

VERMONT **GENERAL ASSEMBLY**

# The Vermont Statutes Online

## Title 24 : Municipal And County Government

### Chapter 117 : Municipal And Regional Planning And Development

#### Subchapter 005 : Municipal Development Plan

(Cite as: 24 V.S.A. § 4382)

#### **§ 4382. The plan for a municipality**

(a) A plan for a municipality may be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

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

Subdivision (a)(2) effective until January 1, 2018; see also subdivision (a)(2) effective January 1, 2018 set out below.

(2) A land use plan:

(A) consisting of a map and statement of present and prospective land uses, indicating those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes;

(B) setting forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service; and

(C) identifying those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought.

Subdivision (a)(2) effective January 1, 2018; see also subdivision (a)(2) effective until January 1, 2018 set out above.

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

(A) Indicates those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses, and open spaces, areas reserved for flood plain, and areas identified by the State, the regional planning commission, or the municipality that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes.

(B) Sets forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service.

(C) Identifies those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought.

(D) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the municipality.

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

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



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

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

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

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

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

(10) A housing element that shall include a recommended program for addressing low and moderate income persons' housing needs as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title. The program should account for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of this title, which provide affordable housing.

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

(12)(A) A flood resilience plan that:

(i) identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and

(ii) recommends policies and strategies to protect the areas identified and designated under subdivision (12)(A)(i) of this subsection and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.

(B) A flood resilience plan may reference an existing local hazard

mitigation plan approved under 44 C.F.R. § 201.6.

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

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

(1) population characteristics and distribution, including income and employment;

(2) the existing and projected housing needs by amount, type, and location for all economic groups within the municipality and the region;

(3) existing and estimated patterns and rates of growth in the various land use classifications, and desired patterns and rates of growth in terms of the community's ability to finance and provide public facilities and services.

(d) Where appropriate, a municipal plan may provide for the use of "transit passes" or other evidence of reduced demand for parking spaces in lieu of parking spaces. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1971, No. 257 (Adj. Sess.), § 7, eff. April 11, 1972; 1975, No. 236 (Adj. Sess.), § 2; 1979, No. 174 (Adj. Sess.), § 8; 1985, No. 188 (Adj. Sess.), § 10; 1987, No. 200 (Adj. Sess.), §§ 8, 10, eff. July 1, 1989; 1989, No. 280 (Adj. Sess.), § 7; 1991, No. 130 (Adj. Sess.), § 2; 1995, No. 122 (Adj. Sess.), § 2, eff. Apr. 25, 1996; 2003, No. 115 (Adj. Sess.), § 89; 2011, No. 52, § 33, eff. July 1, 2012; 2013, No. 16, § 4, eff. July 1, 2014; 2013, No. 146 (Adj. Sess.), § 6, eff. May 27, 2014; 2015, No. 171 (Adj. Sess.), § 17, eff. Jan. 1, 2018.)



**POWNAL** — Fears over potential impacts from a revised Pownal Town Plan boosted attendance at a Planning Commission meeting this week.

Selectboard Chairman and Zoning Administrator Nelson Brownell said “usually had three or four people” attend the meetings. On Tuesday, about 50 turned out for the commission’s first hearing on a draft of the plan.

Distrust of government was a common theme, echoing sentiments residents registered in recent meetings about climate change initiatives led by the Vermont Council on Rural Development. Residents returned to that theme Tuesday in remarks made by three dozen speakers.

Concerns were voiced over the future of mobile home parks, the siting of alternative energy facilities, a town center designation for the southern section of town, and over the impacts of proposed housing renovations on rents and taxes for residents who live on fixed incomes.

A section in the draft plan suggesting relocation of mobile homes from areas susceptible to flooding sparked a resident of the Alta Gardens Mobile Home Park to comment, “Now you’re saying you want to close the mobile home parks.”

“No one here on this Planning Commission wants to close any of the parks,” Chairman Michael Slattery responded. “I am not sure where you got that. It does not say that in the plan.”

Town officials said many of those attending the hearing — the first of two the commission scheduled for this week — were residents of town parks.

Another resident, Rebecca Dragon, said mobile homes were referred to improperly in statements in the 135-page draft plan, which was prepared by the commission with the help of consultants.

Mobile homes are mentioned separately concerning efforts — including relocation from flood zones — to protect them from high water, train derailments or other disasters, Dragon said, calling for that wording to be changed to include all dwellings or removed.

She also requested language to specify what would constitute a natural disaster and under what circumstances any dwelling could be relocated.

### Housing

The plan encourages people who live in trailers and manufactured homes and mobile home operators “to seek assistance for upgrading their developments.” “Action meetings” would be held with mobile home park owners and residents “to develop mutually acceptable strategies to flood-proof structures in the flood zone or relocate residents to other areas.”

Funding would be sought from the Vermont Housing and Conservation Board “for the acquisition of distressed mobile home parks and relocation of residents to safe housing in Pownal.”

There are 320 mobile homes in town, according to data in the plan, with 228 located in eight parks. The plan cites a survey that found 100 of these homes to be in a flood hazard area, the highest number of any community in Vermont.

Many of the homes stem from the population growth spurt following the opening of Green Mountain Race Track in the early 1960s, according to the plan, and remain without significant upgrades since that era.

Concerns also were expressed about the effects of proposed housing rehab programs and about the designation of the Route 7-Route 346 area in south Pownal as one of three town centers. The area is considered to be good site for future development because access to power and other factors.

Resident Dorothea Izzo questioned the designation of a town center around the junction of Route 7 and Route 346, saying traffic is already significant and could increase. A need for sidewalks or other upgrades could increase taxes, she said.

Housing rehabilitation programs also could lead to fewer rental options and higher rents and tax bills, “which is not going to help us,” she said.

Robert Jarvis said he believes the idea of boosting the economy and employment opportunities by focusing in part on upgrading the town’s aging housing stock is the wrong approach. He suggested more of a focus on increasing employment locally, adding, “Then people could upgrade their own houses.”

Fred Miller said he believes there are too many statistical tables and too much data in the plan, which he said should be cut down in a section on energy “from 18 pages to four pages.”

He also said he worries about “wind [power facilities] being pushed on communities” and doesn’t believe the plan adequately protects Pownal on that score, especially concerning the Taconic Ridge along the New York border.

Miller later objected to the state’s requirements for long-term renewable energy goals, saying the planning commission should “stand up to the state” and say, “We don’t work for you, and we are not going to adjust our lifestyle. We’re not going to be coerced into adjusting our lifestyle; we’re going to do it our own way.”

Offering a general comment toward the end of the session, Gene Eldridge said he moved to town 27 years ago and is concerned that, unlike when the former horse and greyhound track operated here, “there is nothing between the Williamstown (Mass.) border and Bennington.”

That should change, he said.

More meetings scheduled

Slattery said that in addition to the two hearings, the commission has scheduled two special meetings in October, on the 10th and 16th, to field additional questions about the draft plan and follow up on suggestions from residents.

The revised plan will then go to the Selectboard, which will hold at least two hearings of its own before voting, he said. A review on the regional level and by the state will follow, taking the process into 2018.

Several residents also vowed during a recent Selectboard meeting to gather enough signatures to force a townwide vote on the plan.

The state requires that municipal plans be updated every eight years. Pownal’s plan has expired, Slattery said, which affects a community’s ability to receive state municipal planning grants.

The commission has been working on a revised plan since 2013, he said, along with the Bennington County Regional Commission and a consulting firm, LandWorks.

Each commenter Tuesday was asked to leave contact information. Residents will be notified if changes have been made in response to their comments.

The plan’s opponents also criticized the Vermont Council on Rural Development’s Empower Pownal initiative, which focuses on projects by volunteers to help prepare the community to take advantage of economic or other opportunities emerging because of climate change. Some of the suspicion of opponents targeted the officials or energy industry experts the VCRD brought to Pownal from elsewhere to assist the six volunteer groups with their projects.

The entire plan can be viewed on the [Pownal website](#).