

**RE: TOWN OF NEWBURY, VERMONT  
PLAN REVIEW  
CASE # 24-2**

**BACKGROUND**

Pursuant to 24 V.S.A., Section 4350, the Town of Newbury, Vermont requested TRORC to review and approve the Newbury Town Plan adopted on April 17, 2024. The Plan encompasses all land in the Town of Newbury 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 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?**

**General Goals**

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

Yes. The 2024 Newbury Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 11 distinct chapters and Appendix A, as required under 24 VSA § 4382.

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

Yes. As noted in the Plan, “The Newbury Planning Commission engaged in extensive community outreach efforts throughout 2023 to gather input and comments from residents on the Town Plan revision process” including three public forums, one in each of West Newbury, the Village of Newbury, and the Village of Wells River in September

2023 (p. 2-3).

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

Yes. One of the Plan's recommendations is that "Zoning and subdivision regulations for the town should reflect preservation strategies. These regulations should control or restrict development of such key natural features as ridgelines and/or high elevations, slopes over 15%, designated wildlife habitats, rare plant and animal communities, wetlands, prime agricultural and forest lands, views and vistas. Such controls should also provide for adequate open space" (p. 10).

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

Yes. The Town's policy is to "Encourage continued communication and cooperation between Newbury and its neighboring towns" (p. 72). It is a goal of the Plan that the Town should "work with neighboring towns and the region to encourage good land use and environmental policy that benefits the citizens of Newbury," which may be achieved through continued communication, participation in TRORC, and planning information/development data exchanges with neighboring communities (p. 72).

### **Specific Goals**

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

**1. Is development planned to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside?**

It is a goal of the Plan to plan development to "maintain the historic settlement pattern of Newbury's town center, villages, hamlets and surrounding rural countryside" (p. 3). This is reflected by the town's Future Land Use Map, which maintains most of the Town's land in the Conservation Area, which limits development significantly compared to the Village or Hamlet land use areas.

**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 residential growth in the Village and Rural Residential Areas "while balancing the flood safety and the character of the village" (p. 70). With respect to strip development, the Town's policy is that primary retail establishments shall be located in the Village and Hamlet areas (p. 24). New commercial development in the Mixed Use Commercial Area should be developed in a way that discourages strip development and

uses Smart Growth principles (p. 31). The Mixed Use Area does not allow primary retail establishments.

**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?**

Yes. As per the Plan's Land Use chapter's Wells River Village Area, "Primary retail establishments shall be located only in Village and Hamlet Areas to help maintain the rural character of the area, and to minimize the blighting effects of sprawl and strip development along Routes 5 and 302" (p. 24). It is a goal of the Plan that development is planned "so as to maintain the historic settlement pattern of Newbury's town center, villages, hamlets and surrounding rural countryside" (p. 3). While the Wells River Village Area would be ideal for future growth, the Plan recognizes that there are limitations because Wells River is prone to flooding. The Village of Wells River and Newbury Village are part of the Village Center Designation program. The Town intends to maintain those designations.

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

Yes. The Plan's Land Use chapter's outlines some generally applicable policies, including "Major growth or investments should be channeled into, or adjacent to, existing or planned settlement centers and to areas where adequate public facilities and services are planned or are available" (p. 22). The Plan also states that "State facilities shall only be accessed by a paved state-maintained road and must be located in or abut a growth center," this will discourage changes in the growth pattern led by town or State investment (p. 23). In support of this, the Plan recommends creation of a Capital Budget and Program (p. 42).

**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, in that growth is concentrated in appropriate areas and not linear along all roads.

**SMART GROWTH**

(Teal book- 476)

(A) Maintains the historic development pattern of compact village and urban centers separated by rural countryside. X (p. 47)

(B) Develops compact mixed-use centers at a scale appropriate for the community and the region. X (p. 24)

(C) Enables choice in modes of transportation. X (p. 37-38)

(D) Protects the State's important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts. (p. 10-11, 20, 52, 64)

(E) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries. X (p. 8, 19, 20, 22, 28, 29)

- (F) Balances growth with the availability of economic and efficient public utilities and services. X (p. 22, 24, 28)
- (G) Supports a diversity of viable businesses in downtowns and villages. X (p. 7, 8, 24, 25)
- (H) Provides for housing that meets the needs of a diversity of social and income groups in each community. X (p. 3, 57, 58)
- (I) Reflects a settlement pattern that, at full build-out, is not characterized by:
  - (i) scattered development located outside compact urban and village centers that is excessively land consumptive; X (p. 22, 24, 31)
  - (ii) development that limits transportation options, especially for pedestrians; X (p. 37, 44)
  - (iii) the fragmentation of farmland and forestland; X (p. 29, 64)
  - (iv) development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers; X (p. 28, 38)
  - (v) linear development along well-traveled roads and highways that lacks depth, as measured from the highway. X (p. 34)

**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?**

Yes. At the outset of the Plan, the Town sets a goal to “provide Newbury with a strong and diverse economy that provides rewarding job opportunities while maintaining high environmental standards” (p. 3). The Town sets a policy to “the Town should work with area organizations to further economic development especially focused on agricultural enterprises, home-based businesses, and recreation” (p. 7).

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

Yes, two goals of the Plan identify education and vocational training as priorities, “Encourage and strengthen agricultural and forestry industries through vocational education, economic development and land use management techniques,” and “Broaden access to educational and vocational training opportunities with special emphasis on adult literacy” (p. 3). It is a policy of the Plan that “the Town encourages the growth and development of vocational and adult education learning programs” (p. 45).

**4. Does the Plan support the provision of a safe, convenient, economic and energy efficient transportation system that respects the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.**

Yes. It is a goal of the Plan to “provide for safe, convenient, economical, and energy efficient transportation systems that respect the integrity of the natural environment.” (p. 3). The Transportation chapter further includes the goal that, “People and goods can move freely, safely, and efficiently. This includes consideration of highways, railroads, back roads, pedestrian and bicycle routes, trails and public transportation” (p. 34).

**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 recognizes the need to better balance the car and pedestrian and bike networks in the village areas to encourage more pedestrian and cycle activity. The Plan’s narrative recognizes that easier rail access for freight and passengers could be valuable as an alternative to cars or large trucks and recognizes the value of the public transportation network already present in Newbury (p. 36). The Plan does not specifically mention the value of integrated and balanced modes of transportation in goals, policies, or recommendations.

**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?**

Yes. The “Natural, Cultural, Scenic and Historic Resources” element provides thorough discussions on each of the following resources within its many subsections: water resources, wetlands, riparian and wetland buffers, wildlife, other land resources such as gravel deposits; historic districts and resources; agricultural land and farming; (p. 9-10; 15; 18-20). This chapter also includes various policies protecting those resources (p. 10-11; 16; 19-20). The Conservation and Natural Resources Areas (CD10) land use area also includes policies and recommendations protecting wetlands, streams, rivers, ponds, lakes, and vernal pools (p. 29-30). Scenic roads are discussed in the Transportation chapter (p. 36).

**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)?**

Yes, in part. It is a goal of the Plan to “Preserve the quality of air, water, wildlife and land resources in Newbury” (p. 3). Various chapters discuss protection of water (p. 11), wildlife (p. 10, 30, 53, 64), and land resources (p. 10) are discussed. It is a Policy of the town to encourage opportunities for the education of Newbury residents “about stewardship of land, water, and wildlife” (p. 10). Air quality and mineral resources are not discussed or planned through thoroughly in the Plan and could be improved in the

next iteration. Gravel and sand pits are discussed briefly in the Natural, Cultural, Scenic and Historic Resources chapter (p. 9-10).

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

Yes. The Plan contains goals that: “encourage a continued pattern of settlement and land use that is energy efficient;” “promote the construction of energy efficient residential and commercial buildings;” “increase awareness and use of energy conservation practices;” “increase public transportation opportunities” (p. 69). Further, “Newbury supports the development and use of renewable energy resources... at an appropriate scale; that enhances energy system capacity and security; that promotes cleaner, more affordable energy technologies; that increases the energy options available locally; and that avoids undue adverse impacts of energy development on the local community and environment” (p. 69).

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

Yes. The Plan recommends, “Important wildlife habitat and habitat connectors [in the Conservation and Natural Resource Area (CD10)] shall be protected from development in order to maintain healthy and diverse wildlife populations” (p. 30). It is a policy that “Public investments shall be planned to minimize pressure on agriculture and forest land” (p. 20). Forest fragmentation is addressed on (p. 29).

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

Yes. The Plan contains goals that: “promote the development of renewable energy resources and facilities in the Town of Newbury to meet the energy needs of the community” (p. 68); Further, “Newbury supports the development and use of renewable energy resources – including, but not limited to, wind, solar, biomass, micro-hydro and biofuels – at an appropriate scale; that enhances energy system capacity and security; that promotes cleaner, more affordable energy technologies; that increases the energy options available locally; and that avoids undue adverse impacts of energy development on the local community and environment” (p. 69). The Plan recommends “The Town should consider municipal or community-based renewable energy generation, to include municipal or district biomass heating systems, and the installation of individual or group net metered generation facilities on town buildings and property to serve town facilities. Sources of funding for municipal power generation could include third-party financing, municipal funds, bonds, grants, and available government incentive programs” (p. 70).

**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?**

Yes. The Plan's Energy chapter includes a section on Residential Energy Efficiency that lists strategies for decreasing energy use by changing behavior and by improving energy efficiency (p. 65-66). The Energy chapter also includes sections on the municipality's role in energy efficiency, the relationship between energy and land use, and the relationship between energy and transportation policy (p. 66; 68).

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

Yes, the Plan includes policies to, "support efforts to educate homeowners about what resources are available to them for energy efficiency improvements," "It is the policy of the Town to promote energy efficient travel by residents by encouraging carpooling, increased use of public transportation, telecommuting, home businesses, and safe bike routes" (p. 69). The Plan also includes recommendations including, working "to increase public awareness and use of energy conservation practices, energy-efficient products and efficiency and weatherization programs," considering "consider municipal or community-based renewable energy generation," and to reactivate the Energy Committee, among others (p. 70).

**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?**

Yes. It is a goal of the Plan to "Maintain and enhance recreational, cultural and artistic opportunities for Newbury residents and visitors" (p. 3). The Natural, Cultural, Scenic and Historic Resources section includes the policy of, "Newbury should selectively, as part of the inventory above [of Newbury's natural resources], identify existing access points to the Connecticut River and other valuable natural areas, and protect and expand access opportunities for recreational, agricultural or forestry use" (p. 11). The Land Use chapter includes the policies that "Growth areas, including both villages and hamlets, should include plans for open space for parks, recreation areas, and similar uses" and "Subdivisions should be planned to provide for common open space systems that link to active recreation areas such as playgrounds, playfields, adjacent developments or subdivisions, and natural areas" (p. 22).

**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 addresses non-commercial outdoor recreational opportunities and sets recommendations that will include expanding "access opportunities for recreational, agricultural or forestry use. Often, natural resource planning includes a recommendation

to ‘improve and/or increase opportunities for public access to riparian lands or remote, scenic highlands.’ The extensive network of ‘legal trails’ that presently exists throughout the town provides access to otherwise remote areas” (p. 11). The Transportation chapter includes the goal that, “People and goods can move freely, safely, and efficiently. This includes consideration of highways, railroads, back roads, pedestrian and bicycle routes, trails and public transportation” (p. 34).

**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?**

Yes. The Plan seeks to “Maintain and expand Newbury's traditional and alternative elements of agricultural industries as a prime economic base” (p. 19). “Public investments shall be planned to minimize pressure on agriculture and forest land. Diversified agricultural operations that include uses generally not considered agricultural in nature such as food manufacturing, event hosting, farm stays and on-farm education should be encouraged provided that they do not have an undue adverse impact on the health, welfare or safety of nearby residents” (p. 20).

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

Yes, the “Planning Commission should review agricultural value-added businesses and ensure that the zoning bylaws will allow for activities such as agritourism and agricultural retail beyond a farmstand,” and includes the goal to, “Support the development of value-added farm and forestry products” (p. 19). The Plan could include stronger language supporting the marketing of value-added agricultural and forest projects.

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

Yes, the Plan includes recommendations in the Natural, Cultural, Scenic and Historic Resources chapter promoting, “opportunities for local buyers to utilize locally produced farm products,” and “the Town should support increased availability and use of locally grown foods” (p. 20).

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

Yes. According to this Plan, The Town of Newbury Planning and Conservation Commissions will work together to: assist landowners with desirable riparian buffer maintenance practices; promote Acceptable Management Practices (AMP) and Best Management Practices (BMP) for maintaining water quality by farmers, loggers and landowners” (p. 11).



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

Yes. The Town seeks to ensure that “Public investments shall be planned to minimize pressure on agriculture and forest land” (p. 20). No public investments that would put significant development pressure on agricultural and forest land are planned at time of writing.

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

Yes. With respect to mineral resources, the Plan states “planning... must include a land restoration and site rehabilitation component” (p. 10).

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?**

Yes. It is a goal of the Plan to “Ensure the availability of safe and affordable housing to all Newbury residents” (p. 3). The Plan’s Housing chapter also calls out low- and middle-income households as being a priority, and encourages “innovative planning, design, and construction of residential housing that minimizes costs” and decreases housing’s energy and environmental impacts (p. 57).

- 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 Town establishes an important policy related to planning for housing: “The Town should allow for growth of housing for all income levels and at a rate consistent with the community’s ability to provide services in a fiscally sound manner and consistent with the other goals and policies expressed in this Plan” (p. 57). Preserving existing housing structures is prioritized (p. 57). With respect to housing location, the Town encourages growth in and around the villages, and in the hamlets.

- 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?**

Yes, in part. The Plan states that “The Town should encourage multi-family housing within or adjacent to existing Village Center or Hamlet Areas where municipal services are available” (p. 58). The Plan also “supports sites for mobile/manufactured housing that are in similar locations to those generally used for single-family conventional dwellings” (p. 58).

- 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?**

Yes. The Town “supports the use of accessory dwelling units (ADUs) with pedestrian access to town amenities, especially as a housing option for low-income persons, the elderly, and the disabled” (p. 58).

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

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

Yes. The Community Utilities, Facilities, and Services chapter includes discussion of fire and police protection, ambulance services (p. 48); schools (p. 44-45); water and sewer (p. 39-42); and solid waste disposal (p. 50-51), and establishes goals, policies, and recommendations as appropriate for each topic.

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

No. The Plan seeks to ensure that growth is effectively managed to avoid growing beyond the Town’s capacity, “New development shall not be permitted if it would place undue burdens on municipal facilities, utilities, and services, including transportation systems” (p. 22).

- 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 work force development?**

Yes. The Plan “supports the establishment of affordable childcare facilities to meet the needs of parents” and encourages the town to “support private sector efforts to develop adequate childcare infrastructure” (p. 45).

- 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?**

Yes, the Plan lays out a number of purposes that the Flood Hazard Area serves, including avoiding and minimizing the danger that development in flood hazard areas

poses to life and property, the economy, the tax base, and public budgets and services. The Area also states the town will ensure that appropriate development in the areas is consistent with the public interest and “does not impair stream equilibrium, flood plain services, or the stream corridor” (p. 33). The Plan describes the following uses as appropriate within the Flood Hazard Areas “agriculture, forestry, outdoor recreation, wildlife refuges, and appropriately designed mineral extraction operations” (p. 38). Preferred uses for flood hazard areas are agriculture, open space, greenways, and non-commercial recreation (p. 13). “Any land use activity” that would result in a net-loss of flood storage or would increase or divert flooding are prohibited,” and “no new structural development... shall occur in the Flood Hazard Area” (p. 14).

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

Yes, in part. The Plan “seeks to protect all lakes, perennial streams, rivers, and their adjacent wetlands and floodplains by requiring that riparian and wetland vegetative buffers be calculated into development plans” (p. 10). It “encourages consideration of the utility of River Corridor Area protections to mapped areas and unmapped upland streams” (p. 14). This subject could be addressed more strongly.

**c. Are flood emergency preparedness and response planning encouraged?**

Yes, the Plan lists several ways that communities can improve flood resiliency and encourages the Town to adopt and update its Local Emergency Management Plan and its Local Hazard Mitigation Plan on appropriate schedules. The Plan includes robust discussion of emergency management

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

The Two Rivers-Ottawquechee Regional Plan was adopted on April 17, 2024 and it will remain in effect until April 2032.

The Newbury 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 Newbury 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 Newbury 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 "Goals of the Plan" element includes 12 general goals that serve as overarching objectives for the Plan in meeting state statutory requirements and fulfilling the Town's present and future needs (p. 3). Each subsequent element of the Plan contains a listing of goals, policies, and recommendations that will guide future growth and development within Chelsea while also protecting 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?**

Yes, the Maps show all of these areas, and the goals and policies of the Land Use chapter, particularly for the Rural and Conservation and Natural Resource Areas, include provisions for the preservation of forest blocks, wildlife habitat, etc. (p. 27-30). There are separate policies for the Flood Hazard Area which reserve space for the floodplain (p. 33). The Natural Resources map shows priority forested areas, and a significant portion of Newbury's Future Land Use map is Conservation (CD10).

- 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?**

Yes, the Land Use chapter addresses the locations, amount, intensity, and character of land uses as well as timing and sequence of development in relation to community facilities and services. Utilities, Facilities, and Education Map (#4) shows the distribution of town facilities and services. The Land Use chapter dictates that "New development shall not be permitted if it would place undue burdens on municipal facilities, utilities, and services, including transportation systems." (p. 66).

- 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?**

Yes, the Designated Village Centers of Newbury are Newbury Village and the Village of Wells River. The Village Center Designation program is addressed, and a policy indicates the Town and Villages intend to continue these designations (p. 7-8).

- 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?**

1. Natural Resources map (#5) indicates areas that are important as forest blocks (p. 28-30). Most of the area falls within the Conservation and Natural Resource land use area, which provides policies, and recommendations minimizing impacts to the area, including "Important wildlife habitat and habitat connectors shall be protected from development in

order to maintain healthy and diverse wildlife populations” (p. 29-30). The Natural Resources chapter also addresses forest fragmentation and habitat (p. 10-11).

- 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 “Transportation” element serves as a transportation plan (p. 34-38), and the Plan includes a Transportation map (#3). The Plan includes descriptions of transportation options in the town, and lists the nearest options for those modes that do not serve the town directly.

- 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**
- a. **priority of need,**
  - b. **costs and methods of financing.**

The Community Utilities, Facilities, and Services chapter serves as a utility and facility plan (p. 39-54), and a Utilities, Facilities, and Education map (#4) can be found in the appendix. The Plan improves on the previous Plan’s descriptions of need, priority, costs, and methods of financing any improvements.

- 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 Natural, Cultural, Scenic and Historic Resources chapter includes a policy on the preservation of rare and irreplaceable natural areas, species, and communities of flora and fauna (p. 20), and a natural resources map can be found in the appendix. Protection of Newbury’s historic resources is addressed in the Economic Development and Land Use chapters’ policies (p. 15-16, 22).

- 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 Community Utilities, Facilities, and Services chapter contains an educational facilities plan (p. 44-45), and educational facilities information is included within the Utilities, Facilities, and Education map (#4) is included with the Plan.

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

The Town Plan Implementation chapter contains information on the regulatory and non-regulatory implementation methods that may be employed to further the Plan's objectives, along with the parties responsible for implementation (p. 77-87).

**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 Relationship to Other Plans chapter contains information on how the current Plan relates to plans of adjacent municipalities within the TRORC region as well as with the Regional Plan (p. 71-72).

**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 Energy chapter includes a thorough analysis of energy issues within Newbury, namely looking at energy demands, a discussion on renewable energy resources, regulatory considerations, residential energy efficiency measures, the role of the Town in energy efficiency, and the nexus between energy and transportation policy (p. 59-70).

**10. Does the Plan include 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, including the permitting of accessory dwelling units? (*Check our housing needs assessment*)**

The Housing chapter addresses the community's needs for low- to moderate-income housing (p. 57).

**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 Newbury's economy and the desired direction of economic development, along with policies and recommendations for economic growth (p. 6-8).

**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?**

**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?**

The Plan's "Natural, Cultural, Scenic and Historic Resources" contains a "Flood Plains" section and the "Land Use Plan" element contains a "Flood Hazard Area" section (p. 11-14 and p. 33, respectively). Collectively, these can be seen to serve as a flood resilience plan.

### CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Newbury 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 Newbury Town Plan:

1. The Plan does not specifically mention the value of integrated and balanced modes of transportation in goals, policies, or recommendations, only in narrative.
2. Air quality and mineral resources are not discussed in the Plan. This should be improved in the next iteration. Gravel and sand pits are discussed briefly in the Natural, Cultural, Scenic and Historic Resources chapter (p. 9-10).

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

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