

**RE: TOWN OF STRAFFORD, VERMONT
PLAN REVIEW
CASE # FY 22-1**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Strafford, Vermont requested TRORC to review and approve the Strafford Town Plan adopted on October 13, 2021. The Plan encompasses all land in the Town of Strafford and is referred to hereinafter as the Plan.

24 V.S.A. § 4350 provides that prior to approving a Plan, the Regional Commission find that the Plan meets four tests. These tests are that the Plan is:

- A. Consistent with the planning goals in Section 4302 of Chapter 117;
- B. Compatible with the Regional Plan;
- C. Compatible with the approved plans of other municipalities within the Region; and
- D. Inclusive of all elements required of a plan as set forth in 24 V.S.A. § 4382.

Staff reviewed this Plan and offers the following information to the Board. TRORC scheduled and held a Public Hearing on this review on December 15, 2021 in Strafford, Vermont. This matter is now ready for decision.

This review is based upon the Town Plan as adopted.

FINDINGS

A. Is the Plan consistent with the planning goals?

NOTE: "Consistent with the goals" requires substantial progress toward attainment of the goals, unless the planning body determines that a particular goal is not relevant or attainable. If such a determination is made, the planning body shall identify the goal in the plan and describe the situation, explain why the goal is not relevant or attainable, and indicate what measures should be taken to mitigate any adverse effects of not making substantial progress toward that goal.

General Goals

1. Are municipal decisions guided by a coordinated, comprehensive planning process and policy framework?

Yes. The 2021 Strafford Town Plan is a comprehensive planning document that guides municipal decision making. The Plan is divided into 13 distinct chapters, as required under 24 V.S.A. §4382. Required goals of the Plan meet the criteria found in 24 V.S.A. §4302.

2. **Is citizen participation encouraged at all levels of the planning process?**
Yes. citizens were notified and comments requested at one Planning Commission meeting and one Selectboard meeting.
3. **Is consideration being given to the use of resources and the consequences of growth and development?**
Yes. The Plan refers to the need for balance between growth and the use of resources, including the objective to “not exceed the capacities of local facilities and services.” (p. 23).
4. **Is the municipality working creatively together with other municipalities to develop and implement plans?**
Yes. Strafford shares numerous activities and services with the surrounding towns. It is Strafford’s goal to continue cooperating “with neighboring communities by addressing shared concerns in a regional context.” (p. 98). Strafford plans to do this by exchanging “planning information and development data with neighboring communities.” *Id.*

Specific Goals

A plan for a municipality may be consistent with the goals established in 24 V.S.A. § 4302, which are:

1. **Planning for development needs to be conducted to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.**
 - a. **Is intensive residential development being encouraged primarily in areas that are identified as community centers, and is strip development along highways being discouraged?**
Yes. The Plan encourages the traditional settlement and development patterns be in or adjacent to the existing villages. (p. 65). Further, to minimize the negative impacts of strip development, the Plan restricts certain retail uses to the villages. (p. 65-66).
 - b. **Is economic growth being encouraged in locally designated growth areas or being employed to revitalize existing urban or village centers, or both?**
Yes. The Plan encourages commercial uses and higher density multi-family housing in the Village Centers. (p. 64). The Plan requires that primary retail establishments, excluding those that demand substantial storage area, must be located within Village Centers. *Id.*
 - c. **Are public investments, including the construction or expansion of infrastructure, being made so as to reinforce the general character and planned growth patterns of the area?**
Yes. The Plan establishes policies to make “major public investments in planning and infrastructure so that schools, public recreational areas, and municipal facilities shall be situated within or near the villages of Strafford.” (p. 89).

d. Is development being undertaken in accordance with smart growth principles?

Yes, development policies throughout the Plan are in accordance with smart growth principles. The Plan encourages cluster development in areas adjacent to Strafford's villages. (p. 65). It also states that "future development shall reinforce the traditional settlement patterns." (p. 64).

2. Does the Plan provide for a strong and diverse economy; provide satisfying and rewarding job opportunities that maintain high environmental standards; and expand economic opportunities in areas with high unemployment or low per capita incomes?

No. The Plan advises Strafford to plan toward a future that creates "a range of employment opportunities," raises incomes, and "citizens' living standards." (p. 91). The town desires growth which does not rely on its current economic conditions but needs to take further actionable steps to change this reality.

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

No. The Plan seeks to maintain and promote the "academic excellence, social responsibility, and love of learning," of its existing educational facility, The Newton School. (p. 14). However, the Plan provides that because its size and location, Strafford has "no opportunity for residents to acquire education beyond high school. (p. 13). While fundamental barriers exist to the expansion of adult education, Strafford should focus on strategies for overcoming existing barriers.

4. Planning needs to provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.

a. Does the Plan provide that highways, air, rail, and other means of transportation be mutually supportive, balanced, and integrated?

Yes, in part. The Plan addresses the current lack of public transportation and the need for "an affordable source of public transportation." (p. 32-33).

5. Planning needs to identify, protect, and preserve important natural and historic features of the community's landscape.

a. Have special areas been identified, including significant natural and fragile areas; outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands; significant scenic roads, waterways, and views; and important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas?

Yes. The Plan identifies several water resources, scenic roads, and other ecologically fragile areas throughout the Natural Resources chapter and discusses potential changes to the zoning bylaws that could help preserve these areas.

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

a. Is air, water, wildlife, mineral and land resources being planned for development and use under the principles set forth in Act 250?

Yes. The Plan identifies each of these resources and discusses ways to prevent adverse impacts from land use and development.

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

Yes. The Water Resources goals, policies, and implementation tasks address ways to maintain or enhance water quality. (p. 36-37).

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

Yes. The Plan's Forest policy requires that "development be designed to preserve continuous areas of wildlife habitat," and discourages the fragmentation of wildlife habitat. (p. 48).

7. Planning needs to make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.

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

Yes. The Plan outlines the goals, policies, and permitting processes in the Energy chapter.

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

Partially yes. The Plan recognizes that "simple conservation measures incorporated in new housing could result in a 20% to 30% reduction of energy usage statewide." (p. 83). Generally, the Plan's "goals and strategies of the Energy plan are largely specified by the State and Regional Commission, as outlined in Act 174." (p. 74). The targets in Table L on page 84-85 provides goals consistent with the State's energy plan.

8. Planning needs to maintain and enhance recreational opportunities for residents and visitors.

a. Is growth being planned so as not to significantly diminish the value and availability of outdoor recreational activities?

Yes. The Plan discusses the preservation and expansion of recreational opportunities throughout the Utilities & Facilities chapter. (p. 16). It also has a specific policy to "support programs that expand and improve... recreational opportunities." (p. 27).

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

Yes. The Plan lists the interconnected system of publicly accessible trails, fishing access, and other recreational opportunities. (p. 18-19).

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

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

Yes. The Plan provides policies that “encourage the preservation of the working landscapes for the purposes of protecting open space and the scenic quality.” (p. 47). The Plan also requires that development be designed to “preserve continuous areas of wildlife habitat.” *Id.*

- b. Has the manufacture and marketing of value added agricultural and forest products been encouraged?**

Yes, in part. The Plan discusses the importance of maintaining a working landscapes for agriculture uses. However, the use of forest products has only been discussed in the context of forest management for wildlife habitat.

- c. Is the use of locally-grown food products encouraged?**

Yes. The growth, marketing and consumption of local foods is encouraged (p. 47).

- d. Are sound forest and agricultural management practices encouraged?**

Yes. The Plan states that “Good management practices, such as requiring developers to locate their projects in less sensitive areas, maintain buffer areas, and protect against silt runoff from excavating, are a few of the ways that these communities can be maintained.” (p. 50).

- e. Are public investments planned so as to minimize development pressure on agricultural and forest land?**

Yes. “Major public investments, such as schools, public recreational areas, and municipal facilities shall be situated within or in close proximity to the villages of Strafford.” (p. 89).

10. Does the plan provide for the wise and efficient use of natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetics of the area?

Yes. The Plan discusses the importance of the conservation of natural resources in the Natural Resources Chapter and Mineral Resources subchapter. A goal states that, “the extraction and processing of mineral resources proceed when such activities are appropriately managed, and the public interest clearly benefits.” (p. 51).

11. Planning needs to ensure the availability of safe and affordable housing.

- a. Is housing encouraged to meet the needs of a diversity of social and income groups, particularly for those citizens of low and moderate income?**

Yes. The Plan discusses goals, policies, and tasks for providing a variety of housing. A goal of the Plan is to “support efforts to provide a location for development of quality, safe, sanitary, affordable and energy efficient housing for low- and moderate-income senior citizens in or near one of Strafford’s villages.” (p. 11).

- b. Does the plan provide for new and rehabilitated housing to be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities?**

Yes. The Plan calls for the “conversion of larger homes to two and multiple family units to meet the needs of the community's elderly is appropriate where the historic character of a building or neighborhood is not unnecessarily destroyed or diminished.” (p. 12).

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

Yes, several goals and policies speak to this in the Housing Chapter.

- d. Does the plan provide for accessory apartments within or attached to single family residences allowing close proximity to cost-effective care and supervision for relatives or disabled or elderly persons?**

Yes. An implementation task is to encourage accessory dwelling units (p. 12).

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

- a. Do public facilities and services address plans for such services as fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal?**

Yes. The Utilities & Facilities and Education chapters discuss these.

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

No. The Plan discusses the need to manage growth and development in a way to “not exceed the capacities of local facilities and services.” (p. 23).

- 13. Does the plan ensure the availability of safe and affordable childcare and integrate child care issues into the planning process, including childcare financing, infrastructure, business assistance for child care providers, and child care work force development?**

No. The Plan states that there are only two licensed childcare providers in Strafford. (p. 11). The Plan seeks to support the private development of additional facilities to meet the town’s childcare needs. *Id.* It also advises a review of the town’s zoning regulations to ensure no barriers exist for limiting childcare capacity. *Id.*

14. Planning needs to encourage flood resilient communities.

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

Yes, the Plan discourages any new development in the Special Flood Hazard Areas. (p. 41-42).

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

Yes. Under the Promoting Flood Resilience subchapter, the Plan's policy is to "maintain Strafford's upland forests and watersheds predominately in forest use to ensure high quality valley streams and to ensure that flood flows reduced." (p. 46).

b. Are flood emergency preparedness and response planning encouraged?

Yes. One of the Plan's tasks is to "continue working to update hazard mitigation plans and emergency preparedness and recovery procedures." (p. 45).

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

The Two Rivers-Ottawquechee Regional Plan was adopted on July 15, 2020 and became effective on August 19, 2020. It will remain in effect until August 19, 2028.

The Strafford Town Plan is found to be compatible with the Two Rivers-Ottawquechee Regional Plan. As used in this review, the term "compatible with" has been defined (in Section 4302) as meaning: that the Plan in question, as implemented, will not significantly reduce the desired effect of the implementation of the other plan (emphasis added). If a Plan, as implemented, will significantly reduce the desired effect of the other Plan (in this case, the Regional Plan), the Plan may be considered compatible if it includes the following:

- (a) a statement that identifies the ways that it will significantly reduce the desired effect of the other Plan;
- (b) an explanation of why any incompatible portion of the Plan in question is essential to the desired effect of the Plan as a whole;
- (c) an explanation of why, with respect to any incompatible portion of the Plan in question, there is no reasonable alternative way to achieve the desired effect of the Plan; and
- (d) an explanation of how any incompatible portion of the Plan in question has been structured to mitigate its detrimental effects on the implementation of the other Plan.

C. Is the Plan Compatible with Approved Plans of other Municipalities in the Region?

At the time of review of this Strafford Town Plan, the following municipalities have Plans approved by the Two Rivers-Ottawquechee Regional Commission that are in effect:

Barnard, Bethel, Bradford, Braintree, Bridgewater, Brookfield, Chelsea, Corinth, Fairlee, Granville, Hartford, Hartland, Newbury, Norwich, Pittsfield, Plymouth, Pomfret, Randolph, Rochester, Royalton, Stockbridge, Thetford, Tunbridge, Vershire, West Fairlee, and Woodstock.

These approval decisions and Plans have been reviewed in the context of the above question. Based on this, we find the Strafford Town Plan to be compatible with these Plans.

D. Municipal Plan Elements - Are They Included?

A plan for a municipality shall include the following required elements. These elements or components are, in summary:

- (a) a statement of overall objectives and policies;
- (b) a land use plan;
- (c) a transportation plan;
- (d) a utility and facility plan;
- (e) a statement of policies for "special resources";
- (f) an education plan;
- (g) an implementation program;
- (h) a statement on relationship of plan to trends and plans for adjacent towns and the region;
- (i) an energy plan; and
- (j) a housing plan.
- (k) an economic development plan
- (l) a flood resiliency plan

1. A statement of objectives, policies and programs of the municipality, to guide the future growth and development of land, public services and facilities, and to protect the environment.

Yes. Each section of the Plan includes goals, policies, and recommends implementation tasks throughout the Plan that guide the future growth and development of land, public services and facilities, and to protect the environment.

2. A land use plan, consisting of a map and statement present and prospective land use, indicating those areas proposed for forests, recreation, agriculture, (using 6 VSA Section 8), residence, commerce, industry, public and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; set forth the present and prospective location, amount, intensity and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services; and indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests.

Yes. Chapter IX – Land Use (p. 59).

- 3. A transportation plan, consisting of a map and a statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, with indications of priority of need.**

Yes. Chapter VII – Transportation (p. 28).

- 4. A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs and methods of financing.**

Yes. Chapter V – Utilities & Facilities (p. 16).

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

Yes. Chapter VII – Natural Resources (p. 35, 51).

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

Yes. Chapter IV – Education (p. 13).

- 7. A recommended program for the implementation of the objectives of the development plan.**

Yes. Chapter XI – Economic Development (p. 92, 95).

- 8. A statement indicating how the plan relates to development trends and plans for adjacent municipalities, areas and the region developed under Title 24.**

Yes. Chapter IX – Land Use (p. 59, 61).

- 9. An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy.**

Yes. Chapter X – Energy (p. 74).

- 10. A housing element that shall include a recommended program for addressing low- and moderate-income persons' housing needs as identified by the regional planning commission pursuant to Section 4348a (a) (9) of Title 24.**

Yes. Chapter III – Housing (p. 6).

- 11. An economic development element that describes present economic conditions and the location, type and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.**

Yes. Chapter XI – Economic Development (p. 92).

- 12. A flood resilience plan that identifies flood hazard and fluvial erosion hazard areas and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and recommends policies and strategies to protect the areas identified and designated and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.**

Yes. Chapter VII – Natural Resources (p. 35, 38).

CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Strafford Town Plan be approved. This approval shall remain in effect until the date that the Plan expires, or until it is amended or readopted and reviewed pursuant to these provisions, whichever occurs first.

DISCUSSION

TRORC appreciates the opportunity to formally evaluate the Strafford Town Plan. The Plan is all-inclusive, reflecting the community's planning capabilities and the import that they assign to issues around development.

Prior to issuing a Permit under Act 250, the District Environmental Commission or Environmental Court must find that the project is in conformance with the duly adopted Town Plan. This Plan includes clear, unambiguous language regarding current and proposed land use that can be reviewed by these bodies as part of an Act 250 project application. It is important

that future Strafford Town Plans maintain their currency as Plans that have been found to be vague, unclear, or ambiguous do not carry much weight in Act 250 permit proceedings.

The 2004 Vermont State Legislature passed Act 115 that made significant amendments to the Vermont Municipal and Regional Planning and Development Act. The most notable changes, in the context of this review, are that Town Plan and Zoning Bylaws are now held to a higher standard of consistency. From 24 V.S.A. §4303 Definitions:

“**Conformance with the Plan**’ means a proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:

- (a) Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.
- (b) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.
- (c) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.”

The 2021 Strafford Town Plan is an improvement from the 2017 Town Plan. The Plan now includes a new Basin Planning, Forest Fragmentation, and Air Quality subchapters within the Natural Resource Chapter. The Plan also includes updates to the Energy chapter, allowing for a determination of energy compliance.

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

1. The Plan acknowledges that Strafford only has two licensed childcare providers and that other childcare options are available in neighboring towns. In future iterations, Strafford should layout specific steps that minimize the impacts and cost due to the lack of childcare within the town.
2. The Plan lacks guidance as to how Strafford might overcome its current economic conditions. While actions including village center designation will certainly provide benefits, Strafford should focus on recruiting private and public partnerships that will result in the opening of new businesses in these areas.

Dated this _____ day of _____ at Woodstock, Vermont.

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