouraged.
- The use of locally-grown food products should be encouraged.
- Sound forest and agricultural management practices should be encouraged.
- Public investment should be planned so as to minimize development pressure on agricultural and forest land.

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.

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

- 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.
- 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.
- Sites for multi-family and manufactured housing should be readily available in locations similar to those generally used for single-family conventional dwellings.
- Accessory apartments within or attached to single-family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives, elders, or persons who have a disability should be allowed.

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

- Public facilities and services should include fire and police protection, emergency medical services, schools, water supply, and sewage and solid waste disposal.
- The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

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.

14. To encourage flood resilient communities.

- 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.
- The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.
- Flood emergency preparedness and response planning should be encouraged.

CENTRAL VERMONT REGIONAL PLANNING COMMISSION
Municipal Plan Review Committee
Draft Minutes

August 30, 2022 at 4:00pm
 Via Zoom Software

Committee Members:

X	Bill Arrand, Worcester
	Peter Carbee, Washington
X	Ron Krauth, Middlesex Commissioner
X	Joyce Manchester, Moretown Alternate Commissioner
X	Jan Ohlsson, Calais Alternate Commissioner

Municipal Representatives: Sandy Levine, Middlesex PC, Tom Badowski, Berlin ZA.
 Staff: Clare Rock

CALL TO ORDER. B. Arrand called the meeting to order at 4:03pm

CHANGES TO THE AGENDA. No changes to agenda.

PUBLIC COMMENTS. No public comments.

ELECTION OF OFFICERS

J Manchester moved to nominate B Arrand as Chair, seconded by J Ohlsson. All in favor with B Arrand abstaining. Motion carried.

J Ohlsson moved to nominate J Manchester as Vice Chair, seconded by R Krauth, All in favor with J Manchester abstaining. Motion carried.

PUBLIC HEARING: APPROVAL OF THE 2022 AMENDMENT TO THE 2018 BERLIN TOWN PLAN AND CONFIRMATION OF THE LOCAL PLANNING PROCESS

R Krauth made a motion to open the public hearing for the Berlin Town Plan, seconded by J Ohlsson. All in favor. Motion carried.

Thomas Badowski wanted to thank the staff for helping the town get through the process and thank the CVRPC for continued support for the Town of Berlin.

J Manchester identified a typo in dates on background section of the memo the August 13, 2021 date should be August 2022.

J Manchester moved to close the public hearing seconded by R Krauth. All in favor. Motion carried.

RECOMMENDATIONS TO THE CVRPC BOARD OF COMMISSIONERS:

A) CONFIRMATION OF THE TOWN OF BERLIN MUNICIPAL PLANNING PROCESS;

P Carbee moved to recommend confirmation, seconded by R Krauth. All in favor. Motion carried.

B) APPROVAL OF THE 2022 AMENDMENT TO THE 2018 BERLIN TOWN PLAN

P Carbee moved to recommend approval of the plan, seconded by J Ohlsson. All in favor. Motion carried.

PUBLIC HEARING: APPROVAL OF THE 2022 MIDDLESEX TOWN PLAN & ENERGY PLAN, CONFIRMATION OF THE LOCAL PLANNING PROCESS; and ISSUANCE OF A POSITIVE DETERMINATION OF ENERGY COMPLIANCE

J Ohlsson made a motion to open the public hearing for the Middlesex Town Plan, seconded by B Arrand. All in favor. Motion carried.

Ron asked if he should abstain, as he is the Middlesex representative. Committee agreed he can vote. Sandy Levine, introduced herself, gave the background of approving the town plan, and then went back to adding the energy plan and the CVRPC helped put that together.

Staff referenced a recommendation that the next iteration of the plan clarify natural resources areas in the energy section of the plan by clarifying them as local constraints in the enhanced energy planning section. Staff also clarified that items #3 and #9 within the checklist were met even though they were not checked on the municipal plan tool checklist. Staff also indicated that the recommendation made in the checklist are recommendations for when the plan is next updated.

The Town clarified that they will re-start the clock and that the plan will expire in 2030.

P Carbee moved to close the public hearing seconded by ---. All in favor. Motion carried.

RECOMMENDATIONS TO THE CVRPC BOARD OF COMMISSIONERS:**A) CONFIRMATION OF THE TOWN OF MIDDLESEX MUNICIPAL PLANNING PROCESS;**

J Manchester moved to recommend confirmation, seconded by J Ohlsson. All in favor. Motion carried.

B) APPROVAL OF THE 2022 MIDDLESEX TOWN PLAN & ENERGY PLAN;

P Carbee moved to recommend approval of the plan, seconded by B Arrand. All in favor. Motion carried.

C) ISSUANCE OF A POSITIVE DETERMINATION OF ENERGY COMPLIANCE

J Manchester moved to recommend affirmative determination of energy compliance for 2022 Middlesex Town Plan and energy Plan, seconded by P Carbee. All in favor, motion carried.

APPROVAL OF MINUTES

R Krauth moved to approve minutes from the June 7, 2022 meeting with a spelling correction on J Manchester's name, seconded by J. Ohlsson. All in favor. Motion carried.

ADJOURNMENT

P Carbee moved to adjourn, seconded by R Krauth. All in favor. Motion carries. Meeting adjourned at 4:24 pm.

Committee stated "Good job" to staff for filling out the checklists.