

Municipal Plan Review Tool — Sunderland

This tool addresses the statutory requirements of the State of Vermont for municipal 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 municipal 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, and 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"/>

REQUIRED ELEMENTS OF A MUNICIPAL PLAN

24 V.S.A. Chapter 117 § 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

Comments: Overall purpose of plan is presented on page 1 and objectives, policies, and programs are discussed throughout by topic area.

(2) A land use plan, 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; and 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 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;

Met

MAPS	
Present Land Use	✓
Future Land Use	☒

Comments: The land use section includes a map and discussion of different current land use categories, which are not proposed to change. The plan was amended on December 18, 2023, to include description of an area to be considered for village center designation and a policy of an intent to apply for such designation.

(2a) New Act 171 Requirement: ...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 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.

Comments: The plan contains many references to preserving forest integrity and recognizes most of the town as Green Mountain National Forest and unsuitable for development activity.

(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 most of the town and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, with indications of priority of need;

Met

MAP	
Transportation	☒

Comments: Development is only suitable in the northeastern corner of the town. No new roadways are planned and there is little need for parking lots. Traffic calming measures and infrastructure improvements are to be targeted on existing roadways.

(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

MAP
Utility and Facility ☒

Comments: The transportation map together with the solar and wind resource maps depict various utilities and facilities.

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

Met

Comments: Policies protecting unique natural areas and wildlife habitat are included and a section on historic preservation includes policies to preserve and rehabilitate them.

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

Met

Comments: The facilities map includes an indication of the location of the Sunderland Elementary School and discussion of its pre-K and K-6 program is included in the plan.

MAP
Educational
Facilities ☒

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

Met

Comments: The plan concludes with a section on implementation.

(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

Comments: The plan references the development patterns of neighboring municipalities and re-enforces statewide goals of dense centralized development surrounded by rural countryside.

(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

(9a) New Enhanced Energy Element compliant with Act 174;

Comments: The plan's energy element meets Act 174 standards for an enhanced energy plan.

(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.

Met

Comments: *The plan does not yet incorporate 2020 data, nor address accessory dwelling units. Given the housing crisis that the state faces and new Act 47 (HOME Act) requirements, BCRC recommends the town pursue a comprehensive update to the housing section of the plan as soon as the planning commission has capacity to address this.*

(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

Comments: *The economic development element was updated with reference to a proposed village center and intent to apply for the designation to incentivize economic development of the area.*

(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.

Met

Comments: *The plan includes a discussion of flood hazards and flood resilience and mitigation measures.*

STATEWIDE PLANNING 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.

Consistent

(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, 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 plan addressed this goal: The plan stresses re-enforcement of existing patterns of development and investment in existing infrastructure.

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

How has the plan addressed this goal: The town is very rural with a small population and little commercial activity. The plan stresses protection of natural and historic resources and limited and concentrated economic activity in the northwest corner.

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

How has the plan addressed this goal:

All of the local public and private schools, including the vocational Career Development Center and

If the goal is not relevant or attainable, how does the plan address why: The goal is not relevant because the town has little population with only one small elementary school.

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.

Consistent

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

How has the plan addressed this goal: The plan stresses maintaining and improving the existing rural transportation infrastructure.

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;
- (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

Consistent

How has the plan addressed this goal: The plan identifies the importance of the town's natural, historic, and scenic resources and includes policies that aim to protect them.

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 and land resources.

Consistent

How has the plan addressed this goal: The plan includes policies that aim to protect these 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

How has the plan addressed this goal: The plan includes an energy element that meets Act 174 standards for an enhanced energy plan.

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

How has the plan addressed this goal: **The plan recognizes that most of the land area within the town is best suited for such outdoor recreational opportunities while development is low density and concentrated in the northeast corner of the town.**

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

Consistent

How has the plan addressed this goal:

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

How has the plan addressed this goal: **The plan includes a statement that earth and mineral resource extraction should not prevent the future potential functioning of land for agriculture, forest, wildlife habitat, or water resources.**

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.

Consistent

(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 this goal: *The plan includes a housing section with policies aimed to accommodate affordable housing in low-density forms.*

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.

(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: *The plan includes an inventory of limited public facilities and services some of which are provided by adjoining municipalities or the school district rather than the town. Given the limited services provided by the Town of Sunderland, only low-density, limited growth is anticipated and planned for.*

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.

How has the plan addressed this goal: *The plan includes a short section on child care with a policy statement committing the town to encourage services and to conduct a needs assessment. It is not clear whether the town has conducted such a needs assessment. If not, BCRC recommends the town reach out for assistance on such an assessment.*

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

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

Consistent

Consistent

How has the plan addressed this goal: **The plan includes a policy statement restricting or prohibiting development in identified flood hazard, fluvial erosion hazard, and river corridor areas.**

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 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.

The following are procedures for Regional Planning Commission review of municipal plans. The first procedure pertains to review of municipal plan re-adoptions and plan amendments. The second is an alternate procedure for review of municipal plan amendments. For review of amendments, it is up to the discretion of the Regional Planning Commission as to which procedure will be used.

Municipal Plan Review & Approval Process

The following may be used for plan re-adoption reviews as well as plan amendment reviews

1. The regional planning commission (RPC) receives a request for municipal plan approval.
2. If the staff review reveals a flaw that would preclude RPC approval, the municipality will be notified. It is the municipality'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 committee or board given responsibility by the RPC's bylaws for municipal plan approval.
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.

Municipal Plan Amendment Review Process

This is an alternative procedure for plan amendment reviews

1. The regional planning commission (RPC) receives a request to review an amendment to the municipal plan.
2. Staff comments, including draft findings and recommendations, will be provided to the committee or board given responsibility by the RPC's bylaws for municipal plan approval.
3. The municipality will be notified whether or not the amendment may be approved within the context of the current regional approval of the municipal 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 municipality will be given the option of submitting the amended plan for regional approval.