



## MUNICIPAL PLAN REVIEW COMMITTEE

November 8, 2022 at 5:00-6:00 pm

To join Zoom meeting:

<https://us02web.zoom.us/j/88179455529?pwd=akw0THdVeGpWa0N0MDkwdFd6cWtqZz09&from=addon>

Meeting ID: 881 7945 5529 and Passcode: 849257. Dial in via phone: +1 (309) 205-3325 or +1(312) 626-6799<sup>1</sup>.

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](mailto:chartrand@cvregion.com) at least 3 business days prior to the meeting for which services are requested.

Page	AGENDA
	<b>I. <u>CALL TO ORDER</u></b> The meeting will be called to order and may include introductions.
	<b>II. <u>CHANGES TO THE AGENDA</u></b> The Committee may identify and discuss any changes to the agenda.
	<b>III. <u>PUBLIC COMMENTS</u></b> Time will be provided for members of the public to speak about items not on the agenda.
	<b>IV. <u>PUBLIC HEARING: APPROVAL OF THE 2020 DUXBURY TOWN PLAN AND CONFIRMATION OF THE LOCAL PLANNING PROCESS</u></b> As requested by the Town the Committee will open a public hearing to receive public comments on the Plan.
2-22	<b>V. <u>RECOMMENDATIONS TO THE CVRPC BOARD OF COMMISSIONERS: A) CONFIRMATION OF THE TOWN OF DUXBURY MUNICIPAL PLANNING PROCESS; B) APPROVAL OF THE 2020 DUXBURY TOWN PLAN</u></b> At the close of the public hearing, the Committee will consider two recommendations to the Board: A) confirmation of the Town's planning process under 24 VSA §4350(a); and B) approval of the Town Plan per 24 V.S.A. § 4350(b).
23-43	<b>VI. <u>PUBLIC HEARING: APPROVAL OF 2022 AMENDMENTS TO THE 2018 EAST MONTPELIER TOWN PLAN AND CONFIRMATION OF THE LOCAL PLANNING PROCESS</u></b> As requested by the Town the Committee will open a public hearing to receive public comments on the Plan.
	<b>VII. <u>RECOMMENDATIONS TO THE CVRPC BOARD OF COMMISSIONERS: A) CONFIRMATION OF THE TOWN OF EAST MONTPELIER MUNICIPAL PLANNING PROCESS; B) APPROVAL OF THE 2022 AMENDMENTS TO THE 2018 EAST MONTPELIER TOWN PLAN</u></b> At the close of the public hearing, the Committee will consider two recommendations to the Board: A) confirmation of the Town's planning process under 24 VSA §4350(a); and B) approval of the Town Plan per 24 V.S.A. § 4350(b).
44-45	<b>VIII. <u>APPROVAL OF MINUTES</u></b> Draft minutes from the October 11, 2022 meeting are included for consideration of approval.
	<b>IX. <u>ADJOURNMENT</u></b> If there is no additional business the Committee should consider a motion to adjourn.

<sup>1</sup> Dial-in telephone numbers are "Toll" numbers. Fees may be charged to the person calling in dependent on their phone service.



## MEMO

Date: November 1, 2022  
 To: Municipal Plan Review Committee  
 CC: Alan Quackenbush, Duxbury Planning Commission Chair  
 From: Jon Ignatowski, Planner  
 Re: Duxbury Municipal Plan Review for Regional Approval and Confirmation of Planning Process

✉ **ACTION REQUESTED:** At the meeting the Committee will hold a public hearing on the *Duxbury Town Plan*. Following the hearing the Committee will be tasked with making two recommendations to the Board of Commissioners:

- a) confirmation of the planning process under 24 VSA §4350(a); and
- b) approval of the municipal plan per 24 V.S.A. § 4350(b)

### Background

February 27, 2020	Duxbury Planning Commission holds public hearing on the 2020 Town Plan
May 29, 2020	Duxbury Planning Commission submits 2020 Town Plan to Selectboard
September 14, 2020	Duxbury Selectboard holds public hearing on the 2020 Town Plan
October 13, 2020	Duxbury Selectboard approves the 2020 Town Plan
October 10, 2022	Duxbury requests approval by CVRPC and submits final plan adopted by Selectboard.
October 20, 2022	CVRPC Hearing Notice is distributed and appeared in the paper on October 22, 2022.
November 8, 2022	CVRPC Municipal Plan Review Committee (MPRC) scheduled to hold public hearing.

### Duxbury Town Plan

To view the plan, please visit: [https://duxburyvermont.org/vertical/sites/%7B00B6C2A9-912C-4C60-B699-582A202A10A3%7D/uploads/October13.2020FinalTownPlan\(1\).pdf](https://duxburyvermont.org/vertical/sites/%7B00B6C2A9-912C-4C60-B699-582A202A10A3%7D/uploads/October13.2020FinalTownPlan(1).pdf) If you would prefer hard copies of the Plan, please contact Nancy Chartrand [chartrand@cvregion.com](mailto:chartrand@cvregion.com)

The Duxbury Town Plan is a re-write of the previous 2014 Duxbury Town Plan. The Plan was adopted by the Duxbury Selectboard on October 13, 2020.

Staff present the following suggestions for future revisions to strengthen the plan:

- Develop a matrix of all the identified goals and strategies that identifies who is responsible for implementing the policy, over what timeline, and with what resources (Element 7).
- Provide more detail about the interrelationships between Duxbury's development trends and those of contiguous towns (Element 8).
- Include language about permitted accessory dwelling units (Element 10, Goal 11). Both the goal and element suggest accessory dwellings be specifically identified as a method of encouraging and allowing for more affordable housing. While the plan does include a discussion on affordable housing, it does not include language about accessory dwellings. This should be included in the next update. Staff finds that overall the plan is consistent with Element 10 and does work toward attainment on Goal 11.

#### Staff Review

Staff planner Jon Ignatowski reviewed the draft plan for statutory requirements and completed the approval checklists.

CVRPC staff reviewed the Municipal Plan for following items:

**a) confirmation of the planning process under 24 VSA §4350(a);**

- ☒ 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
- ☒ is maintaining its efforts to provide local funds for municipal and regional planning purposes.  
Staff findings: Staff finds the Town of Duxbury to be engaged in a continuing planning process and is maintaining its efforts to provided funds for planning purposes.

**b) approval of the municipal plan per 24 V.S.A. § 4350(b);**

- ☒ consistency with the State goals established in section §4302  
Staff findings: Staff finds the plan to be consistent with the State Goals
- ☒ **compatibly with its regional plan**  
Staff findings: staff finds the plan to be compatible with the regional plan.
- ☒ **compatibly with approved plans of other municipalities in the region**  
Staff findings: staff finds the plan to be compatible with approved plans of other municipalities.
- ☒ **containing all the elements included in section § 4382**  
Staff findings and recommendation: staff finds the plan to contain all of the required elements

#### References:

- To review the Municipal Plan Review Tool, see attached.
- 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 please visit: <https://legislature.vermont.gov/statutes/title/24>

# Municipal Plan Review Tool

Municipality: <b>Duxbury</b>	Plan date: <b>October 13, 2020</b>	Staff: <b>Jon Ignatowski</b>	Date: <b>October 19, 2022</b>
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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.

FYI:

**Act 171 Requirements** (Forest Integrity): required for plans adopted after Jan 1, 2018

**Act 174 Requirements** (Energy)

CVRPC Housing Distrib. Requirements: **removed Nov 2020**

Don't forget Standards of Review section: new **check boxes** added

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.

<b>Required Elements § 4382</b>		<b>Met</b>	<b>Not Met</b>
1	Statement of Objectives, Policies, Programs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Land Use Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Transportation Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Utility and Facility Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Rare Natural Resources/Historic Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Educational Facilities Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Implementation Program	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Compatibility Statement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Energy Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Housing Element	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Economic Development Element	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Flood Resiliency Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>State Planning Goals § 4302</b>		<b>Met</b>	<b>Not Met</b>
1	Compact village centers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Economy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Education	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Natural and Historic Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Quality of air, water, wildlife, and land resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Efficient use of Energy and Renewable Energy Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Agriculture and Forest Industries	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Use of Resources and Earth Extraction	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Safe and Affordable Housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Public Facilities and services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13	Child Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	Flood Resiliency	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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## 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.**

**Met**

Pages: 4 - 6

Comments: The plan provides goals and priority strategies for housing, natural resources, flood resiliency, land use, economic development, food & agriculture, transportation, education, community services, and energy.

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

**Met**

Pages: 82-90

MAPS

“Future Land Use”

“Blocks and Habitat Connectors”

Land Use Plan      ✓

**(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: The formal land use plan is established in pages 82 – 90.

The land use map, titled “Future Land Use” includes seven different districts: Rural AGI, State Farm, Village, Rural AGII, Forest Management Residential and Recreation on up to 1500ft, Forest Management and Recreation 1500ft to 2500ft, and Ecological Zone.

The land uses listed in part (A) above are addressed in the following ways:

- **Forests** – Addressed in the Ecological Zone; Forest Management and Recreation 1500ft-2500ft District; and Forest Management, Residential and Recreation on up to 1500ft District.
- **Recreation** – A use allowed in the Ecological Zone, and encouraged in the Forest Management and Recreation 1500ft-2500ft District and Forest Management Residential and Recreation on up to 1500ft District.
- **Agriculture** – Agricultural uses are explicitly permitted in the Ecological Zone, and encouraged in the Forest Management and Recreation 1500ft-2500ft District, the Forest Management Residential and Recreation on up to 1500ft District, the Rural AGI District, Rural AGII District, and State Farm District.
- **Residence** – Residential development is supported in the Forest Management Residential and Recreation on up to 1500ft District, Rural AGI District, Rural AGII District, and the Village District.
- **Commerce** – The Village District encourages a “mixture of village-type uses,” and specifies that “commercial activity should be evaluated for compatibility with the neighborhood, access, traffic circulation and parking requirements” (page 86). Commercial uses are conditionally permitted in the Rural AGI District, provided that they “strive to preserve open space and scenic vistas” (page 85).
- **Industry** – Areas for industrial growth are not included in the proposed land use map or the land use plan, reflecting the fact that Duxbury is a rural town with limited land and infrastructure to support conventional industrial uses. It bears repeating that commercial uses and business uses are conditionally permitted in the Rural AGI District, provided that it preserves open space and vistas (page 85). While not in the land use plan, Duxbury does support industry in its Economic Development Section (page 46), industry that is characterized as being more land based (agriculture and forestry) and commensurate with the existing patterns of development (i.e. home based businesses) (page 46).
- **Public/semi-public uses** – The Ecological Zone is composed mostly of publicly owned land (page 82). The Forest Management and Recreation 1500ft-2500ft District encourages public access for recreation through the cooperation of private landowners (page 83). Recreation is also permitted in the Forest Management Residential and Recreation on up to 1500ft District (page 84) and the Rural AGI District (page 85).
- **Aquifer protection** – The Ecological Zone and the Forest Management and Recreation 1500ft-2500ft District have strict limitations on development partly to protect aquifer recharge areas. Aquifer mapping has not yet been completed in Duxbury at the time of the Plan’s writing.
- **Wetland Protection** – The State Farm District was established in part to protect wetlands (page 86). A strategy of the land use plan (page 90) states that the Forest Management and Recreation 1500ft-2500ft District and Forest Management Residential and Recreation on up to 1500ft District were established to protect wetlands. Additionally, the land use element includes a

strategy that supports the requirements of wetland setbacks (page 90). Wetlands are mapped in the “Forest Blocks and Habitat Connectors” map.

- **Maintenance of forest blocks, wildlife habitat, and habitat connectors –**
  - The protection of forest blocks is identified in Goal 2 (natural resources) and Goal 4 (Land Use). The map titled “Forest Blocks and Habitat Connectors” displays the forest blocks that Duxbury intends to protect.
  - The protection of wildlife habitat is directly addressed in the Ecological Zone, Forest Management and Recreation 1500ft-2500ft District and Forest Management Residential and Recreation on up to 1500ft District. Specific habitats are shown in the “significant natural resources” map.
  - Habitat connectors are shown in the map titled “forest blocks and habitat connectors”.

**(B)** Land uses are clearly described in the Land Use section (page 82) and illustrated in the map titled “future land use”. It would be helpful if Duxbury more clearly addressed the timing/sequencing around facilities and services, with the understanding that the scope of such would likely be modest due to the extent of present facilities services. The Town Plan does advocate that road improvements in the Ecological Zone, Forest Management and Recreation 1500ft-2500ft District necessitated by development are to be 100% funded by the landowner of the development.

**(C)** There are no areas that are proposed for the state designated center program.

**(D)** Forest blocks and habitat connectors are identified in the map titled “Forest Blocks and Habitat Connectors.” These areas are largely contained within the Ecological Zone, Forest Management and Recreation 1500ft-2500ft District, and Forest Management Residential and Recreation on up to 1500ft District which all include language about protecting habitat and preventing forest fragmentation. Additionally, the land use plan includes a strategy that states “Carefully control development to avoid adverse visual impacts, degradation of groundwater and surface water quality and the large-scale fragmentation of wildlife habitat and forest resources” (page 90).

**(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;**

**Met**

Pages: 55 -64  
MAP “Transportation”  
Transportation ☒

Comments: Duxbury’s transportation plan provides exceptional detail on existing conditions and establishes strategies that intend to improve the transportation network for all users. It appears that there are no parking facilities, public transit routes, terminals, bicycle paths, airports, railroads, or port facilities in Duxbury. Vermont 100 has been identified as a scenic road.

**(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**

**Met**

Pages: 65 - 77  
MAP “Education, Utilities, and Facilities”  
Utility and Facility ☒



**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: The utility and facility plan can be found in the chapters titled “Education” and “Community Utilities, Facilities, and Services”. The map titled “Education, Utilities, and Facilities” is very effective at detailing the various utilities and facilities located in Duxbury. It is worth noting that Duxbury states a commitment to maintaining a high quality school system for both present and future residents. Additionally, Duxbury supports the expansion of wireless telecommunications services that conform with the Duxbury Telecommunications Ordinance.

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

**Met**

Pages: 27, 64, 82-87, 90

Comments: While the term “rare and irreplaceable” is not stated directly in Duxbury’s policies, it achieves this goal through other objectives. For instance, the overarching goal in Duxbury’s natural resource chapter states “The quality of the town’s forest, water, air, wildlife habitat and soil resources is protected and enhanced.” Associated objectives and goals call for the protection of contiguous forest habitats and high priority conservation lands.

In Duxbury’s Transportation chapter, a strategy has been included that calls for the maintenance of VT 100’s scenic qualities. Additionally, in the Land Use chapter, Duxbury includes “scenic resources” as a resource to be protected in the Forest Management and Wildlife and the Forest, Residential and Recreation Districts.

While the Duxbury Town Plan does not include any specific policy language on protecting historic features, this goal is achieved through the creation of land use districts that focus on preserving the historic character of the Town.

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

**Met**

Pages: 65 - 70

MAP: “Education, Utilities, and Facilities”

Educational Facility ☒

Comments: Duxbury’s education plan includes figures depicting educational attainment levels and rates of their residents, an overview and current educational operations, a summary about local child care options, and related goals, objectives and strategies. Projected future uses of educational facilities includes broadening access to vocational training opportunities and increasing adult education and community activities.

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

**Met**

Pages: 1

Comments: While the plan does not include a specific implementation program that identifies a timeline and stakeholder roles, the plan does identify the purpose of the plan and how it should be effectuated. For instance, it can be inferred that the plan will be implemented during Act 250 projects and during the revisions of zoning bylaws and other town bylaws. The Town Plan could be strengthened by developing a matrix of all the identified goals and



strategies that identifies who is responsible for implementing the policy, over what timeline, and with what resources.

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

**Met**

Pages: 3

Comments: The Duxbury plan includes the following paragraph: "Six towns (Bolton, Fayston, Huntington, Moretown, Waitsfield and Waterbury) adjoin Duxbury. The degree to which Duxbury interacts with its neighboring towns varies considerably, based primarily on topography. As required by the Vermont Municipal and Regional Planning Act, the policies set forth in this Plan have attempted to ensure compatibility with the plans of neighboring towns. On January 24, 2020, the planning commission sent electronic copies of the proposed Town Plan to the planning commissions of the abutting towns and solicited comments and participation. Specific regional issues are addressed in the various chapters of the Plan."

While this goal is met, the plan could be strengthened by providing more detail about the interrelationships between Duxbury's development trends and those of contiguous towns.

**(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;**

**Met**

Pages: 78 - 82

Comments: Duxbury's energy plan includes an analysis of energy resources, needs, scarcities, costs and problems. The energy plan includes policies on conservation such as reducing energy consumption town-wide and in all Town and school buildings. Programs include the application of energy and efficiency standards to the operation of municipal facilities, departments, and municipal construction. Programs also include compliance with the Vermont Residential Building Energy Standards. The Town plan establishes a policy on the development of renewable energy resources by including an objective that promotes the development of community-scale renewable energy resources. The patterns and densities of land use are addressed in strategies that encourage sound forest management and concentrated growth patterns.

**(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.**

**Met**

Pages: 11 - 15

Comments: The Duxbury Town Plan address low and moderate income person's housing needs by advocating for the zoning bylaws to allow multi-family housing to be sited in areas zones for single-family dwellings, and to investigate grant and loans programs that can be used to renovate existing rental housing and develop new housing.

The Duxbury Town Plan does not address accessory dwelling units. This should be addressed in the next iteration of the plan.

**(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.**

**Met**

Pages: 43 - 47

Comments: The Duxbury Town plan contains a concise economic development element that clearly articulates present economic conditions and the location, type, and scale of desired development. Duxbury explicitly encourages growth that preserves it's rural and natural character, promoting sectors such as tourism, recreation, agricultural, forestry, home-based businesses and small service providers. The Plan discourages large-scale retail or commercial projects. On page 45, the Plan identifies preferred areas for economic development which includes commercial and light industrials. Policies, projects, and programs are identified in the goal/objectives/strategies section on pages 46 – 47.

**(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.**

**Met**

Pages: 28 - 43

Comments: Flood hazard areas are shown in the map titled "Future Land Use." Flood hazard areas are also shown on pages 34, 35, and 36. While Fluvial Erosion Hazard areas are discussed in the Plan, these areas are not specifically identified. Specific areas of fluvial erosion are identified in writing in Duxbury's local hazard mitigation plan, which is referenced in the Town Plan. The goals, objectives and strategies of the Flood Resiliency chapter (on pages 42 and 43) recommend policies and strategies to protect specific areas and resources from flood hazards.

**(b) The maps called for by this section may be incorporated on one or more maps, and may be referred to in each separate statement called for by this section.**

There are seven maps that are incorporated in the Duxbury Town Plan.

**(c) Where appropriate, and to further the purposes of subsection 4302(b) of this title, 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.**

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## **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.**

**Consistent**

Pages: 44, 45, 85, 86

**(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:

- (A) The Plan encourages intensive residential development in areas of historic development near town services in the Village District (page 86). Strip development, especially along VT 100, is disapproved of in the Plan (page 85).
- (B) Duxbury's Plan clearly conveys their desire to avoid large-scale retail or commercial developments that would affect the rural character of their community. The Plan calls for projects that are consistent with the existing settlement patterns (page 44). Additionally, the Plan identifies specific locations that are appropriate for growth (page 45).
- (C) A strategy in the Economic Development chapter calls for the Town to fully assess municipal infrastructure to accommodate businesses and plan upgrades for commercial and residential growth needs (page 47).
- (D) The Plan conforms to the nine "Smart Growth" principles listed in (24 V.S.A. § 2791).

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

## **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.**

**Consistent**

Pages: 43 - 47

How has the Town Plan addressed this goal:

The Duxbury Town Plan addresses this goal in the chapter titled "Economic Development". Duxbury's unemployment rate in July 2019 was 1.3%, a very low figure compared to the state and the country. The plan doesn't identify areas with low per capita income, but it generally addresses areas of low economic opportunity by encouraging diverse economic development in the town that "are in harmony with our landscape and rural character." In addition to identifying specific areas of Duxbury that would be

appropriate for growth, the Plan identifies sectors that that it supports, including tourism, recreation, agriculture, forest products, home-based businesses and small service providing businesses. Thus, the Plan, through a more generalized approach, is providing increased opportunities to its citizens.

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

**Goal 3:**

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

**Consistent**

Pages: 69 - 70

How has the Town Plan addressed this goal:

This goal is addressed in the Education chapter of Duxbury's plan. The overarching goal of the education plan commits Duxbury to providing "High quality, broad-based educational services [that] ensure the full realization of the abilities of all Duxbury residents through early child care and the public-school system and other public and private educational programs." It is an objective of the Town to "broaden access to educational and vocational training opportunities."

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

**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.**

**Consistent**

Pages: 63 - 64

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

How has the Town Plan addressed this goal:

Given Duxbury's rural setting, their transportation plan provides realistic strategies for achieving Goal 4 within their community context. The Plan's transportation chapter promotes public transit options and non-motorized travel. For instance, one strategy is to "identify a route for a bike or pedestrian path on River Road between Winooski Street Bridge and Duxbury's Main St."

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:**

**Consistent**

Pages: 27-28, 64, 70-71, 89-90, 96-97

- (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**

How has the Town Plan addressed this goal:

- (A) Protecting significant natural and fragile areas are fundamental to the establishment of Duxbury's land use districts, especially the Ecological Zone, Forest Management and Recreation 1500ft-2500ft District, and Forest Management Residential and Recreation on up to 1500ft District. The Ecological Zone virtually restricts all development aside from low-intensity uses; the Forest Management and Recreation District advocates for significantly restricted development, proposing a requirement for road improvements to be the sole responsibility of the developer; and the Forest Management Residential and Recreation District was designed to protect forests and water quality.
- (B) The protection of water resources is addressed in the Natural Resources chapter. The chapter generally establishes a goal for the protection of water resources, but also provides specific strategies, such as developing town policies to protect stream and river corridors from encroachments, removing existing encroachments, and protecting groundwater.
- (C) The Plan advocates for the protection of the scenic qualities of VT 100. Additionally, the Ecological Zone, Forest Management and Recreation 1500ft-2500ft District, and Forest Management Residential and Recreation on up to 1500ft District were established to protect scenic resources.
- (D) Archeological sites are identified on pages 96 – 97 of the Plan. Historic cemeteries area identified on page 70 – 71. The protection and preservation of Duxbury's historic resources appears to be largely accomplished through land use districts that restricts development in sensitive areas and promotes development that protects and is mindful of existing land use patterns and features of community value.

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).**

**Consistent**

Pages: see page references below

**(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**

How has the Town Plan addressed this goal :

- (A) Duxbury's Town Plan, including all goals, strategies and actions, is aligned with the principles established in 10 V.S.A. § 1253 (pages – the entire plan).
- (B) Duxbury's Town plan furthers the policies and actions related to 10 V.S.A. § 1253. Water resource protections are established in the Natural Resources chapter (pages 17 - 21 and 27 - 28).
- (C) Duxbury's Town Plan promotes goals, strategies and actions that maintain and improve forest blocks and habitat connectors. The Natural Resources Chapter established a priority strategy to develop town policies that prevent or minimize the fragmentation of large forest blocks and limit impacts to wildlife corridors and crossings (page 3). The Plan also includes a map titled "Forest Blocks and Habitat Connectors." Lastly, Duxbury's land use districts, especially the Ecological Zone, Forest Management and Recreation 1500ft-2500ft District, and Forest Management Residential and Recreation on up to 1500ft District include provisions that protect forests and critical habitats.

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 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**

**Consistent**

Pages: 78 - 82

How has the Town Plan addressed this goal:

Duxbury encourages the efficient use of energy and the development of renewable energy resources in its Energy chapter (pages 78 – 82). This chapter includes strategies to increase the energy efficiency of new and existing buildings, generally identifies areas that are and are not appropriate for renewable



energy generation, encourages the use of renewables, and provides goals to reduce the total energy consumption of transportation.

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.**

**Consistent**

Pages: 5, 15-19, 24, 74-75, 77, 82-85

**(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.**

How has the Town Plan addressed this goal:

Generally, the Plan makes it abundantly clear that Duxbury is not interested in growth that will diminish natural resources and recreation opportunities. Proposed land use districts, including the Ecological Zone, Forest Management and Recreation 1500ft-2500ft District, and Forest Management Residential and Recreation on up to 1500ft District embody these goals and support restricted development and expanded recreational opportunities, whether through the State or through partnerships with private landowners. Specific public outdoor recreational opportunities are identified throughout the Plan, such as the Long Trail.

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

**Goal 9:**

**To encourage and strengthen agricultural and forest industries.**

**Consistent**

Pages: see page references below

**(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.**

How has the Town Plan addressed this goal:

**(A)**

- a. The long-term protection of agriculture lands is addressed in the Economic Development chapter and Food and Agriculture chapter. The Economic Development Chapter includes the strategy to “Support the working landscape as an important economic driver and encourage the preservation and continued use of agricultural and forestry land through zoning, economic incentives, tax relief and conservation easements”. The Food and Agriculture chapter includes the strategy to “Protect prime agriculture soils by restricting non-agricultural development in areas of prime agricultural soils.” (page 4-5).
- b. The long-term protection of forest lands is addressed in the Natural Resources chapter, the Land Use chapter, and the Economic Development chapter. The Natural Resources chapter includes the strategy to “develop town policies that prevent or minimize the fragmentation of large forest blocks; and require developments to avoid impacts to wildlife corridors and crossings.” The Land Use chapter includes the strategy to “develop policies to prevent fragmentation of forest blocks and wildlife habitat.” The Economic Development chapter includes the strategy to “support the working landscape as an important economic driver and encourage the preservation and continued use of agricultural and forestry land through zoning, economic incentives, tax relief and conservation easements” (pages 4-5).

**(B)** The manufacturing and marketing of value-added farm products is promoted in the objectives and strategies of the Food and Agriculture chapter (page 54) and Economic Development chapter (page 46), while the manufacturing and marketing of value-added forestry products is promoted in the Economic Development chapter (page 46).

**(C)** The use and consumption of locally-grown food products is encouraged in the Food and Agriculture chapter, in which an objective is established to “promote the production and consumption of local foods” (page 54).

**(D)** Sound forest and agricultural management is clearly encouraged in a strategy in the Food and Agriculture chapter that promotes “best management practices on existing and new agricultural operations” (page 54) and in the Natural Resources chapter which promotes “sound stewardship of forest lands by promoting programs that support sustainable forestry practices” (page 27).

**(E)** Duxbury’s entire Plan clearly capture’s the Town’s desire to protect its natural and rural qualities from excessive and inefficient development patterns. The purpose statements for the Ecological Zone, Forest Management and Recreation 1500ft-2500ft District, and Forest Management Residential and Recreation on up to 1500ft District embody these goals. Specifically, most development is prohibited in the Ecological Zone, and road improvements are proposed to be placed solely on the landowner in the Forest Management and Recreation District, thus attempting to curb public investments in sensitive natural areas. (Pages 82-90).

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

**Goal 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**

**Consistent**

Pages: 28, 4

**proper restoration and preservation of the aesthetic qualities of the area.**

How has the Town Plan addressed this goal:

In terms of extraction, the Plan is primarily focused on the wise and efficient use of groundwater extraction. In particular, the Natural Resources chapter promotes a strategy to “update zoning ordinance to regulate large groundwater extraction in a manner consistent with this section of the Town Plan and Act 199. Include provisions that: define zoning districts in which different types of extraction are and are not allowed and update local review processes for such uses to include assessment of the resources. Once those areas have been defined, permit groundwater extractions as a conditional use but with the conditional use review including evaluation of capacity, impacts on surrounding water sources such as drinking water and on natural resources.” It is important to note that a priority strategy identified in the Natural Resources chapter calls upon the Town to “Research potential areas of stone, gravel, and sand extraction for town road needs.”

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.**

**Consistent**

Pages: 15

**(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:

- (A) Duxbury promotes affordable and diverse housing options in the Housing chapter, captured in the overall goal to ensure that “affordable, stable, safe and energy efficient housing is available to all Duxbury Residents.” Specific strategies are included to attain this goal. (page 15)
- (B) While not specifically mentioning “new” or “rehabilitated” housing, “safe” housing is an overall goal established in the Duxbury Plan (page 15).

- (C) Duxbury achieves this goal by promoting a strategy to “review regulations, and amend as necessary, to allow multi-family housing to be sited in areas zoned for single-family dwellings” (page 15).
- (D) Accessory apartments / dwellings are not mentioned in the plan.

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.**

**Consistent**

Pages: 77-78, 69-70

**(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:

- (A) The goals, objectives, and strategies of the Community Utilities, Facilities and Services chapter provide a clear roadmap on how Duxbury will plan, finance and provide for an efficient system of public facilities and service to meet future needs. Additionally, the provision of education facilities is addressed in the Education chapter (page 69-70).
- (B) The Plan addresses the rate of growth related to the community’s ability to provide facilities and services in the goals, objectives, and strategies established in the Community Utilities, Facilities and Services chapter. For instance, the Plan promotes the strategy to “plan future growth of facilities and services to avoid unreasonable burdens on the town’s taxpayers. Cost considerations could include at a minimum: rate of change in the property tax rate, financial and personnel resources to maintain future utilities, cost/benefit of reliability, cost/benefit of efficiency.” Additionally, the Plan promotes the strategy to “require developers to fund the proportional cost of facilities needed to accommodate new development if new or expanded public utilities are required to accommodate new Development and are not available or planned, unless the town determines that the proposed development will provide community benefits which outweigh or offset the cost of the required facilities.”

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**

**Consistent**

Pages: 68-70

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

How has the Town Plan addressed this goal:

The Duxbury Town plan includes a childcare specific section in the Education Chapter. This section details the existing childcare services and the benefits they provide to the community. Additionally, the chapter includes a strategy to “support the development and operation of child care facilities within the town.”

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.

**Consistent**

Pages: 28 - 43

How has the Town Plan addressed this goal:

- (A) The Duxbury Town Plan includes a Flood Resiliency chapter, in which it establishes an objective to “avoid new development in identified flood hazard, fluvial erosion, and river corridor protection areas. If new development is to be built in such areas, it does not exacerbate flooding and fluvial erosion.”
- (B) The Flood Resiliency chapter establishes an objective to “encourage the protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion.”
- (C) The Flood Resiliency chapter establishes an objective to “engage in flood emergency preparedness and response planning.” It is important to note that Duxbury has a hazard mitigation plan.

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.

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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.





## MEMO

Date: November 1, 2022  
 To: Municipal Plan Review Committee  
 CC: Zach Sullivan, East Montpelier Planning Commission Chair  
 From: Jon Ignatowski, Planner  
 Re: East Montpelier Municipal Plan Review for Regional Approval and Confirmation of Planning Process

- ☒ **ACTION REQUESTED:** At the meeting the Committee will hold a public hearing on the amended *2018 East Montpelier Town Plan*. Following the hearing the Committee will be tasked with making **two** recommendations to the Board of Commissioners:
- a) confirmation of the planning process under 24 VSA §4350(a); and
  - b) approval of the municipal plan per 24 V.S.A. § 4350(b)

### Background

June 4, 2018	East Montpelier Selectboard approves the 2018 East Montpelier Town Plan
July 10, 2018	CVRPC approves the 2018 East Montpelier Town Plan
May 5, 2022	East Montpelier Planning Commission holds public hearing on amendments to the 2018 East Montpelier Town Plan
June 20, 2022	East Montpelier Selectboard holds first public hearing on amendments to the 2018 East Montpelier Town Plan
July 11, 2022	East Montpelier Selectboard holds second public hearing on amendments to the 2018 East Montpelier Town Plan and approves the Town Plan
October 11, 2022	East Montpelier requests approval by CVRPC and submits final plan adopted by Selectboard.
October 20, 2022	CVRPC Hearing Notice is distributed and appeared in the paper on October 22, 2022.
November 8, 2022	CVRPC Municipal Plan Review Committee (MPRC) scheduled to hold public hearing.

### East Montpelier Town Plan

To view the amended plan, please visit: <https://centralvtplanning.org/wp-content/uploads/2022/11/2018-Town-Plan-Amended-2022-07-11.pdf>

If you would prefer hard copies of the Plan, please contact Nancy Chartrand [chartrand@cvregion.com](mailto:chartrand@cvregion.com)

The East Montpelier Selectboard approved amendments to the 2018 East Montpelier Town Plan on July 11, 2022. The 2018 Plan was adopted on July 10, 2018. The amendments are as follows:

- New Section F (Telecommunications Infrastructure) to Chapter 6 (Infrastructure): This section contains background information, cell tower siting standards, goals, and actions.
- Chapter 9 (Natural Resources), Section G (Scenic Resources): identifies trails as having scenic views, provides reasoning for foreground measurements for scenic resources, notes the impacts of cell towers, fixes errors in tables and the map of scenic views.
- Chapter 11 (Implementation): Added new goals, policies, and actions from Chapter 6 and 9.
- Map 12 – Fixed errors

#### Staff Review

Staff planner Jon Ignatowski reviewed the draft plan for statutory requirements and completed the approval checklists.

CVRPC staff reviewed the Municipal Plan for following items:

**a) confirmation of the planning process under 24 VSA §4350(a);**

- ☒ 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
- ☒ is maintaining its efforts to provide local funds for municipal and regional planning purposes.  
Staff findings: Staff finds the Town of East Montpelier to be engaged in a continuing planning process and is maintaining its efforts to provided funds for planning purposes.

**b) approval of the municipal plan per 24 V.S.A. § 4350(b);**

- ☒ consistency with the State goals established in section §4302  
Staff findings: Staff finds the plan to be consistent with the State Goals
- ☒ **compatibly with its regional plan**  
Staff findings: staff finds the plan to be compatible with the regional plan.
- ☒ **compatibly with approved plans of other municipalities in the region**  
Staff findings: staff finds the plan to be compatible with approved plans of other municipalities.
- ☒ **containing all the elements included in section § 4382**  
Staff findings and recommendation: staff finds the plan to contain all of the required elements

#### References:

- To review the Municipal Plan Review Tool, see attached.
- 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 please visit: <https://legislature.vermont.gov/statutes/title/24>

## Municipal Plan Review Tool

Municipality: <b>East Montpelier</b>	Plan date: <b>June 4, 2018, amended July 11, 2022</b>	Staff: <b>Jon Ignatowski</b>	Date: <b>October 28, 2022</b>
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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.

FYI:

**Act 171 Requirements** (Forest Integrity): required for plans adopted after Jan 1, 2018

**Act 174 Requirements** (Energy)

CVRPC Housing Distrib. Requirements: **removed**

**Nov 2020**

Don't forget Standards of Review section: new **check boxes** added

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

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## 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.**

**Met**

Pages: 2-3, 147-165

Comments: The introduction to the Plan provides a detailed explanation of the Plan's purpose. Specific objectives, policies and programs are detailed in Chapter 11.

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

**Met**

Pages: 136-145, 115,

MAPS: 13, 14, 15, 16

Land Use Plan      ✓

**(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: The formal land use plan is established in pages 136 – 145.

The land use map, titled “Map 14: East Montpelier Future Land Use” includes four different districts: Resource, East Montpelier Village, Industrial, and Rural.

The land uses listed in part (A) above are addressed in the following ways:

- Forests – Addressed in the “Rural” District, characterized by low residential density, farmland, and contiguous forest tracts
- Recreation – A use encouraged in the “Rural” District through easements. East Montpelier is known for its extensive trail system, as depicted in Map 2.
- Agriculture – Addressed in the “Rural” District, which promotes the protection of prime ag lands and encourages clustered development to preserve existing farmland.
- Residence – Dense residential development is encouraged in the East Montpelier Village District, and, while limited, clustered development is allowed in the Rural District.
- Commerce – The Village District welcomes commercial and light industrial uses.
- Industry – The Industrial District encourages business and industrial growth, including large solar projects.
- Public/semi-public uses – The Village and Hamlet areas accommodate many civic uses. Additionally, the Rural District includes recreational uses available to the public. Public lands are shown in Map 10.
- Aquifer protection – Addressed in Chapter 9, Goal 9.5 states East Montpelier’s desire to “safeguard the quality and quantity of the town’s groundwater”.
- Wetland Protection – Wetlands are shown in Map 4. The Resource District is designed to protect wetlands by prohibiting most forms of development.
- Maintenance of forest blocks, wildlife habitat, and habitat connectors – Priority Forest Blocks and Habitat Connectors are shown in Map 11. The Resource District is designed to protect forest and significant natural areas. The Plan also identifies a Forest Integrity Study Area.

**(B)** The location, amount, intensity and character of the proposed land use districts are clearly established in the land use plan and associated maps. Timing and sequencing are clearly detailed in Chapter 11.

**(C)** East Montpelier Village is a Designated Village Center, established in 2008, shown in Map 15.

**(D)** Priority Forest Blocks and Habitat Connectors are shown in Map 11. The Resource District is designed to protect forest and significant natural areas by restricting most forms of development. The Plan also identifies a Forest Integrity Study Area, shown in Map 11 and 14. The stated purpose of this area is to provide focus for forest integrity protection efforts. The Forest Resources and Forest Integrity section of the plan (pages 117-122) identifies regulatory and non-regulatory actions to be taken to protect forest integrity.

**(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;**

**Met**

Pages: 62 - 71

MAP: 5&6

Transportation ☒

Comments: East Montpelier's transportation plan is detailed and comprehensive. The plan discusses all the different types of roads in the town, the new road town policy, road maintenance, access management, public transportation, ride sharing, commuter programs, bicycle and pedestrian facilities, transportation energy conservation, and regional coordination. Map 5 shows a park and ride, the Cross Vermont Trail, the US 2 Commuter Bus Route, and road. Map 6 shows existing sidewalks in the Village.

**(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;**

**Met**

Pages: 41-49, 72-81

MAP: 1, 2, 6, 7

Utility and Facility ☒

Comments: East Montpelier's utility and facility plan is contained in Chapter 5 and Chapter 6. The plan and maps show educational, recreational (especially trails), and other public sites. East Montpelier does not have a library or hospital. Map 7 depicts hydroelectric sites, substations, 3 phase power lines and transmission lines. The U-32 High School is served by Montpelier City wastewater facilities, but East Montpelier does not have its own municipal system, nor does it have its own potable water system. Chapter 5 and 6 goals and actions addressing utilities can be found in Chapter 11.

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

**Met**

Pages: 147- 165

Comments: The following goals from the Plan satisfy this standard:

Goal 4.8: Preserve the town's historic structures and cemeteries for future generations to enjoy.

Goal 9.2: Protect wetlands and waterways as valued wildlife habitat and recreational and scenic focal points of the community.

Goal 9.6: Any new or expanded earth resources extraction operations will be developed to minimize impacts on the environment and community

Action 9.6.1: Review and update the Land Use and Development Regulations to ensure that development conditions address scale, screening, truck traffic, and protection of forest and riparian habitats and scenic resources

Goal 9.7: Protect forest integrity.

Goal 9.9: Manage town-owned forests for habitat, recreational, and economic values.

Goal 9.13: Protect East Montpelier's significant views

Goal 10.5: Focus conservation efforts in areas outside of East Montpelier Village that have the highest resource values.

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

Comments: The educational facilities plan provides a statement on the current status of the East Montpelier Elementary School, U-32 School, public school transportation, implications of Act 46, private schools, and adult education opportunities. The plan calls for the continuation and support of existing educational services.

**Met**

Pages: 41 - 46

MAP: 1

Educational Facility ☒

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

Comments: Chapter 11 is entirely dedicated to providing a detailed program for the implementation of the development plan.

**Met**

Pages: 147- 165

**(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: The Plan identifies eight contiguous towns and the status of their plans. The Plan states that “No major conflicts or adverse impacts were identified that would ‘significantly reduce the desired effect of the implementation of the other plan.’”

**Met**

Pages: 12-13

**(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: East Montpelier’s energy plan contains information about energy use, such as thermal heating, electricity, transportation energy, and energy efficiency. East Montpelier’s energy plan proposes specific actions that support the goal of 90% renewable energy use by 2050 by developing goals for conservation and efficiency, transportation, land use, and renewable energy siting. These actions also identify current and anticipated needs, scarcities, costs and problems. The energy plan contains the following policies:

**Met**

Pages: 82-90



Goal 6.14: Promote energy conservation and efficiency.

Action 6.14.1: Publicize home weatherization and other energy conservation programs to East Montpelier residents.

Goal 6.15: Reduce use of fossil fuels in transportation

Goal 6.17: Create guidelines for siting and design of new renewable energy development.

If a municipality is seeking a *Determination of Energy Compliance* under Act 174, see standards contained within RPC PUC Municipal Determination Standards checklist.

**(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.**

**Met**

Pages: 103 - 108

Comments: Chapter 8, housing, contains the following goals and actions to address low and moderate income persons' housing needs:

Goal 8.1: Provide a range of housing opportunities including single-family, multi-family, mixed use, and affordable and senior housing.

- Action 8.1.1: Partner with other organizations to create affordable and senior housing near transportation and services.
- Action 8.1.2: Evaluate expanding the Conservation Fund to include affordable housing.
- Action 8.1.3: Promote and support home share programs as a way to support senior and affordable housing.
- Action 8.1.4: Consider conducting a housing needs assessment and developing a housing action plan for the town

The housing plan states that “accessory dwellings area allowed in all zoning districts.”

**(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.**

**Met**

Pages: 98-102

Comments: Chapter 7, Economic Development, includes a detailed account of the existing business community and of employment and wages. A subsection titled “Future Economic Development Potential” identifies priorities and strategies for future economic growth. Map 14, which depicts proposed future land uses, shows the location and scale of the proposed growth. The associated land use description identifies the type of businesses promoted in these areas. The following policies support these objectives:

Goal 7.2: Encourage small, community-focused commercial enterprises in North Montpelier.

Goal 7.4: Promote and support the viability of sustainable agricultural enterprises.

Goal 7.5: Support home businesses while ensuring that rural residential character is preserved.

**(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.**

Met

Pages: 55-61

Comments: Flood hazard areas are identified in Map 4. East Montpelier adopted river corridor regulations in 2015, which account for fluvial erosion hazard areas. River corridor areas are also identified in Map 4. The following policies and strategies are included in the plan to protect these identified areas:

Policy 5.8: East Montpelier's Hazard Mitigation Plan (2013 or subsequently adopted plan) is incorporated into this town plan by reference.

- Action 5.8.1: Implement the projects identified in the Hazard Mitigation Plan.
- Action 5.8.2: Implement the plans and projects for the Municipal General Roads permit.
- Action 5.8.3: Include funding for hazard mitigation projects in the town budget and Capital Improvement Plan.
- Action 5.8.4: Establish a standing Town Emergency Management Committee to maintain and coordinate implementation of the Hazard Mitigation Plan.
- Action 5.8.5: Ensure that residents and business owners are aware of natural hazards and ways to protect themselves and insure their property.

As stated in Policy 5.8, East Montpelier has included their 2013 hazard mitigation plan by reference.

**(b) The maps called for by this section may be incorporated on one or more maps, and may be referred to in each separate statement called for by this section.**

**(c) Where appropriate, and to further the purposes of subsection 4302(b) of this title, 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.

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## 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.**

**Consistent**

Pages: 147 - 165

**(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:

(A) The Plan achieves this goal through the follow policies:

- Goal 10.2: Focus new development in villages and growth areas.
- Goal 10.3: Discourage commercial strip development

(B) The Plan achieves this goal through the following policies:

- Goal 7.1: Concentrate commercial growth in East Montpelier Village with an emphasis on village-scale businesses that support the community and are compatible with residential uses
- Goal 7.2: Encourage small, community-focused commercial enterprises in North Montpelier.

(C) The Plan achieves this goal through the following policies:

- Policy 6.18.1: East Montpelier supports cell service infrastructure that enables adequate cell service coverage in all areas of town and that is sited and designed to protect the town's scenic and natural resources.
- Goal 6.17: Create guidelines for siting and design of new renewable energy development.

(D) The Plan conforms to the nine "Smart Growth" principles listed in (24 V.S.A. § 2791).

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

**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.**

**Consistent**  
Pages: 98 - 102

How has the Town Plan addressed this goal :

The East Montpelier Town Plan addresses this goal in the chapter titled "Economic Development". East Montpelier's unemployment rate in July 2018 was 2.3%, which was a percentage point lower than the state of Vermont. While the plan doesn't identify areas with low per capita income, it generally addresses areas of low economic opportunity by encouraging a diversity economic development strategies in the town. This includes concentrated commercial growth in village and hamlets, sustainable agricultural enterprises, and home businesses that preserve rural character. Thus, the Plan, through a more generalized approach, is providing increased opportunities to its citizens.

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

**Goal 3:**

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

**Consistent**

Pages: 41 - 46

How has the Town Plan addressed this goal :

The following goals and actions from the Education Plan address this goal:

Goal 5.1: Provide for supportive and stimulating schools that promote learning.

Goal 5.2: Encourage community participation in the schools.

Action 5.2.1: Promote the use of school facilities for adult education and community use.

In addition to supporting and investing in existing infrastructure for elementary and high school students, the Plan lists programs near East Montpelier that enable adult education, which includes vocational opportunities.

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

**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.**

**Consistent**

Pages: 62 - 71

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

How has the Town Plan addressed this goal :

All of the goals and actions established in the Transportation section of the East Montpelier Town Plan directly promote a safe, convenient, economic and energy efficient transportation systems. Proposed pedestrian infrastructure includes marked bicycle lanes and sidewalks. Safety is addressed through reducing traffic speeds and congestion. Energy efficient transportation measures include the installation of electric vehicle charging stations.

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;**

**Consistent**

Pages: 147 - 165

**(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**

How has the Town Plan addressed this goal :

(A) The following goals from the Plan address the features above:

- Goal 4.8: Preserve the town's historic structures and cemeteries for future generations to enjoy.
- Goal 9.2: Protect wetlands and waterways as valued wildlife habitat and recreational and scenic focal points of the community.
- Goal 9.6: Any new or expanded earth resources extraction operations will be developed to minimize impacts on the environment and community
- Action 9.6.1: Review and update the Land Use and Development Regulations to ensure that development conditions address scale, screening, truck traffic, and protection of forest and riparian habitats and scenic resources
- Goal 9.7: Protect forest integrity.
- Goal 9.9: Manage town-owned forests for habitat, recreational, and economic values.
- Goal 9.13: Protect East Montpelier's significant views
- Goal 10.5: Focus conservation efforts in areas outside of East Montpelier Village that have the highest resource values.
- Action 10.5.1: Prioritize areas that would benefit from conservation including agricultural lands, priority forest blocks, riparian connectors, wetlands, and scenic resources.

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**

**Consistent**

Pages: 109 – 135, 147 - 165

How has the Town Plan addressed this goal :

- (A) East Montpelier's Town Plan, including all goals, strategies and actions, is aligned with the principles established in 10 V.S.A. § 1253 (pages – the entire plan).
- (B) East Montpelier's Town plan furthers the policies and actions related to 10 V.S.A. § 1253. Water resource protections are established in the Natural and Scenic Resource chapter (pages 109 - 135). The following goals are pertinent:
- Goal 9.2: Protect wetlands and waterways as valued wildlife habitat and recreational and scenic focal points of the community.
  - Goal 9.4: Support project development and implementation of projects that will improve water quality.
  - Goal 9.5: Safeguard the quality and quantity of the town's groundwater
- (C) East Montpelier's Town plan includes policies that maintain and improve forest blocks and habitat connectors:
- Goal 9.7: Protect forest integrity.
- Action 9.7.1: Review and update Land Use and Development Regulations to promote protection of priority forest blocks and riparian wildlife connectivity

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 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**

**Consistent**  
Pages: 82 - 90

How has the Town Plan addressed this goal:

East Montpelier encourages the efficient use of energy and the development of renewable energy resources in its Energy and Energy conservation of its Infrastructure chapter (pages 82 - 90). This chapter includes strategies to promote energy conservation and efficiency such as home weatherization, reduce the use of transportation related fossil fuels, focus growth in existing population centers, and create guidelines for the siting of renewable energy development.

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.**

**Consistent**

Pages: 140, Map 2

**(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.**

How has the Town Plan addressed this goal:

East Montpelier's Plan contains strong provisions that protect outdoor recreational resources and increase access to outdoor opportunities. The Rural District is specifically designed to protect recreational uses, primarily by encouraging low-density residential and small-scale commercial / industrial development that preserves open spaces. Strip development is expressly discouraged in this District. Map 2 of the Plan depicts the extent of the East Montpelier Trail system, clearly evidencing the Town's commitment to outdoor recreation.

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

**Goal 9:**

**To encourage and strengthen agricultural and forest industries.**

**Consistent**

Pages: 140, 147 - 165

**(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.**

How has the Town Plan addressed this goal:

(A) The East Montpelier Town Plan promotes long-term viability of agricultural and forest lands through the following policies:

Goal 10.1: Ensure that land use patterns retain the values expressed by citizens including rural development patterns, protection of agricultural land and open space, and the enhancement of East Montpelier's villages.

Action 10.5.1: Prioritize areas that would benefit from conservation including agricultural lands, priority forest blocks, riparian connectors, wetlands, and scenic resources.

Goal 9.8: Ensure that existing forest areas are managed for long-term sustainability

Additionally, the Rural District, which is largely composed of forest and agricultural lands, promotes concentrated, low density development.

- (B) The following goals and actions encourage the manufacturing and marketing of value added agricultural and forest products:

Action 7.4.1: Encourage local agricultural enterprises through non-regulatory techniques such as hosting farmer's markets or fairs and providing information about local agricultural products.

Goal 9.10: Support a diverse agricultural community.

Action 9.10.1: Consider provisions in the Land Use and Development Regulations that accommodate agricultural enterprises such as tourism and events, farm stands, sales of value-added products, and recreation.

Action 9.10.3: Showcase local agricultural products at town events

- (C) East Montpelier recognizes the importance of the local food movement in their community on page 126, and generally supports the use of such products by adopting policies that encourage the growth of the local agricultural community and the sale/market of its products.

- (D) Sound forest and agricultural management practices are encouraged through the following actions and goals:

Goal 9.8: Ensure that existing forest areas are managed for long-term sustainability.

Goal 9.11: Encourage farming practices that protect wildlife habitat, water quality, and soil productivity.

Action 9.8.2: Provide workshops on stewardship and management of forest lands.

- (E) The Resource District, Rural District, and Forest Integrity Study Area include statements of purpose that function to reduce pressures on agricultural and forest land. The Resource District forbids most forms of development, providing strong protections for forest land. The Rural District includes a commitment to reducing the fragmentation of farmland by encouraging clustered development that protects tracts of farmland. Lastly, the East Montpelier Town Plan evidences a clear desire to concentrate growth in village centers while protecting agricultural and forest lands.

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

**Goal 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.**

**Consistent**

Pages: 116

How has the Town Plan addressed this goal:

The "Earth Resources" subchapter includes goals and actions to provide for the wise and efficient use of natural resources:

Goal 9.6: Any new or expanded earth resources extraction operations will be developed to minimize impacts on the environment and community.

Policy 9.6: Earth resource extraction facilities shall not be located within villages or defined growth areas.

Action 9.6.1: Review and update the Land Use and Development Regulations to ensure that development conditions address scale, screening, truck traffic, and protection of forest and riparian habitats and scenic resources.

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.**

**Consistent**

Pages: 103 - 108

**(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:

(A) The East Montpelier plan encourages the provision of "a range of housing opportunities including single-family, multi-family, mixed use, and affordable and senior housing."

- (B) The East Montpelier plan includes the following goal regarding the coordination and provision of housing:

Goal 8.2: Concentrate new residential development in East Montpelier Village or an identified growth area.

In tandem with concentrating residential development in existing village areas, the Plan calls for providing safe and adequate transportation in village areas, including pedestrian transportation infrastructure.

- (C) Multi-family housing is discussed on page 105 of the housing chapter, and the plan generally encourages their development. Additionally, the Plan encourages the provision of “a range of housing opportunities including single-family, multi-family, mixed use, and affordable and senior housing.”

- (D) The housing plan states that “accessory dwellings area allowed in all zoning districts.”

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.**

**Consistent**

Pages: 41-46, 50-54, 72-81

How has the Town Plan addressed this goal:

The East Montpelier Town Plan includes robust provisions for educational services, emergency services, water supply, wastewater treatment and solid waste disposal. While East Montpelier isn't able to provide municipal water and wastewater services, the Plan establishes goals and policies that increase community health to the greatest extent possible. Police protection is provided by the Vermont State Police.

East Montpelier addresses the rate of growth indirectly by repeatedly stating that future growth should be community-minded and concentrated in existing population centers. For instance, the plan includes a goal to “Concentrate commercial growth in East Montpelier Village with an emphasis on village-scale businesses that support the community and are compatible with residential uses.” Additionally, the Plan establishes a goal to “focus new development in villages and growth areas.”

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

**Consistent**

Pages: 48 - 49

How has the Town Plan addressed this goal:

The East Montpelier generally achieves this goal by adopting a goal to “support services and facilities to address the needs for seniors and families with young children.” Additionally, the Plan includes a subsection that discusses the Town’s existing child care resources.

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.

**Consistent**

Pages: 55 - 61

How has the Town Plan addressed this goal:

East Montpelier participates in the National Flood Insurance Program and regulates development in the special flood hazard area. Additionally, East Montpelier updated its zoning regulations to adopt the river corridor map.

The Town has also taken the following steps to reduce flood impacts:

- Identification of flood hazards and mitigation strategies in the Town Plan
- Adoption of a FEMA-approved Hazard Mitigation Plan
- Regular Bridge and Culvert assessment and maintenance programs
- Adoption of updated Road and Bridge Standards
- Adoption of an annual Local Emergency Operations Plan; and
- Adoption of Land Use & Development Regulations that address flood hazards, both floodplain and river corridors

Lastly, East Montpelier’s Hazard Mitigation Plan is incorporated into the Town Plan by reference.

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.

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION**  
**Municipal Plan Review Committee**  
**Draft Minutes**

October 11, 2022 at 4:30pm  
Via Zoom Software and in person

**Committee Members:**

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

Municipal Representatives: Alan Quackenbush,  
Staff: Clare Rock (in person), Jon Ignatowski

**CALL TO ORDER.** Peter Carbee called the meeting to order at 4:33pm

**CHANGES TO THE AGENDA.** No changes to agenda.

**PUBLIC COMMENTS.** Jon Ignatowski introduced himself to the Committee and gave a brief overview of his planning experiences.

**PUBLIC HEARING: APPROVAL OF THE WORCESTER TOWN PLAN 2022 AND CONFIRMATION OF THE LOCAL PLANNING PROCESS**

Worcester withdrew their request, and the hearing will be rescheduled at a future time.

**MUNICIPAL PLAN REVIEW & APPROVAL PROCESS**

Clare explained that CVRPC staff are interested in formalizing the process in which a town submits a formal request for regional review and approval of a municipal plan. Clare stated that she was seeking feedback on the proposed process in the drafted memo.

The Committee discussed the relationships between planning commissions and selectboards in their own towns and how it was sometimes difficult to get the selectboard on the same page. The Committee then discussed whether it should be the responsibility of the planning commission or selectboard to formally ask for CVRPC approval of a town plan. The Committee generally felt that, as elected bodies, the selectboard should be the entity making the formal request, but the memo should also be sent to the planning commission.

There were questions raised about CVRPC's involvement with the drafting of municipal plans, and Clare described the different stages at which the CVRPC provides comment. Clare described the proposed actions and deliverables requested in the proposed letter that would be sent to planning commissions and selectboards.



The Committee discussed the timing of implementing the new policy, and it was determined that it would be best to initiate the policy in January of 2023.

The Committee concluded the conversation by stating that they agreed with the new policy in principle, that there was consensus, and that they would like to move forward with implementation.

### **APPROVAL OF MINUTES**

*R Krauth moved to approve minutes from the August 30, 2022 meeting, seconded by J. Ohlsson. All in favor. Motion carried.*

### **NEXT MEETING**

Clare informed the Committee that the CVRPC received a review request from Duxbury, and it was anticipated that East Montpelier would be submitting a request as well. A meeting was tentatively scheduled for November 1<sup>st</sup> at 4:30pm.

### **ADJOURNMENT**

*J. Ohlsson moved to adjourn, seconded by R Krauth. All in favor. Motion carries. Meeting adjourned at 5:15pm.*