

**RE: TOWN OF ROCHESTER, VERMONT
PLAN REVIEW
CASE # 18-5**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Rochester, Vermont, requested TRORC to review and approve the Rochester Town Plan adopted on April 9, 2018. The Plan encompasses all land in the Town of Rochester, and is referred to hereinafter as the Plan.

Section 4350 provides that prior to approving a Plan, TRORC shall find that the Plan meets four tests. These tests are that the Plan is:

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

Staff reviewed this Plan and offers the following information to the Board. TRORC scheduled and held a Public Hearing on this review on April 25, 2018 in Woodstock, Vermont. This matter is now ready for decision.

FINDINGS

A. Is the Plan consistent with the planning goals?

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

General Goals

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

Yes. The 2018 Rochester Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 18 distinct chapters, encompassing all of the elements required of a Town Plan under V.S.A. Title 24, Ch. 117, §4382. Required goals of the Plan are under V.S.A. Title 24, Ch. 117. §4302.

2. **Is citizen participation encouraged at all levels of the planning process?**
Yes, the Plan mentions the importance of citizen participation throughout the planning process. A policy of the Plan is to welcome “a larger input by the citizens and business community for ideas and expertise in the performance of its duties” (p. 12). Rochester has a policy to “consider public input prior to a decision to substantially change the maintenance level, surface treatment, or class of a town road” (p. 56).
3. **Is consideration being given to the use of resources and the consequences of growth and development?**
Yes. The Plan’s policy is to protect Rochester’s resources for future generations, and to allow for “reasonable development without sacrificing important cultural and natural resources” (p. 112).
4. **Is the municipality working creatively together with other municipalities to develop and implement plans?**
Yes. The Plan considers the impact of planning practices in surrounding towns to ensure that the Plan is compatible with the practices and activities in nearby communities. The Plan recognizes that development in adjacent towns has an impact on Rochester and vice versa. Rochester has reviewed nearby towns’ plans and land use regulations for consistency with their own Plan (p. 121).

Specific Goals

A plan for a municipality may be consistent with the goals established in section 4302 of this title, which are:

1. **Planning for development needs to be conducted so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.**
 - a. **Is intensive residential development being encouraged primarily in areas that are identified as community centers, and is strip development along highways being discouraged?**
Yes. The Plan contains a policy to discourage development in un-served and remote areas of the community. The Plan encourages new growth to locate where public utilities and services can be economically provided. The Plan also clarifies that these statements do not imply that strip development is favored within the Town (p. 32).
 - b. **Is economic growth being encouraged in locally designated growth areas or being employed to revitalize existing urban or village centers, or both?**

The Plan encourages economic growth primarily within or adjacent to the designated Village Business-Residential area of the town to help “support the viability of the town center, prevent scattered growth and assist in maintaining Rochester’s present small-town character” (p. 32). The Plan also encourages growth in the Commercial-Agricultural

Area, provided such development is complementary and secondary to that which is established in the village area (p. 33).

- c. Are public investments, including the construction or expansion of infrastructure, being made so as to reinforce the general character and planned growth patterns of the area?**

Yes. The Plan considers the utilities and facilities that are important to the Town, and which facilities may require expansion, upgrades, etc. in the coming years in line with the character and growth patterns of the area. The Plan also considers creating a Capital Budget plan to guide such development in the Town (p. 58).

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

Yes. Throughout the Plan there are references to smart growth principles including a preference for compact village centers; protection of environmental, natural, and historic features; and balancing growth with the availability of public utilities and services.

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

Yes. The Town aims to “strengthen and maintain the town’s agricultural, forest and recreational economies” by attracting “diverse and sustainable businesses” that provide jobs and support the Town’s village and rural character (p. 49).

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

The Plan addresses K-12 grade educational needs throughout the Town. The Plan also points to nearby educational opportunities for adults, such as Vermont Technical College in Randolph (p. 40). Additionally, the Plan acknowledges the continued decline in the student-age population, noting that the Rochester community “has investigated the possible impacts of a decision to close the Rochester School with no final plan to do so forthcoming” (p. 41).

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

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

Yes. A goal of the Plan is to “provide and maintain a safe, energy efficient, and cost-effective transportation system integrating all modes of travel (auto, pedestrian, bicycle, and mass transit)” (p. 55).

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

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

Yes. The Plan discusses significant natural and fragile resource areas at length in the Natural, Scenic and Cultural Resources Chapter, the Flood Resilience Chapter, and the Agriculture and Forestry Chapter. There is particular focus on water resources; wetlands; flood plains; flora, fauna and natural communities; invasive species; mineral resources; forestry and farming; and significant natural and historic areas. The Plan does not discuss archaeological sites or archaeologically sensitive areas.

- 6. Planning needs 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 Act 250?**

Yes. The Plan addresses these elements with respect to future development of the land, and actively discourages development practices that would impede efforts to protect such natural features of the Town and its wildlife, in accordance with Act 250 principles.

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

Yes. According to the Plan, renovations to the Town well have resulted in “first class water quality” (p. 62). To maintain or improve surface water quality and quantity is a goal of the Plan (p. 98). Many policies within the Natural, Scenic and Cultural Resources Chapter support this goal (p. 98).

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

Yes. It is a policy of the Plan to “reduce the fragmentation of forest lands” (p. 119). The Agriculture and Forestry Chapter also contains a policy stating that “forestry practices shall maintain or enhance the diversity of ecosystems existing in the region” (p. 120).

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

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

Yes. The Plan has an extensive Energy Chapter that states that Rochester supports “the development of renewable energy resources and facilities in the Town of Rochester to meet the energy needs of the community and region” (p. 83). Strategies for achieving the Town’s energy goals are found in the policies of the Energy Chapter (p. 84).

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

Yes. The list of recommendations within the Energy Chapter (p. 85) provides 12 specific recommendations for achieving these energy-related goals.

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

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

Yes. The Plan establishes a policy to “maintain a pattern of development that supports and maintains access to public recreation” (p. 88).

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

Yes. The Plan lists numerous community-owned, state-owned, and federally-owned recreational sites/properties within the Town (p. 86-87), which are protected by the three different levels of government, respectively. The Recreation Chapter also outlines the economic benefits these recreational sites and activities confer upon the Town of Rochester (p. 87).

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

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

Yes. The “Forestry and Farming” section of the Natural, Scenic and Cultural Resources Chapter lists a policy discouraging fragmentation of agricultural and forest lands, and encouraging development at a scale that protects Rochester’s working landscape (p. 108). This is supported by policies and recommendations outlined within the Agriculture and Forestry Chapter (p. 119-120).

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

Yes. The Plan supports the manufacture and marketing of value added agricultural and forestry products, as per the policies and recommendations listed in the Agriculture and Forestry Chapter (p. 119-120).

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

Yes. The Agriculture and Forestry Chapter discusses agricultural trends and the farm economy, and contains a goal to “encourage the use of locally-grown food products” (p. 119).

d. Are sound forest and agricultural management practices encouraged?

Yes. The Plan states that “farmers, loggers, and foresters should use Accepted Management Practices (AMP) and implement Best Management Practice (BMP) in their operations and to minimize point and non-point source pollution” (p. 119).

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

Yes. The Plan lists numerous policies that seek to minimize development pressure on productive lands if development would fragment or hinder agriculture and forestry uses (p. 119-120).

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

Yes. The “Mineral Resources” section of the Natural, Scenic and Cultural Resources Chapter states that extraction shall be planned, constructed and managed appropriately, including reclaiming and re-vegetating the sites after extraction activities end so as to maintain the rural character of the Town (p. 106-107).

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

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

Yes. The Plan policies state that the Town should accommodate permanent affordable

housing for a mix of households having moderate, low, and very low incomes, as well as special needs populations such as the elderly and physically handicapped (p. 31).

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 Housing Chapter contains policies addressing housing needs. The policies state that housing in Rochester should be safe and sanitary, and should not exceed the community's ability to provide adequate public facilities (p. 31). The policies also state that the location of housing amenities should be planned with due regard to location of commercial and service centers (p. 31).

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

Yes. The Plan states that multi-family housing should be located within Rochester's Village Center Area if possible, so these residents can benefit from being able to access community services and facilities by walking. The Plan considers manufactured homes to be a type of single-family home (p. 30).

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

Yes. The Plan encourages the creation of accessory dwelling units as a means to provide additional housing for the community, and, as a policy, encourages this type of housing to keep housing in Rochester affordable and to help maintain the Town's rural quality (p. 31).

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

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

Yes. The Plan addresses all of the above areas under the Utilities and Facilities Chapter (pp. 58-65); Education Chapter (pp. 40-42); and the Health and Emergency Services Chapter (pp. 66-70).

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

No. The Town aims to provide orderly growth that ensures the timing and rate of new development "does not exceed the community's ability to provide adequate public facilities" to community residents (p. 31), does not create "an undue burden on

taxpayers” or does not otherwise adversely impact the Town’s scenic, environmental and cultural resources (p. 64).

13. Does the plan 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?

Rochester has very limited childcare facilities (only two licensed providers), compelling many families to arrange for care with relatives or take children to childcare providers in neighboring towns. Consequently, the Plan supports the development of additional affordable childcare facilities to meet the childcare needs of Rochester residents (p. 42).

14. Planning needs to 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, it should not exacerbate flooding and fluvial erosion.

Yes. The Flood Resilience Chapter and the Natural, Scenic and Cultural Resources Chapter address these topics. The Plan contains policies discouraging new development in these areas, and suggests making Flood Hazard Bylaw changes to regulate development (p. 92).

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

Yes. It is a policy of the Plan to maintain Rochester’s upland forests and watersheds to ensure high quality valley streams and to ensure that flood flows are reduced (p. 94).

c. Are flood emergency preparedness and response planning encouraged?

Yes. The Plan contains a recommendation for the Town to “continue working to update hazard mitigation plans and emergency preparedness and recovery procedures” (p. 95).

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

The Two Rivers-Ottawaquechee Regional Plan was adopted on July 26, 2017 and it will remain in effect until August 31, 2025.

The Rochester 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 Rochester Town Plan, the following municipalities have Plans approved by the Two Rivers-Ottawaquechee Regional Commission that are in effect:

Barnard, Bethel, Bradford, Braintree, Bridgewater, Brookfield, Chelsea, Fairlee, Granville, Hancock, Hartford, Hartland, Newbury, Pittsfield, Pomfret, Randolph, Rochester, Royalton, Sharon, Stockbridge, Strafford, 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 Rochester Town Plan to be compatible with these Plans.

D. Municipal Plan Elements - Are They Included?

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

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

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

A statement of objectives, policies and programs for the Town is contained in the preface to the document (pp. 12-13).

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

A land use plan can be found in the Current and Future Land Use Chapter (pp. 32-35). Current and future land use maps are part of a separate document that is provided along with the Town Plan.

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

Transportation information can be found in the Transportation Chapter of the Plan (pp. 51-57). A transportation map is provided as a separate document alongside the Town Plan.

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

A utility and facility plan can be found the Utilities and Facilities Chapter of the Plan (pp. 58-65). A utility and facility map is provided as a separate document alongside the Town Plan.

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

A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources can be found in the Natural, Scenic and Cultural Resources Chapter of the Plan (pp. 96-112).

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

Educational facilities information can be found under the Education Chapter of the Plan (pp. 40-43). A map of educational facilities is provided as a separate document alongside the Town Plan.

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

The Town Plan Implementation Chapter (pp. 124-128) outlines the various regulatory and non-regulatory avenues that may be utilized to help achieve the Plan's stated goals and policies as well as information on who has responsibility for implementation of the Plan.

8. 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 (pp. 121-123) satisfactorily details how the Rochester Town Plan relates to the town plans of nearby municipalities as well as the regional plan.

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.

The Energy Chapter of the Plan (pp. 71-85) contains an energy plan that is both extensive and detailed in scope.

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

The Housing Chapter of the Plan (pp. 24-31) details how the Town will address fulfilling housing needs for low- to moderate-income persons.

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.

The Economic Development Chapter of the Plan (pp. 44-50) addresses the Town's economic development needs and concerns.

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

The Flood Resilience Chapter of the Plan (pp. 89-95) contains a flood resilience plan that identifies hazard areas, designates areas to be protected, and recommends policies and strategies to protect these areas and mitigate risks.

CONCLUSION

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

DISCUSSION

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

Prior to issuing a Permit under Act 250, the District Environmental Commission or Environmental Court must find that the project is in conformance with the duly adopted Town Plan. This Plan includes clear, unambiguous language regarding current and proposed land use that can be reviewed by these bodies as part of an Act 250 project application. It is important that future Rochester Town Plans maintain their currency as Plans that have been found to be vague, unclear, or ambiguous do not carry much weight in Act 250 permit proceedings.

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

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

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

The 2018 Rochester Town Plan is an improvement from the 2012 Town Plan. The Plan now includes a new Flood Resilience Chapter that has recommended goals, policies, and actions that strive to protect existing infrastructure, facilities, and buildings in the event of a major flood. The Transportation Chapter has been updated to include information on air and rail networks. The Education Chapter has been updated to include information about vocational training opportunities. Discussion of air quality has been added to the Natural, Scenic and Cultural Resources Chapter. A policy related to housing being safe and sanitary has been added to the Housing Chapter. Many of these improvements were noted as areas to improve in our last TRORC review.

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

1. Removal of duplicated Capital Budgeting information, as some language is used twice (within Utilities and Facilities Chapter on page 58, and within the Energy Chapter on page 81);
2. Inclusion of information about archaeological sites and archaeologically sensitive areas.

Dated this _____ day of _____ at Woodstock, Vermont.

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