

Municipal Plan Review Tool

Town of Swanton – Preliminary Review

This form addresses the statutory requirements of the State of Vermont for town plans, as cited in the Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A Chapter 117 (the Act). It includes the 12 required elements found in § 4382 of the Act; the four planning process goals found in § 4302(b), the 14 specific goals found in § 4302(c); and the standard of review found in § 4302(f), which covers consistency with goals and compatibility standards.

During the Regional approval and confirmation process, specified in § 4350 of the Act, the regional planning commission is required to assess town plans and the process whereby they are developed according to the criteria of the Act. Sections of relevant statute are quoted at each question.

Required Elements § 4382		Met	Not Met
1	Statement of Objectives, Policies, Programs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Land Use Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Transportation Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Utility and Facility Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Rare Natural Resources/Historic Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Educational Facilities Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Implementation Program	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Compatibility Statement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Energy Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Housing Element	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Economic Development Element	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Flood Resiliency Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

State Planning Goals § 4302		Met	Not Met
1	Compact village centers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Economy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Education	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Natural and Historic Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Quality of air, water, wildlife, forests, and other land resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Efficient use of Energy and Renewable Energy Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Agriculture and Forest Industries	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Use of Resources and Earth Extraction	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Safe and Affordable Housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Public Facilities and Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13	Child Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	Flood Resiliency	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Town of Swanton Preliminary Plan Review

TOWN PLAN REQUIRED ELEMENTS

Title 24 Chapter 117: Municipal and Regional Planning and Development

24 V.S.A. § 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.

Met

Pages: Table of Contents, 15-47

Comments: Goals and policies are incorporated throughout the plan chapters, and goals are also listed in the table of contents.

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

Met

Pages: 14-16, Appendix B

(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.

MAPS

Present Land Use Plan
Prospective Land Use Plan

(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 § 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.

Comments: The zoning map serves as current land use map. The plan includes a future land use map and statements on future land use. The Village Center Designation Map is included, and there is a policy addressing the benefits of the Village Center Designation. A map of the habitat blocks is included and there is language addressing need to minimize forest fragmentation. Appendix B includes full district purpose statements.

(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;

Met

Pages: 17-19

MAP

Transportation

Comments: All transportation modes are well addressed in the plan and a transportation map is included.

Town of Swanton Preliminary Plan Review

(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;

Met

Pages: 28-34, 40-43

MAP

Utility and Facility

Comments: The text of the plan includes statements on present and prospective community facility needs. Recreation is addressed in Chapter 11. A utility and facilities map has been included.

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

Met

Pages: 20-24, 39-40

Comments: Policies related to scenic and natural resources are included in chapter 5. Policies related to historic and cultural resources are included in chapter 10.

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

Met

Pages: 29, 32, 37-38

Comments: Information on present and future school facilities is included in Chapter 9. School facilities are included on the utilities and facilities map.

MAP

Educational Facility

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

Met

Pages: 48-81

Comments: Detailed implementation plan is included.

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

Met

Pages: 43-46

Comments: Plan addresses compatibility with adjacent municipalities and the Northwest Region.

(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;

Met

Pages: 34-35

Comments: Plan includes enhanced energy plan in appendix.

(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

Met

Pages: 25-27

Town of Swanton Preliminary Plan Review

account for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of this title, which provide affordable housing.

Comments: Includes a housing element with policies about affordable housing & accessory dwelling units. Regional housing study is referenced. Section could be strengthened by adding an affordability calculation for homeownership, similar to the rental calculation completed in Table 6.2.

(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.

Met

Pages: 9-13

Comments:

Identifies types of employment and economic sectors. Goals & policies identify future desires for economic development. Data on income, unemployment and poverty would strengthen this section, as would clarity around the results of the community survey.

(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.

Met

Pages: 21-24

(B) A flood resilience plan may reference an existing local hazard mitigation plan approved under 44 C.F.R. § 201.6.

Comments: Map 5.4 shows the 100-year flood zone and river corridors. The rest of the section meets the minimum standards but could be strengthened by referencing the 2021 Local Hazard Mitigation Plan.

GOALS AND STANDARDS OF REVIEW

GOALS

24 VSA § 4302

(a) General purposes . . .

(b) It is also the intent of the legislature that municipalities, regional planning commissions and state agencies shall engage in a continuing planning process that will further the following goals:

(1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.

(2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.

(3) To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.

(4) To encourage and assist municipalities to work creatively together to develop and implement plans.

(c) In addition, this chapter shall be used to further the following specific goals:

Goal 1:

To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

(A) Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.

Consistent

Pages: 14-16, Appendix B

Town of Swanton Preliminary Plan Review

(B) Economic growth should be encouraged in locally designated growth areas, or employed to revitalize existing village and urban centers, or both.

(C) Public investments, including construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.

How has the Town Plan addressed this goal: The plan's goals and policies encourage development primarily in the Village area and Southern Growth District. Full district purpose statements in Appendix B also encourage compact development. Additional detail about desired development patterns could strengthen this section, for instance additional details on the planned patterns of road, appropriate densities and strategies to avoid strip development.

If the goal is not relevant or attainable, how does the plan address why:

Goal 2:

To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.

Consistent

Pages: 9-13

How has the Town Plan addressed this goal: Town Plan includes goals and policies to support economic growth. Including data on unemployment & poverty would strengthen this section.

If the goal is not relevant or attainable, how does the plan address why:

Goal 3:

To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

Consistent

Pages: 32, 37-38

How has the Town Plan addressed this goal: Plan includes information & policies on education, including on all-ages vocational training. Plan could be strengthened with a specific policy on adult education.

If the goal is not relevant or attainable, how does the plan address why:

Goal 4:

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) Highways, air, rail and other means of transportation should be mutually supportive, balanced and integrated.

Consistent

Pages: 17-19

How has the Town Plan addressed this goal: Plan includes a policy that addresses air and rail uses. Plan includes goals (4.1, 4.2, 4.3, 4.4) that encourage public transit, and bicycle and pedestrian facilities.

If the goal is not relevant or attainable, how does the plan address why:

Goal 5:

To identify, protect and preserve important natural and historic features of the Vermont landscape including:

(A) significant natural and fragile areas;

Consistent

Pages: 20-24, 39-40

Town of Swanton Preliminary Plan Review

- (B) outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands;
- (C) significant scenic roads, waterways and views;
- (D) important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas

How has the Town Plan addressed this goal: Goals and policies on A-C are included in pages 20-24 (Goals 5.1-5.5). Goals and policies on D are included in pages 38-39 (Goals 10.1, 10.2)

If the goal is not relevant or attainable, how does the plan address why:

Goal 6:

To maintain and improve the quality of air, water, wildlife, forests and other land resources.

Consistent

Pages: 20-24

How has the Town Plan addressed this goal: Goals 5.1-5.8 address protecting air, water, forest and land resources.

If the goal is not relevant or attainable, how does the plan address why:

Goal 7:

To encourage the efficient use of energy and the development of renewable energy resources.

Consistent

Pages: 35-36

How has the Town Plan addressed this goal: Plan includes an enhanced energy plan that encourages efficient use of energy and development of renewable energy resources.

If the goal is not relevant or attainable, how does the plan address why:

Goal 8:

To maintain and enhance recreational opportunities for Vermont residents and visitors.

(A) Growth should not significantly diminish the value and availability of outdoor recreational activities.

(B) Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate.

Consistent

Pages: 40-42

How has the Town Plan addressed this goal: Chapter 11 addresses recreational facilities and includes policies to maintain and improve access to outdoor recreational facilities.

If the goal is not relevant or attainable, how does the plan address why:

Goal 9:

To encourage and strengthen agricultural and forest industries.

(A) Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include maintaining low overall density.

(B) The manufacture and marketing of value added agricultural and forest products should be encouraged.

(C) The use of locally-grown food products should be encouraged.

(D) Sound forest and agricultural management practices should be encouraged.

Consistent

Pages: 9-13, 15-16

Town of Swanton Preliminary Plan Review

(E) Public investment should be planned so as to minimize development pressure on agricultural and forest land.

How has the Town Plan addressed this goal: In the economic and land use sections agriculture is encouraged and agricultural soils are protected. Goal 2.7 and associated policies support value-added products and encourage the use of locally-grown food. Goal 3.2 and 3.4 specifically address reducing development pressure on agricultural land.

If the goal is not relevant or attainable, how does the plan address why:

Goal 10:

To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.

Consistent

Pages: 20-24

How has the Town Plan addressed this goal: Chapter 5 addresses natural resources, Goal 5.5 directly quotes this goal.

If the goal is not relevant or attainable, how does the plan address why:

Goal 11:

To ensure the availability of safe and affordable housing for all Vermonters.

(A) Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income.

(B) New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.

(C) Sites for multi-family and manufactured housing should readily available in locations similar to those generally used for single-family conventional dwellings.

(D) Accessory apartments within or attached to single family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives or disabled or elderly persons should be allowed.

Consistent

Pages: 25-27

How has the Town Plan addressed this goal: Goal 6.1 encourages a diversity of housing types with reasonably priced housing. Goal 6.2 and associated policies address that higher density housing should be located in appropriate areas, which is clarified in the land use chapter to mean the Village and Southern Growth Center A specific policy is included addressing the need to ensure there are not barriers to development of manufactured housing. A specific policy is included encouraging ADUs. The chapter could be strengthened by additional data such as affordability calculation for homeownership.

If the goal is not relevant or attainable, how does the plan address why:

Goal 12:

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

(A) Public facilities and services should include fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal.

Consistent

Pages: 28-34

Town of Swanton Preliminary Plan Review

(B) The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

How has the Town Plan addressed this goal: Plan address utilities and facilities in chapter 7. Goal 7.1 addresses the need to ensure that municipal services are maintained and improved in a financially responsible manner.

If the goal is not relevant or attainable, how does the plan address why:

Goal 13:

To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.

Consistent

Pages: 32, 36-37

How has the Town Plan addressed this goal: Policy on childcare addressed in Chapter 7 & additional information is provided in Chapter 9. Goal 9.2 mirrors this goal.

If the goal is not relevant or attainable, how does the plan address why:
this

Goal 14:

To encourage flood resilient communities.

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

(B) The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.

(C) Flood emergency preparedness and response planning should be encouraged.

Consistent

Pages: 24

How has the Town Plan addressed this goal: These are included as policies under Goal 5.7. Additional discussion of flood preparedness could strengthen this section, such as an explanation of flooding & fluvial erosion.

If the goal is not relevant or attainable, how does the plan address why:

STANDARD OF REVIEW

24 V.S.A. § 4302(f)

(1) As used in this chapter, "consistent with the goals" requires substantial progress toward attainment of the goals established in this section, 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 determination of relevance or attainability shall be subject to review as part of a consistency determination under this chapter.

(2) As used in this chapter, for one plan to be "compatible with" another, the plan in question, as implemented, will not significantly reduce the desired effect of the implementation of the other plan. If a plan, as implemented, will significantly reduce the desired effect of the other 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.

24 V.S.A. § 4350. Review and consultation regarding municipal planning effort

(a) A regional planning commission shall consult with its municipalities with respect to the municipalities' planning efforts, ascertaining the municipalities' needs as individual municipalities and as neighbors in a region, and identifying the assistance that ought to be provided by the regional planning commission. As a part of this consultation, the regional planning commission, after public notice, shall review the planning process of its member municipalities at least twice during an eight-year period, or more frequently on request of the municipality, and shall so confirm when a municipality:

(1) is engaged in a continuing planning process that, within a reasonable time, will result in a plan which is consistent with the goals contained in section 4302 of this title; and

(2) is maintaining its efforts to provide local funds for municipal and regional planning purposes.

(b)(1) As part of the consultation process, the commission shall consider whether a municipality has adopted a plan. In order to obtain or retain confirmation of the planning process after January 1, 1996, a municipality must have an approved plan. A regional planning commission shall review and approve plans of its member municipalities, when approval is requested and warranted. Each review shall include a public

Town of Swanton Preliminary Plan Review

hearing which is noticed at least 15 days in advance by posting in the office of the municipal clerk and at least one public place within the municipality and by publication in a newspaper or newspapers of general publication in the region affected. The commission shall approve a plan if it finds that the plan:

- (A) is consistent with the goals established in section 4302 of this title;
- (B) is compatible with its regional plan;
- (C) is compatible with approved plans of other municipalities in the region; and
- (D) contains all the elements included in subdivisions 4382(a)(1)-(10) of this title.

Town of Swanton Preliminary Plan Review

The following are procedures for Regional Planning Commission review of town plans. The first procedure pertains to review of town plan re-adoptions and town plan amendments. The second is a procedure for review of town plan amendments.

Town Plan Review & Approval Process

1. The regional planning commission (RPC) receives a request for town plan approval.
2. If the staff review reveals a flaw that would preclude RPC approval, the town will be notified. It is the town's option as to whether they want a final decision on the plan or if the plan should be withdrawn from the approval process.
3. Staff comments, including draft findings and recommendations, will be provided to the Municipal Plan Review Committee.
4. The RPC's public hearing will be held before the RPC makes its final decision on the plan.
5. In all cases the RPC will take final action on the plan approval request within 60 days of its receipt.

Town Plan Amendment Review Process

1. The regional planning commission (RPC) receives a request to review an amendment to the town plan.
2. Staff comments, including draft findings and recommendations, will be provided to the Municipal Plan Review Committee.
3. The town will be notified whether or not the amendment may be approved within the context of the current regional approval of the town plan, or if the amendment constitutes a material change to the plan that is beyond the scope of the current regional approval.
4. If the amendment constitutes a change to the plan that is beyond the scope of the current regional approval, the town will be given the option of submitting the amended plan for regional approval.

Town of Swanton Preliminary Plan Review

Municipal Plan Review Committee

The Chair of NRPC will appoint a five member Municipal Plan Review Committee following the annual meeting each year. The Municipal Plan Review Committee will be responsible for reviewing all plans submitted for approval during that year. Upon receipt of a plan or amendment submitted by a municipal legislative body for approval, the Executive Director or his/her designee will notify the Committee members. Board members representing the municipality whose plan or amendment is under review must temporarily recuse themselves as a member of the Committee. They may, however, act on behalf of the municipality during the review process, and provide testimony at the public hearing.

The Committee, at its first meeting in each fiscal year, will elect a Chair to run meetings, the public hearing(s), and to present the Panel's recommendations to the Board and a Vice-Chair to assume the duties of the Chair as needed.

It is the responsibility of the Committee to consider staff recommendations and any comments from the municipality, neighboring municipalities, and other interested parties; and to make recommendations to the Board of Commissioners in the form of written findings and conclusions.

NRPC staff shall organize and warn the required public hearing. Committee members shall attend the public hearing or review the record of the hearing. The Committee will prepare written findings and recommendations. The Committee's findings and recommendations will be presented to the Board of Commissioners for action.

Staff Responsibilities

After submission of a request for regional approval by the local legislative body, one or more staff members, appointed by the Executive Director, will conduct a review of a proposed plan or plan amendment. Staff will review the plan using the attached checklists. Under direction of the Committee, staff will complete all required public notifications, prepare written findings and otherwise assist the Committee.