



Bennington County Regional Commission

210 SOUTH STREET • SUITE 6 • BENNINGTON, VERMONT 05201 • (802) 442-0713

BCRC Report of Conformance with Required Elements and Statutory Goals for Regional Plans

Proposed Plan: *Bennington Regional Plan*

Date of first public hearing: *October 24, 2024*

Tabular Summary:

Part 1: Required Elements § 4348(a)

1	Statement of Objectives, Policies, Programs	<input checked="" type="checkbox"/>
2	Natural Resources & Working Lands	<input checked="" type="checkbox"/>
3	Energy Element	<input checked="" type="checkbox"/>
4	Transportation Element	<input checked="" type="checkbox"/>
5	Utility & Facility Element	<input checked="" type="checkbox"/>
6	Policies for Natural, Scenic, Historic Resource Protection	<input checked="" type="checkbox"/>
7	Implementation Program	<input checked="" type="checkbox"/>
8	Compatibility Statement	<input checked="" type="checkbox"/>
9	Housing Element	<input checked="" type="checkbox"/>
10	Economic Development Element	<input checked="" type="checkbox"/>
11	Flood Resiliency Element	<input checked="" type="checkbox"/>
12	Future Land Use Element and Map	<input checked="" type="checkbox"/>

Specific Planning Goals § 4302

1	Compact Village Centers	<input checked="" type="checkbox"/>
2	Economy	<input checked="" type="checkbox"/>
3	Education	<input checked="" type="checkbox"/>
4	Transportation	<input checked="" type="checkbox"/>
5	Natural and Historic Resources	<input checked="" type="checkbox"/>
6	Quality of Air, Water, Wildlife, and Land Resources	<input checked="" type="checkbox"/>
7	Efficient use of Energy and Renewable Energy Resources	<input checked="" type="checkbox"/>
8	Recreation	<input checked="" type="checkbox"/>
9	Agriculture and Forest Industries	<input checked="" type="checkbox"/>
10	Use of Resources and Earth Extraction	<input checked="" type="checkbox"/>
11	Safe and Affordable Housing	<input checked="" type="checkbox"/>
12	Public Facilities and services	<input checked="" type="checkbox"/>
13	Child Care	<input checked="" type="checkbox"/>
14	Flood Resiliency	<input checked="" type="checkbox"/>

Part 1: The 12 Required Elements

24 V.S.A. § 4348a. Elements of a regional plan

(a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include the following:

- (1) A statement of basic policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment.

Comments: The proposed plan includes stated basic policies to guide growth and development, the provision of public services, and the protection of the regional environment. See pages 5-9.

- (2) A natural resources and working lands element, which shall consist of a map or maps and policies based on ecosystem function, consistent with Vermont Conservation Design, support compact centers surrounded by rural and working lands, and that:

- (A) Indicates those areas of significant natural resources, including existing and proposed for forests, wetlands, vernal pools, rare and irreplaceable natural areas, floodplains, river corridors, recreation, agriculture using the agricultural lands identification process established in 6 V.S.A. § 8, residence, commerce, industry, public and semipublic uses, open spaces, areas reserved for flood plain, forest blocks, habitat connectors, recreation areas and recreation trails, and areas identified by the State, the regional planning commission, or municipalities 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.

Comments: The proposed plan includes a natural resources element and maps describing the region's important natural resources and articulating policies to protect them. See pages 96-130.

- (B) Indicates those areas that have the potential to sustain agriculture and recommendations for maintaining them that may include transfer of development rights, acquisition of development rights, or farmer assistance programs.

Comments: The proposed natural resources element includes descriptions of agricultural resources and policies to protect them. See pages 109-111.

- (C) 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 proposed natural resources element includes descriptions of forest blocks and habitat connectors and land development policies that protect them. See pages 111-113.

- (D) Encourages preservation of rare and irreplaceable natural areas, scenic and historic features and resources.

Comments: The proposed natural resources element includes descriptions of rare and irreplaceable natural areas and scenic and historic resources and policies to protect them. See pages 114-120 of the natural resources element as well as pages 81-88 of the land use element.

- (E) Encourages protection and improvement of the quality of waters of the State to be used on the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

Comments: The proposed natural resources element includes descriptions of water resources and policies to protect them. See pages 96-106.

- (3) An energy element, including an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the efficient use of energy and the development and siting of renewable energy resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources

ad areas that are unsuitable for the siting of those resources or particular categories or sizes of those resources.

Comments: The proposed plan includes an energy element that describes an analysis of resource uses and needs and proposed policies for the conservation of energy, the transition to renewable energy, and the development of renewable energy facilities. See pages 197-249.

- (4) A transportation element, consisting of a statement of present and prospective transportation and circulation facilities, and a map showing existing and proposed highways, including limited access highways, and streets by type and character of improvement, and where pertinent, anticipated points of congestion, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, and recommendations to meet future needs for such facilities, with indications of priorities of need, costs, and method of financing.

Comments: The proposed plan includes a transportation element that describes transportation infrastructure and services, including maps depicting road, rails, air, transit, and trail systems, discusses bicycle and pedestrian facilities and needs, and indicates priorities for needed transportation improvements. See pages 150-175

- (5) A utility and facility element, consisting of a map and statement of present and prospective local and regional community facilities and public utilities, whether publicly or privately owned, showing existing and proposed educational, recreational and other public sites, buildings and facilities, including public schools, State office buildings, hospitals, libraries, power generating plants and transmission lines, wireless telecommunications facilities and ancillary improvements, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for those facilities, with indications of priority of need.

Comments: The proposed plan includes a utilities and facilities element with maps that discuss the region's utilities, and public facilities and services with prioritized recommendations for future needs. See pages 176-196.

- (6) A statement of policies on the:
 - (A) preservation of rare and irreplaceable natural areas, scenic and historic features and resources; and
 - (B) protection and improvement of the quality of waters of the State to be used in the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

Comments: The proposed plan includes policies for the preservation of rare and irreplaceable natural areas (See pages 111-116). The plan includes policies to protect scenic and historic resources (See pages 117-119). The plan articulates policies for improving water quality in line with ANR basin plans (See pages 105-106).

- (7) A program for the implementation of the regional plan's objectives, including a recommended investment strategy for regional facilities and services based on a capacity study of the elements of this section.

Comments: The proposed plan includes an implementation matrix that summarizes how goals will be achieved. See Appendix B beginning on page 267.

- (8) A statement indicating how the regional plan relates to development trends, needs, and plans and regional plans for adjacent municipalities and regions.

Comments: The proposed plan includes a section describing coordination with municipal, regional, state, and federal jurisdictions. See pages 250-254.

- (9) A housing element that identifies the regional and community-level need for housing that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and not more than 15 percent on

transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types, and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it. The regional planning commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and shall disaggregate regional housing targets or ranges by municipality. The housing element shall include a set of recommended actions to satisfy the established needs.

Comments: The proposed plan includes a housing element that identifies housing needs and targets based on the 2024 Vermont Housing Needs Assessment, demographic information for the Bennington region, and recent housing studies conducted for Bennington and Manchester specifically. See pages 22-42.

- (10) 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.

Comments: The proposed plan includes an economic development element describing current economic conditions and outlines desired economic development for the region. See pages 57-74.

- (11) (A) A flood resilience element 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 (A) 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.

Comments: The proposed plan includes a comprehensive climate resilience chapter that addresses flood residence throughout the region (See pages 131-151). The plan includes recommended flood hazard and river corridor policies to reduce flood risks. The BCRC routinely assists member municipalities to develop and update hazard mitigation and local emergency operation plans (See page 143).

- (12) A future land use element, based upon the elements in this section, that sets forth the present and prospective location, amount, intensity, and character of such land uses in relation to the provision of necessary community facilities and that consists of a map delineating future land use area boundaries for the land uses in subdivisions (A)-(J) of this subdivision (12) as appropriate and any other special land use category the regional planning commission deems necessary; descriptions of intended future land uses; and policies intended to support the implementation of the future land use element

Comments: The proposed plan includes a land use element and future land use map that is not compliant with Act 181 future land use categories and requirements. The Land Use Review Board has not yet formed and rules for delineation of the categories are not yet finalized. The BCRC intends to develop an Act 181-compliant regional plan for adoption by the December 31, 2026, deadline. See pages 75-95.

Part 2: Consistency with Statewide Planning Goals

24 V.S.A. § 4302 Purpose, goals

(a) General purposes:

- Encourage the appropriate development of lands in a manner that will promote the public health and safety, and welfare.
- To mitigate property tax burden on agricultural forest, and other open lands.
- Encourage appropriate architectural design.
- Encourage the development of renewable resources.
- To avoid undue concentrations of population and overcrowding of land and buildings.
- To protect against the loss of peace, quiet and privacy from traffic issues.
- To facilitate optimal community and neighborhood growth according to good civic design principles.
- To encourage the development of rich arts and cultural offerings.
- To avoid future or mitigate existing land development problems.

How is the plan consistent with these goals? **The proposed plan includes policies and goals aimed to promote general health, safety, and welfare (see pages 5-8), mitigate property tax burden on working lands (see pages 110-113), encourage appropriate architectural design and protect historic architecture (see pages 5-6, 36, 81-82, 118), encourage the development of renewable energy resources (see pages 197-259), avoid congestion and overcrowding by limiting dense development to core areas with adequate public services, protect against traffic issues (see pages 152-175), promote good civic design (see pages 36, 77-79, 81-82, 118, 259), encourage arts and cultural offerings (see pages 43, 47, 76, 81-82, 254), and avoid and mitigate land development problems (see pages 75-95).**

(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.

How is the plan consistent with these goals? **The proposed plan embraces cooperative planning with BCRC member municipalities, other regional planning commissions, state agencies and federal jurisdictions. It also encourages broad citizen participation in planning efforts, empowering local decision making and championing just and equitable policymaking. The plan emphasizes sustainable, equitable, and responsible use of resources for growth and development. The plan expresses the BCRC commitment to assisting its member municipalities in developing and implementing their own local plans.**

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

- (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.**
 - (B) Economic growth should be encouraged in locally designated growth areas, employed to revitalize existing village and urban centers, or both, and should be encouraged in growth centers designated under chapter 76A of this title.**

- (C) Public investments, including the construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.
- (D) Development should be undertaken in accordance with smart growth principles as defined in subdivision 2791(13) of this title.

How has the plan addressed **Goal 1**? The land use chapter (*Chapter 8*) of the proposed plan expresses these core statewide goals to encourage economic and land development in historic village and downtown cores. The chapter includes policies to encourage public investments that reflect this principle. Smart growth principles are also embraced in this chapter and throughout other chapters of the plan.

-
- (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.

How has the plan addressed **Goal 2**? The proposed plan includes an economic development chapter (*Chapter 7*) that embraces environmentally responsible development of a diversified economy that offers a broad range of rewarding job opportunities throughout the region.

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

How has the plan addressed **Goal 3**? The proposed plan includes policies in the education and economic development chapters aimed to broaden educational and vocational training opportunities addressing the needs of the region (see *Chapters 6 and 7*).

-
- (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.

How has the plan addressed **Goal 4**? The proposed plan includes a comprehensive transportation element (*Chapter 11*) that addresses the safety and convenience of the region's transportation system, including for pedestrians, bicyclers, and transit users. The transportation chapter discusses the region's pedestrian, bicycle, highway, air, and rail systems and prioritizes future investments for each. Proposed transportation policies emphasize energy conservation and environmentally responsible design.

-
- (5) To identify, protect, and preserve important natural and historic features of the Vermont landscape including:
 - (A) significant natural and fragile areas;
 - (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 plan addressed **Goal 5**? The proposed plan contains a chapter addressing the protection of natural resources, including rare and vulnerable species and habitats and water resources. Important scenic resources are addressed (*Section 9.9*). The land use chapter includes a section on the protection of the region's historic and archeologic resources (*Section 8.4*).

- (6) To maintain and improve the quality of air, water, wildlife, forests, and other land resources.
- (A) Vermont’s air, water, wildlife, mineral, and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. § 6086(a).
 - (B) Vermont’s water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.
 - (C) Vermont’s forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.

How has the plan addressed **Goal 6**? The natural resources element (*Chapter 9*) of the proposed plan includes sections addressing the protection and wise use of the region’s natural resources. Water quality policies in line with ANR basin plans are expressed in the plan. Proposed policies for the use and development of the region’s natural resources are in keeping with the Act 250 criteria expressed in 10 V.S.A. § 6086.

-
- (7) To make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.
- (A) General strategies for achieving these goals include increasing the 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.
 - (B) Specific strategies and recommendations for achieving these goals are identified in the State energy plans prepared under 30 V.S.A. §§ 202 and 202b.

How has the plan addressed **Goal 7**? The proposed plan includes an enhanced energy element (*Chapter 13*) that addresses energy efficiency, renewable energy development in the region, and the reduction of the use of fossil fuels. Proposed energy policies are in keeping with state energy policy to reduce greenhouse gas emissions while meeting the state’s energy needs efficiently, cost effectively, and according to the Vermont Electrical Energy Plan, Vermont Climate Action Plan, and the Vermont Comprehensive Energy Plan per 30 V.S.A. §§ 202, 202a, and 202b. To indicate compliance with these plans and policies, the BCRC has completed a review of the energy component of the proposed plan using the Energy Planning Standards for Regional Plans tool provided by the Department of Public Service (also called the Act 174 Standards Checklist), which will be submitted to the department with the plan once it is adopted.

-
- (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.

How has the plan addressed **Goal 8**? The proposed plan includes policies to promote, maintain, and protect the region’s recreational assets, particularly outdoor recreational opportunities, for residents and visitors alike. These policies are expressed in various sections of the plan including through Goal H (*page 7*), rural areas policies (*Section 8.5*), the outdoor recreational resources section (*Section 9.9*), the walking and biking transportation infrastructure section (*Section 11.6*), and the recreational facilities section (*Section 12.8*) among others.

-
- (9) To encourage and strengthen agricultural and forest industries.
- (A) Strategies to protect long-term viability of agricultural and forestlands 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.
- (E) Public investment should be planned so as to minimize development pressure on agricultural and forest land.

How has the plan addressed **Goal 9**? The proposed plan addresses Goal 9 with policies aimed to encourage dense development of traditional cores while protecting rural open and working lands (*Chapter 8*). Agriculture and forestry are singled out as important aspects of the regional economy and landscape and policies to promote and protect these enterprises are included (*Sections 9.4 and 9.5*). The promotion of local food systems is posited as important to the regional economy, resilience, and health.

-
- (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.

How has the plan addressed **Goal 10**? The proposed plan stresses the protection and sustainable use of its natural resources (see *chapters 8, 9, 10, and 13*) and includes a section on the sustainable and responsible extraction of earth resources (*Section 9.6*).

-
- (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 be 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.

How has the plan addressed **Goal 11**? The proposed plan includes a housing element (*Chapter 5*) that encourages safe and affordable housing to serve a diversity of residents with of a range of types and sizes throughout the region.

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

How has the plan addressed **Goal 12**? The provision of adequate efficient, and sustainable public facilities and services is primarily addressed in the utilities, facilities, and services part of the proposed plan (*Chapter 12*), with public schools primarily addressed in the education chapter (*Chapter 6*). Policies for the protection of public water supplies are also included in the natural resources chapter (*Chapter 9*), and appropriate rates of growth and development are also addressed in the land use chapter (*Chapter 8*). Safe and efficient public transportation infrastructure and services are discussed in the transportation chapter (*Chapter 11*).

- (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.**

How has the plan addressed **Goal 13**? *The proposed plan emphasizes the importance of childcare services and includes policies to promote the provisions of quality childcare and early childhood education facilities throughout the region (see Sections 6.5 and 6.6).*

-
- (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.**

How has the plan addressed **Goal 14**? *The proposed plan addresses flood resilience in a comprehensive climate resilience chapter (Chapter 10), reinforces flood resilient development in the land use chapter, and emphasizes the protection of upland forests and river corridors in the natural resources chapter.*

NOTE: Page numbers referenced in this Section 4348 Report correspond to the September 23, 2024, draft of the proposed Bennington Regional Plan. Pagination may change after feedback from the October 25, 2024, and November 21, 2024, public hearings is incorporated into the plan.