

**RE: TOWN OF BARNARD, VERMONT
PLAN REVIEW
CASE # 24-1**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Barnard, Vermont requested TRORC to review and approve the Barnard Town Plan adopted on May 15th, 2024. The Plan encompasses all land in the Town of Barnard and is referred to hereinafter as the Plan.

Section 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 (as defined in 24 V.S.A. Section 4302(f)(1)) with the planning goals in Section 4302 of Chapter 117;
- B. Compatible (as defined in 24 V.S.A. Section 4302(f)(2)) with the Regional Plan;
- C. Compatible (as defined in 24 V.S.A. Section 4302(f)(2)) 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., Section 4382.

Staff have reviewed this Plan and offer the following information and staff recommendations to the Board. TRORC has scheduled and held a Public Hearing on this review on May 22, 2024, in Woodstock, Vermont.

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. The municipal determination of relevancy of a goal is itself subject to regional review.

General Goals

- 1. Is a coordinated, comprehensive planning process and policy framework established to guide decisions?**

The Plan is structured as a comprehensive planning document. As such, it is organized by subject into fourteen sections with an introductory section and appendix. The Plan's

format includes those elements required of a town plan under 24 V.S.A. § 4382. The Plan uses goals, policies, and recommendations to specifically address municipal decisions.

2. Is citizen participation encouraged at all levels of the planning process?

Development of the Plan was the work of the Planning Commission. All Planning Commissions are subject to Vermont's Open Meeting Law, which invites members of the public to attend. The Plan included two public forums which were publicized and held to encourage public input and participation in the Plan update process.

3. Is consideration being given to the use of resources and the consequences of growth and development to the municipality, region, and state?

Several goals throughout the Plan consider development's impact on natural, financial, and community resources. The Plan states that Barnard has a small population and a relatively level growth rate, and it supports the existing pattern of "small, localized centers of village and hamlet settlement composed of residential and commercial uses, surrounded by very sparsely settled rural agricultural and forest lands, with limited development along the road network" (page 9). The Plan acknowledges that development pressures exist to build homes in the Town's rural areas, and its Current and Proposed Land Use Chapter contains several goals, policies, and recommendations to encourage development in villages and hamlets, and to maintain rural areas and their natural resources, and to discourage development in undeveloped farmlands and forests (page 12-14).

4. Is the municipality working creatively together with other municipalities to develop and implement plans?

In the Relationship of Barnard's Planning Activities to its Neighbors Chapter (page 69 - 70), the Plan addresses land uses proposed by the municipalities bordering Barnard. The Planning Commission reviewed the Municipal Plans and, if available, the land use regulations from surrounding towns for consistency with this Plan. No conflicts were noted, and neighboring Town Plans are compatible with Barnard's Town Plan.

Specific Goals

A plan for a municipality shall be found to be consistent with the goals established in 24 V.S.A. Section 4302, and consistent with the regional plan for regional approval.

- 1. Is development planned 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, many of the goals, policies, and recommendations throughout the Plan support development in villages and to a lesser extent in hamlets, while discouraging sprawl and strip development. The Plan states that “the pattern of proposed development maintains established compact village and hamlet areas with medium density (page 10).” The first Future Land Use goal is to “locate higher density mixed use development in the villages and hamlets” (page 10), and another goal is “to strengthen the existing sense of place in Barnard and East Barnard Villages by encouraging development in these Town centers” (page 13). The Plan seeks to “encourage higher density in the village centers consistent with those in traditional Vermont villages and allow for expansion areas adjacent to built up areas,” (page 13), and the Plan discourages strip development by stating “principal retail shall only be located in villages and hamlets” (page 14). A specific objective included in the Plan is to “deter strip development and sprawl by limiting commercial activities to their existing locations and ensuring that principal retail establishments are located in the village centers and hamlets” (page 14).

b. Is economic growth being encouraged in locally-designated and any state-designated growth areas, and/or employed to revitalize existing urban or village centers?

Barnard currently has a state-designated Village Center of Barnard (page 14). The Plan also supports pursuing a state-designated Village Center of East Barnard (page 14). The Plan proposes a policy for village areas “to strengthen the existing sense of place in Barnard and East Barnard Villages by encouraging development in these Town centers” (page 13). This consists of small, localized settlements of villages and hamlet composed of residential and commercial uses, surrounded by very sparsely settled rural agricultural and forest lands, with limited development along the road network.

c. Do plans for public investments, including the construction or expansion of infrastructure, reinforce the general character and planned growth patterns of the area?

The Plan includes many goals, objectives, and recommendations supporting infrastructure in planned growth areas. The Plan states “any expansion of infrastructure by the Town, State, or other entity shall be made so as to support development in the villages and other designated growth area to discourage strip development or sprawl” (page 54). The Plan “encourages both residential and nonresidential development only in areas where adequate public services are available or planned” (page 10), and it proposes a future land use goal of encourages of permitting “development in a way that sustains the Town’s rural character” (page 11). In addition, one of the Plan’s Economic Development chapter’s goals is “to allow moderate economic growth that is consistent with Barnard’s rural identity while preserving our natural resources, home businesses, and farm-related businesses” (page 58).

d. Does the plan support development being undertaken in accordance with smart growth principles (as defined in 24 V.S.A. Section 2791(13))?

Yes, development policies throughout the Plan are in accordance with the State’s definition of smart growth principles as defined in 24 V.S.A. § 2791(13). The Plan calls

for maintaining the historic development pattern of compact village centers separated by rural countryside. The Plan contains a recommendation to “promote smart growth and encourage through incentives the preservation of working forests and farms on large parcels (page 13).”

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

The Plan gives an overview of the economic conditions currently present in Barnard, including median household income, per capita income, median value of owner-occupied units, income below the poverty line, and a breakdown of employment figures. The Plan states that the primary economic activities within Barnard are in home businesses, recognizing that many residents use a part of or their entire home as a component of their business. The Plan supports a policy to protect the “natural resources and the rural character of Barnard while allowing service businesses and farm-related businesses to prosper” (page 58). Concurrently, the Plan has adopted a policy to “encourage a diverse array of businesses within the village center and hamlet districts” (page 58).

3. Does the Plan support broadened access to education and vocational training opportunities sufficient to realize the full potential of residents?

The Plan summarizes education services offered by the Barnard Academy, which services grades pre-K to 6th. There are no middle or high schools in Barnard, and there are limited adult education services in Town. Town residents can access adult learning activities or training at nearby institutions of higher education. The Plan includes a policy to “maintain and enhance educational facilities for a variety of academic, athletic, social, cultural, and community activities” (page 43). The Plan does not make a specific reference to vocational training opportunities, however, the Plan makes a recommendation to school board and Town officials to “work together to encourage additional uses of the school, such as adult education and other community activities” (page 43).

4. Does the Plan support the provision of a 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?

There are no fixed-route air and rail services in Town. The Plan supports the proper maintenance of roads and all road infrastructure, including culverts and bridges, with regard to those roads Barnard currently maintains. The Plan does consider pedestrian and bicyclist transportation needs. The Plan proposes a policy to “promote modes of transportation other than simply single-occupancy vehicles” (page 31). The Plan also

proposes a recommendation for prospective developments to evaluate their impact on intermodal transportation (page 31). The Plan also proposes a recommendation to implement a sidewalk or pedestrian/bike path between the school and Silver Lake State Park village center (page 31).

5. Does the Plan identify and support the protection and preservation of important natural and historic features of the community's landscape, 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?

The Plan includes a subchapter in the Natural, Scenic, and Cultural Resources Chapter devoted to the description of critical natural areas. The Plan establishes a goal "to protect critical natural areas from environmental damage" (page 17), but it fails to identify specific critical natural areas. However, the Plan does link or refer to State of Vermont resources where one can find these critical natural areas and wildlife habitat in Barnard.

The Plan established a goal to "protect the environmental integrity of forests, fields, wetlands, floodplains and surface waters" (page 12). The Plan identifies the Barnard Chateauguay Conservation Area and the East Barnard Conservation Areas as priority areas for long term conservation in the Current and Proposed Land Use Chapter. In the Silver Lake Watershed Overlay and Lakeshore Area, the Plan proposes a policy to "minimize lake-side development and retain a naturally vegetated shoreline" (page 16).

The Town's historic structures include the General Store, Danforth Library, Town Hall, and East Barnard Community Hall. One goal of the Plan is to "preserve the historical assets of the Town" (page 8).

6. Does the Plan seek to maintain and improve the quality of air, water, wildlife and land resources?

a. Are air, water, wildlife, mineral and land resources being planned for development and use under the principles set forth in 10 V.S.A section 6086(a) (Act 250)?

The Plan includes an overall land use goal "to ensure the future of and protect forestry under silvicultural guidelines, wildlife habitat, unique plant or animal habitats, clean air, and the ability to see the night sky without interference of bright lights" (pages 10-11). The Plan includes the following future land use areas which aim to protect water wildlife, and land resources: the Barnard Chateauguay and East Barnard Conservation Areas, Rural, Forest and Farmland Area, the Prosper Valley and Silver Lake Watershed Overlays, Flood Hazard Overlay, Critical Natural Areas, Steep Slopes, High Elevations, Shallow and Wet Soils, Surface Waters, Wetlands, and Critical Natural Areas and Wildlife Habitat.

The Plan discusses mineral resources and balancing concerns over the environmental impact of their extraction on page 23. In this section, the Plan establishes a goal to “support extraction and processing of mineral resources only where such activities are appropriately sighted, managed, and the public interest is clearly benefited (page 23). Furthermore, the Plan proposes a policy to restore extraction sites to their natural state upon the closure of the site.

The Plan does not address air quality.

b. Is the maintenance and improvement of water quality supported in accordance with the policies and actions set forth in the basin plans?

The Plan establishes a goal to protect the water quality of the Town’s surface waters (page 20). Furthermore, the Plan proposes a policy that all “new or increased discharges of wastewater into the Ottawaquechee and White River and their tributaries shall not cause any degradation in water quality” (pages 20-21). This policy is in accordance with the Ottawaquechee and White River Tactical Basin Plans.

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

The Plan supports the management and preservation of forest blocks. On Page 23, the Plan states that “care should be taken to evaluate the impact of new development on large forest blocks, and efforts should be made to prevent fragmentation and rural sprawl development patterns.” In numerous other places, the Plan discourages development within the largest contiguous forest or agricultural lands (pages 10, 13, 22).

7. Does the Plan support the development of renewable energy resources, efficient use of energy, and reduced emissions of greenhouse gases?

a. Does the plan list any general strategies for achieving these goals, such as: 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?

On page 40, the Plan lists several goals for reducing greenhouse gas emissions and reliance on fossil fuels, while promoting energy conservation and energy efficiency and the development and use of renewable energy.

The Plan proposes a policy to “encourage the adoption of conservation and efficiency measures which significantly reduce energy demand by residences, businesses, and Town buildings” (page 40).

The Plan also proposes a policy to “to contribute its fair share to the energy needs of the region by proactively planning for renewable energy generation installations in Barnard which are well-sited, appropriately-scaled, and consistent with community standards expressed elsewhere in this Plan” (page 40). The Plan links to Barnard’s Energy Planning Packet which includes siting maps for renewable energy generation based on their renewable energy generation potential.

The Plan also makes a recommendation to “work with residents on weatherization and energy efficiency projects to reduce energy use and cost” (page 61).

The Plan also proposes a policy to “to promote energy-efficient travel by residents by encouraging carpooling, use of public transportation, use of vehicles with high fuel efficiency, telecommuting, home businesses, biking, and walking” (page 40).

b. Does the plan list any specific strategies and recommendations for achieving these goals, such as those identified in the State energy plan?

The Plan discusses the state’s Comprehensive Energy Plan (CEP) and its goals on pages 33 and 34. The Plan aligns with the strategies outlined in the CEP. On page 40, the Plan proposes a policy to align with the CEP’s goal to reduce energy demand by stating that “given the State’s goal of reducing overall energy demand by 30 percent by 2050, it is the Town’s policy to encourage the adoption of conservation and efficiency measures which significantly reduce energy demand by residences, businesses, and Town buildings.

8. Does the Plan seek 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?

The Plan includes a Cultural and Recreational Facilities section within their Utilities, Facilities, and Services Chapter (pages 49 – 49). In addition, the Plan lists several Town Facilities which provide recreational opportunities for residents and visitors on pages 46 and 47 as well as several Community Places which provide recreational opportunities for residents and visitors on pages 49 and 50. On page 64, the Plan establishes a goal to “maintain, enhance and expand recreational opportunities in Barnard so that the Town has adequate facilities and amenities to meet the current and future physical activity and recreation needs of its residents and visitors.”

The Plan proposes a policy that “any expansion of infrastructure by the Town, State or other entity shall be made so as to support development in the villages and other designated growth areas and to discourage strip development or sprawl” (page 54). This supports the Plan’s goal to “protect the scenic, historic, environmental, and natural resources of the Town” (page 53). Also, a recurrent theme throughout the Plan is the concentration of growth in villages and other designated growth areas in order to

discourage strip development and sprawl. The Town clearly states its desire to protect its rural nature.

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

The Plan identifies Town-owned recreation areas, such as the Town Forest and recreation fields; state facilities such as Silver Lake State Park and Les Newell Wildlife Management Area; and federal facilities, such as the Appalachian National Scenic Trail. It also specifies community places throughout the Town for recreational usage. The Plan states its desire to "provide access to diversified cultural and recreational opportunities for area residents and visitors of all ages" (page 53).

9. Does the Plan encourage and strengthen agricultural and forest industries?

a. Does the Plan encourage strategies to protect long-term viability of agriculture and forestlands, including maintaining low overall density?

One of the major themes of the Plan is to maintain the rural nature of the Town, which consists of agriculture and forestlands. The Plan encourages medium and higher density developments to be located in village and growth areas, and proposes low density development in most other future land use areas in Town. One Land Use Goal of the Plan is to "discourage development in undeveloped farmlands, forest lands, and especially the Barnard Chateaugay Conservation Area" (page 10). One of the Plan's Economic Development Chapter goals is to "encourage the continued operations of agriculture and forestry, and recreational enterprises and that add value to these land-based products" (page 58).

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

The Economic Development Chapter states the importance of farm and forestry related businesses in Barnard. Two recommendations in the Plan call for the promotion of "businesses that add value to farm or forest products or that area based on our rural nature and natural resources" and for the protection of " natural resources and the rural character of Barnard while allowing service businesses and farm-related businesses to prosper" (page 57).

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

The Plan establishes a goal that "healthy, fresh and locally-sourced food is accessible to all Barnard residents" (page 64). The Plan highlights the Barnard Academy Farm to

School Program, which makes locally grown fresh foods available for snacks at lunch for students (page 48). It also highlights Clark Farm, a farm conserved by the Vermont Land Trust that is the site of the weekly Feast and Field Farmer's Market (page 52).

d. Are sound forest and agricultural management practices encouraged?

The Plan includes a recommendation to "encourage sound silviculture practices" in the Barnard Chateaugay Conservation Area (page 10) and the East Barnard Conservation Area (page 12). However, the Plan does not make any references to sound agricultural practices as outlined by the Vermont Agency of Agriculture's Required Agricultural Practices. This issue was noted in the last review of the Plan in 2016. The Plan does promote best management practices for lawn care and nutrient reduction within the Silver Lake Watershed Overlay and Lakeshore Area (page 16).

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

The Plan includes many goals, objectives, and recommendations supporting infrastructure and development in planned growth areas, village areas, and hamlets, while striving to maintain the rural character of Barnard. The Plan states that "any expansion of infrastructure by the Town, State, or other entity shall be made so as to support development in the villages and other designated growth area to discourage strip development or sprawl" (page 54).

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?

In the Plan's Natural, Scenic, and Cultural Resources Chapter, there are numerous goals established for the wise and efficient use of the Town's natural resources and the preservation of their scenic places, conservation areas, forests, farmlands, and rural areas.

The Plan discusses mineral resources and balancing concerns over the environmental impact of their extraction on page 23. In this section, the Plan establishes a goal to "support extraction and processing of mineral resources only where such activities are appropriately sighted, managed, and the public interest is clearly benefited (page 23). Furthermore, the Plan proposes a policy to restore extraction sites to their natural state upon the closure of the site.

11. Does the Plan 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?

There is limited affordable housing in Barnard, and prices are very high for real estate in the Town, both in terms of land and the style and design of houses that are being constructed. The Plan discusses the need for more affordable housing within the Housing Chapter (page 60). The first goal of the Housing chapter is "to promote sufficient availability of decent and affordable primary housing for residents, including low and moderate income residents, the elderly, and disabled persons" (page 61).

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?

The Plan establishes a goal to "ensure that the impact of new housing construction or rehabilitation does not exceed the community's ability to reasonably provide adequate public facilities (e.g. schools and municipal services)" (page 61). The Plan recommends adherence to the State's Residential and Commercial Building Energy Codes (RBES and CBES) (pages 40 and 76) which promote safe and sanitary new or rehabilitated housing. Furthermore, the Plan mentions that new housing should have to meet the septic rules for on-site disposal (Page 60). The Plan also restricts uses that are dangerous to health, safety, or property within the Flood Hazard Overlay (pages 16). Lastly, the Plan calls for restrictions on new development on steep slopes and ridgelines (page 18), which poses the threats of landslides, erosion, destruction of property, and inadequate access for emergency vehicles.

The Plan states "any expansion of infrastructure by the Town, State, or other entity shall be made so as to support development in the villages and other designated growth area to discourage strip development or sprawl" (page 54). The Plan "encourages both residential and nonresidential development only in areas where adequate public services are available or planned" (page 10), and it proposes a future land use goal of encourages of permitting "development in a way that sustains the Town's rural character" (page 11). Clearly then, the Plan supports locating new housing conveniently near to employment and commercial centers.

c. Does the Plan support sites for multi-family and manufactured housing that are readily available in similar locations to those generally used for single-family conventional dwellings?

As the Plan states, "multi-unit dwellings are allowed in the Rural Residential, village, and hamlet districts" (page 60). These districts permit single-family conventional dwellings.

Manufactured housing is permitted wherever single unit dwellings are permitted (page 60). The Plan states that there are no restrictions on any type of manufactured housing (page 60).

- d. Does the plan allow 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?**

The Plan supports accessory dwelling units (ADUs) where “allowed by law whenever a house is allowed provided there is sufficient room to build the unit and it will meet all parking and septic rules” (page 60).” ADUs are mentioned as having the potential to support aging in place and as a means of affordable housing (page 60).

- 12. Does the Plan for the provision and financing of an efficient system of public facilities and services to meet future needs?**

- a. Does the Plan include services such as fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal in its planning for facilities and services?**

The Plan lists the schools (page 48), emergency medical services (page 50 - 51), police departments (page 51), and volunteer fire departments (page 50 - 51) that operate within the Town in the Utilities, Facilities, and Services Chapter. The Town does not have public water or sewer (page 9).

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

Not at this time. Accordingly, the Plan establishes a goal that “Growth and development shall not exceed the capacity of local and regional facilities and services” (page 53).

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

The Plan describes the Barnard Academy Pre-K Program as the only licensed child care provider in Barnard (page 51), but the Town "supports private sector efforts to develop affordable, quality child care as needed" (page 55).

- 14. Does the Plan encourage flood resilient communities?**

- a. 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, are polices in place to not exacerbate flooding and fluvial erosion?**

The Plan establishes a goal to “protect the citizens, property and economy of Barnard and the quality of their rivers as natural and recreational resources by using sound planning practices within designated Flood Hazard Areas and beyond” (page 68). The Plan discusses potential strategies to protect the flood hazard areas, including a prohibition on new development, a prohibition of specific types of development, increasing standards, or creating river corridor protection areas (pages 67 – 68). These strategies would require updates to the Barnard Flood Hazard Bylaw.

While the Plan supports the avoidance of new development in flood hazard with a policy to “discourage new development within the town’s 100-year floodplain” (page 68), the Plan does not expressly prohibit new development within flood hazard, fluvial erosion, or river corridor protection areas. Accordingly, the Plan also proposes a policy to “ensure that any new development allowed creates ‘no adverse impact’ through design and mitigation measures” (page 68).

The Plan has a Flood Hazard Overlay (pages 16 – 17). As the Plan states, one of the purposes of this overlay district is to restrict or prohibit uses that are “dangerous to health safety or property” during flood events or “cause excessive increases in flood heights or velocities” (pages 16). Another purpose of this overlay district is to “ensure that the selection, design, creation, and use of development is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair floodplain services or the stream corridor” (page 16).

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

The Plan supports a policy to “preserve floodplains and associated risk areas in a state where they can handle flood flows without damage to property” (page 17). Elsewhere, the Plan establishes a goal to “protect the environmental integrity of forests, fields, wetlands, floodplains and surface waters” (page 12) within the rural, forest, and farmlands areas. Wetlands are also discussed as providing flood protection (page 21).

c. Are flood emergency preparedness and response planning encouraged?

The Plan encourages emergency preparedness and response planning within the Flood Resilience Chapter. The Plan proposes a policy to “continue to promote emergency planning for flood response” (page 68) and a recommendation to “continue to develop emergency preparedness procedures” (page 68).

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

The Two Rivers-Ottawaquechee Regional Plan was adopted on July 15, 2020, and it will remain in effect until July 15, 2028.

The Barnard Town Plan is found to be compatible with the Two Rivers-Ottawaquechee 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 Barnard Town Plan, the following municipalities have Plans approved by the Two Rivers-Ottawaquechee Regional Commission that are in effect:

Bethel, Bradford, Braintree, Bridgewater, Brookfield, Corinth, Fairlee, Granville, Hancock, Hartford, Hartland, Norwich, Pittsfield, Plymouth, Pomfret, Randolph, Rochester, Royalton, Sharon, Strafford, Thetford, Topsham, 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 Barnard 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 current and future land use plan and maps;
- (c) a current and future transportation plan and maps;
- (d) a current and future utility and facility plan and maps;
- (e) a statement of policies for "special resources";
- (f) a current and future education plan and maps;
- (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. **Does the Plan include 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?**

The Introduction to the Plan includes statements of purpose and philosophy. It includes the general goals and policies of the Plan. Each Chapter or element contained within the Plan include specific goals, objectives, and recommendations to guide the Town's future growth and development of land, public services and facilities, and protect the environment.

2. **Does the Plan include a land use plan, consisting of a map and statement of present and prospective land use, that:**
 - a. **indicates those areas proposed for forests, recreation, agriculture, (using 6 VSA Section 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 town that require special consideration for aquifer protections, for wetland protection, for the maintenance of forest blocks, wildlife habitat, and habitat connectors, or for other conservation purposes?**

The Plan includes several maps, among those are: (1) a Current Land Use Map, and (2) a Future Land Use Map.

The Current and Proposed Land Uses Chapter sets forth current and future land use patterns for the community. Many of the goals, policies, and recommendations throughout the Plan support development in villages and to a lesser extent in hamlets, while discouraging sprawl and strip development. This pattern of development is consistent with the goals of 24 V.S.A. § 4302.

Several goals throughout the Plan consider development's impact on natural, financial, and community resources. The Plan established a goal to "protect the environmental integrity of forests, fields, wetlands, floodplains and surface waters" (page 12). The Plan encourages protection of forest blocks and habitat connectors, as well as minimizing fragmentation and parcelization of land in the Conservation Areas, as well as the rural, forest, and farmlands areas.

- 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 services?**

The Plan establishes a goal to "ensure that the impact of new housing construction or rehabilitation does not exceed the community's ability to reasonably provide adequate public facilities (e.g. schools and municipal services)" (page 61).

- c. **identifies those areas, if any, proposed for designation under chapter 76A of Title 24, together with, for each areas proposed for designation, an explanation of how**

the designation would further the plan's goals and the goals of 24 V.S. A. section 4302, and how the areas sought meets the requirements? (Note: if they want to get a village or other state designation they have to call that out in the plan by area, if they HAVE a designation they have to show that boundary on the map, but make sure it is not in the legend as a land use area.)

At this time, the Town currently has attained a Village Center Designation for Barnard Village and is pursuing a Village Center Designation for East Barnard (page 14). The Plan elaborates on the benefits of Village Center Designations and how this furthers the plan's goals (page 57).

- d. 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?**

The Plan supports the management and preservation of forest blocks. On Page 23, the Plan states that "care should be taken to evaluate the impact of new development on large forest blocks, and efforts should be made to prevent fragmentation and rural sprawl development patterns." In numerous other places, the Plan discourages development within the largest contiguous forest or agricultural lands (pages 10, 13, 22).

- 3. Does the Plan include 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.**

The Plan includes a Transportation Map depicting present and prospective transportation and circulation facilities. The Plan's Transportation Chapter includes inventory of transportation facilities and a discussion of transportation's probable impacts on land use and the community, as well as goals, policies, and recommendations relating to transportation.

- 4. Does the Plan include 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.**

The Plan includes a Utilities and Facilities map and combines this map with Education facilities.

The Plan provides a good description of utilities, facilities, and services currently existing within Barnard. The Plan also adequately offers recommendations for specific future needs and how future needs will be financed.

5. Does the Plan include a statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources.

The Plan includes policies and recommendations for preservation of the historical structures of the Town at the onset of the History of Barnard/Historic Preservation Chapter. There are several conservation and forested land use areas in the Current and Proposed Land Use Chapter, as well as critical natural areas within the Natural Scenic and Cultural Resources Chapter. Within both of these chapters, there are goals and objectives that support the protection of these resources.

6. Does the Plan include an educational facilities plan consisting of a map and a statement of present and projected uses and the local public school system.

The Plan includes a chapter dedicated to Education. It describes the current educational resources of the Town and includes language to support the educational system in the future.

Education facilities are included on the Utilities and Facilities map.

7. Does the Plan include a recommended program for the implementation of the objectives of the development plan?

The Implementation Chapter includes an Implementation Timeline table that contains the recommendations included in the Plan, the responsible party, and the timeline for implementation.

8. Does the Plan include a statement indicating how the plan relates to development trends and plans for adjacent municipalities, areas and the region developed under Title 24?

The Plan includes discussion of its relationship to adjacent municipalities in the Relationship of Barnard's Planning Activities To Its Neighbors Chapter.

9. Does the Plan include 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, and a statement of policy on patterns and densities of land use likely to result in conservation of energy.

The Plan's Energy Chapter includes an analysis of energy resources, needs, scarcities, costs, and problems within the municipality, as well as a goal to conserve energy and a goal to develop renewable energy resources. Numerous policies throughout the Plan support patterns and densities of land use likely to result in conservation of energy.

- 10. Does the Plan include a housing element that shall include a recommended program for public and private actions to address housing needs as identified by the regional planning commission pursuant to Section 4348a (a)(9) of Title 24. The program should use data on year-round and seasonal dwellings and include specific actions to address the housing needs of persons with low income and persons with moderate income and account for permitted residential development as described in section 4412 of this title.**

The Plan discusses the need for more affordable housing within the Housing Chapter (page 60). The first goal of the Housing chapter is "to promote sufficient availability of decent and affordable primary housing for residents, including low- and moderate-income residents, the elderly, and disabled persons" (page 61). The chapter includes data on year-round and seasonal dwellings.

- 11. Does the Plan include 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.**

The Economic Development Chapter describes the present economic conditions in Barnard. It also utilizes policies and recommendations to further support the size and types of economic development appropriate to Barnard's rural identity.

- 12. Does the Plan include a flood resilience plan that:**

identifies flood hazard and fluvial erosion hazard areas based on river corridor maps provided by VT ANR or other maps recommended by the Secretary of Natural Resources, 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?

The Plan includes a Flood Resilience Chapter that describes areas in Barnard that are vulnerable to flooding, acres of floodplain in Town, residents that are located in the Special Flood Hazard Area, and possible avenues for greater restriction in areas prone to flooding.

While the Plan supports the avoidance of new development in flood hazard with a policy to “discourage new development within the town’s 100-year floodplain” (page 68), the Plan does not expressly prohibit new development within flood hazard, fluvial erosion, or river corridor protection areas. Accordingly, the Plan also proposes a policy to “ensure that any new development allowed creates ‘no adverse impact’ through design and mitigation measures” (page 68).

The Plan has a Flood Hazard Overlay (pages 16 – 17). As the Plan states, one of the purposes of this overlay district is to restrict or prohibit uses that are “dangerous to health safety or property” during flood events or “cause excessive increases in flood heights or velocities” (pages 16). Another purpose of this overlay district is to “ensure that the selection, design, creation, and use of development is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair floodplain services or the stream corridor” (page 16).

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?

While the Plan supports the avoidance of new development in flood hazard with a policy to “discourage new development within the town’s 100-year floodplain” (page 68), the Plan does not expressly prohibit new development within flood hazard, fluvial erosion, or river corridor protection areas. Accordingly, the Plan also proposes a policy to “ensure that any new development allowed creates ‘no adverse impact’ through design and mitigation measures” (page 68).

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CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Barnard 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

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, where this Plan includes clear, unambiguous mandatory language regarding development that can be reviewed by these bodies as part of an Act 250 project application.

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

1. Include sound agricultural practices, in addition to sound silvicultural practices, as a recommendation in the Barnard Chateaugay Conservation Area and the East Barnard Conservation Area.
2. To fully align with the goals of 24 V.S.A. § 4302, the childcare section of the Plan should be expanded to include childcare financing, infrastructure, business assistance for child care providers, and child care work force development to meet the area's needs.
3. There is no section or adequate discussion on air quality in the Plan. While air quality or air pollution is loosely mentioned in some sections, to fully align with the goals of 24 V.S.A. § 4302 the Plan should contain a small section discussing air quality in Barnard.

Dated this 22nd day of May, 2024 at Woodstock, Vermont.

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