



Designated New Town Centers

Application Guidelines



Department of Housing
and Community Development
Community Planning + Revitalization
May 2022

 **VERMONT**
AGENCY OF COMMERCE & COMMUNITY DEVELOPMENT
DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT



Overview

New Town Center Designation (24 V.S.A. Chapter 76A) recognizes areas planned for development of a walkable community center. These guidelines provide instructions for preparing a New Town Center application as required in statute (24 V.S.A. Chapter 76A § 2793b). The statutory definition of New Town Center is:

“New town center” means the area planned for or developing as a community’s central business district, composed of compact, pedestrian-friendly, multistory, and mixed use development that is characteristic of a traditional downtown, supported by planned or existing urban infrastructure, including curbed streets with sidewalks and on-street parking, stormwater treatment, sanitary sewers and public water supply.

24 V.S.A. § 2791

Eligibility

The legislative body of a municipality having no traditional downtown or a village center within the municipality is eligible to apply for designation. The intent to apply for New Town Center designation must be stated in the municipal plan with an explanation of how it would further municipal and statewide goals. Other requirements for designation are detailed in the checklist on pages 6 - 7.

Application Process

All designation decisions are made by the Vermont Downtown Board which meets the fourth Monday of each month.

Pre-Application Meeting

All applicants must contact Department of Housing and Community Development (DHCD) staff and arrange for a pre-application meeting before submitting an application for New Town Center designation, preferably before any work on the application has begun. The meeting will take place in the municipality requesting the designation unless another location is agreed upon. At the pre-application meeting, DHCD staff will discuss the program requirements and possible designation boundaries with the municipality. A timeline for follow-up will be discussed at that meeting and soon thereafter DHCD will issue written comments on the municipality's readiness to proceed with designation, identifying any designation requirements that are not yet met and explaining any likely issues of Downtown Board concern.

Draft Application

All applicants will submit a draft application for review and comment by DHCD staff three months before the municipality seeks designation approval. The regional planning commission and regional development corporation should be notified of the intent to apply at this point. DHCD comments on the draft will be issued within 30 days.

Final Application

The final application is due, in electronic format, at the address below, no later than 4:30 p.m. the first Monday of any month in order to be considered for that month's Board meeting. DHCD will review the application for completeness. If complete, the Downtown Board will have 45 days to make a decision on designation. If the application is not complete, the application will not go to the Board and the municipality will be notified of the deficiencies and how to address them.

Please contact Jacob Hemmerick (802.828.5249) or jacob.hemmerick@vermont.gov, to guide and assist you in the application process.

Application materials must be submitted to:

Division for Community Planning and Revitalization
Department of Housing and Community Development (DHCD)
One National Life Drive, 6th Floor
Montpelier, VT 05620

Applications are due on the first Monday of the month by 4:30 p.m. in electronic format.

Vermont Designated New Town Centers Program

Jacob Hemmerick Phone: 802-828-5249 email: jacob.hemmerick@vermont.gov

New Town Center Designation Benefits

Designated New Town Centers are eligible for the authority to create a special taxing district, (24 V.S.A. Chapter 87) for the purpose of financing both capital and operating costs of a project in the center.

New Town Center designation also makes the area in and around the center eligible for designation of a:

- ☐ Neighborhood Development Area
- ☐ Growth Center

These programs offer grant priority for municipalities and permitting benefits for developers.

For Act 250 permitting purposes, all designated areas including New Town Centers are considered “existing settlements” for purposes of meeting Criterion 9(L) in 10 V.S.A. § 6086. This simplifies the requirements for obtaining an Act 250 permit within the designated area.

Mixed income and mixed used housing development in New Town Centers and associated designated areas trigger Act 250 jurisdiction at a higher threshold than would apply in other locations. 10 V.S.A. § 6001.

In addition, New Town Centers are eligible to apply for the Vermont Better Places placemaking grants to create, revitalize, or activate public spaces in the designated new town center.



Boundary Requirements

The total area of land that can be approved within a New Town Center must meet the following requirements in keeping with 2793b (b)(A).

- ☐ The total area of land encompassed within a designated New Town Center shall not exceed 125 acres.
- ☐ In a municipality with a population greater than 15,000, the total area of land encompassed within a designated New Town Center may include land in excess of 125 acres provided that the additional area is needed to facilitate the redevelopment of predominately developed land in accordance with the smart growth principles and shall not exceed 175 acres.

“Smart growth principles” are defined in 24 V.S.A. § 2791(13).



1. Cover Letter, including:

- ☐ Name of the Municipality.
- ☐ Name, address, daytime phone number and email address of the primary contact person for the application.
- ☐ A list of documents included in application.
- ☐ Verification that the regional planning commission and the regional development corporation have been notified of the intent to apply.

2. Authorization from Town or Village Selectboard or Trustees

- ☐ Minutes, municipal resolution or signatures of the legislative body showing that the application has been authorized by the municipality.

3. Municipal Plan Integration

- ☐ The municipal plan states that the municipality intends to apply for New Town Center designation.
- ☐ The municipal plan explains how designation would further the plan's goals and the goals under 24 V.S.A. §4302 (statewide planning goals).

4. Confirmed Planning Process

- ☐ Letter from the regional planning commission, stating that the municipality's planning process is "confirmed" under 24 V.S.A. §4350.

5. Community Investment Agreement

- ☐ A community investment agreement that has been executed by authorized representatives of the municipal government, businesses, and property owners within the district, and community groups with an articulated purpose of supporting New Town Center interests.
- ☐ A map of the designated New Town Center meeting the land area requirement of 2793b (b)(A). (See boundary requirements on page 5 and map requirements on page 7).

6. Planning Requirements

- ☐ A municipal center plan (an articulated vision for the New Town Center – a graphic depiction is optional – and next steps for implementing it).
- ☐ Adopted bylaws and ordinances that implement the plan including:
 - ☐ An official map adopted according to 24 V.S.A. §4421.
 - ☐ A design review district or other regulations that adequately control the physical form and scale of development.
 - ☐ Regulations enabling high densities that are greater than those allowed in any other part of the municipality.
 - ☐ Regulations enabling multistory and mixed use buildings and mixed uses which enable the development of buildings in a compact manner.
- ☐ A clear plan for mixed income housing in the New Town Center.
- ☐ A capital improvement program, or a capital budget and program showing a clear plan for providing public infrastructure within the center, including facilities for:
 - ☐ Drinking water
 - ☐ Wastewater
 - ☐ Stormwater
 - ☐ Public Space
 - ☐ Lighting
 - ☐ Transportation including public transit, parking, and pedestrian amenities.
- ☐ Evidence that civic and public buildings do exist, or will exist in the center, as shown by the capital improvement plan or the capital budget and program, and the official map.
- ☐ Evidence that any private or municipal sewage system and private or public water supply serving the proposed new town center are in compliance with the requirements of 10 V.S.A. chapters 47 and 56, and that the municipality has dedicated a portion of any unallocated reserve capacity of the sewage and public water supply necessary to support growth within the proposed new town center. If no public water or sewer exists respond to requirements of 24 V.S.A. § 2793b (b) (2) (H). See page 8.

7. Overview

- ☐ Describe how the municipality intends to meet the New Town Center Definition in §2791 (11):
 - ☐ “New town center” means the area planned for or developing as a community’s central business district, composed of compact, pedestrian-friendly, multistory, and mixed use development that is characteristic of a traditional downtown, supported by planned or existing urban infrastructure, including curbed streets with sidewalks and on-street parking, stormwater treatment, sanitary sewers and public water supply.
- ☐ List any benefits that the municipality hopes to obtain from the New Town Center designation.

8. Map Requirements

- ☐ A color map delineating the boundary of the New Town Center district, clearly showing the buildings and properties that are within the New Town Center district. In most cases, an orthophoto should be used as the base map, with the information below superimposed over it:
 - ☐ Streets identified by name
 - ☐ Significant buildings identified
 - ☐ North arrow, scale and current date
 - ☐ Property boundaries
 - ☐ Zoning Map should be included as a separate map

9. Presentation to the Board

- ☐ The applicant is required to give a 10 minute presentation for the Downtown Board describing the municipality’s plans for the New Town Center. The presentation does not need to be in Power Point but the option is available.
 - ☐ Overview – Context for the New Town Center – why is the town applying for designation at this time?
 - ☐ Future Plans - Overview of the town’s goals and strategy for implementation over the next five years.
 - ☐ Assistance – How can the state help you in achieving your goals?



Municipal Water and Wastewater Requirements

1. **Compliance** – The application must include evidence that any private or public sewage system and any private or public water supply system serving the proposed downtown district, is in compliance with state requirements. (Please note that you will need responses from two different Divisions within the Agency of Natural Resources (ANR) to demonstrate compliance, and should allow at least several weeks for them to conduct this review.)

Please complete and obtain ANR approval for the attached forms.

- Drinking water system compliance – Appendix A.
 - Wastewater system compliance – Appendix B.
2. **Reserve Commitment** – Provide evidence that the municipality has dedicated a portion of any unallocated reserves for both the wastewater and drinking water systems, adequate to accommodate future growth in the New Town Center.
 - The municipality should show they have reviewed the anticipated growth for the New Town Center, and base the allocation of reserves on that estimate.
 - The dedication of reserves must be made by formal action by the legislative body of the municipality. Evidence of these dedications must be included in the application for designation. (ANR approval is not required for either wastewater or drinking water system reserve commitments.)

If the New Town Center does not currently have water and sewage systems, the municipality must provide evidence of its commitment to construct such systems within 10 years, in compliance with state regulations.



Renewal Process for New Town Centers

A New Town Center is designated for eight years. An interim review of the designation is required every four years. Where a New Town Center is part of a state designated Growth Center, the interim review may coincide with the five-year Growth Center review. After eight years, the municipality must submit a request for renewal, demonstrating that it continues to meet all of the requirements for the designation.

Timeline and Process

The Department of Housing and Community Development sends out a reminder memo to each community six months prior to the renewal date. The applicant must submit via email, an electronic copy of a draft renewal application including all items on the renewal checklist, three months prior to the renewal date. Staff will send written comments two months prior to the renewal date outlining any concerns or issues.

Final applications are due the first Monday of the renewal month and the Board will meet and review applications the fourth Monday of each month. Representatives of the municipality should attend the meeting and be prepared to make a 10 minute presentation (see recommended outline below) to the Downtown Board highlighting successes over the past five years and future plans.

At the meeting the staff will provide a summary of the renewal followed by the community presentation. The Board will then discuss the renewal and vote.

Late Submissions

If the renewal date is missed, the designation continues for an additional 6 months with the program benefits suspended. If no renewal application is received after the 6 month suspension the Downtown Board will withdraw designation. Once designation is withdrawn, a community may submit a new application for designation at any time.

Amendments to Designated New Town Center Boundary

Requests to amend a boundary must be submitted by the first Monday of any month the Board meets. Requests for amendments must follow the requirements and procedures for a new application.

Please contact Jacob Hemmerick (802.828.5249) or jacob.hemmerick@vermont.gov, to guide and assist you in the renewal process.

Renewal application materials must be submitted to:

Division for Community Planning and Revitalization
Department of Housing and Community Development (DHCD)
One National Life Drive, 6th Floor
Montpelier, VT 05620

Vermont Designated New Town Centers Program

Jacob Hemmerick Phone: 802-828-5249 email: jacob.hemmerick@vermont.gov

Applications are due on the first Monday of the month by 4:30 p.m. in electronic format.

1. Cover Letter, including:

- ☐ Name of the Municipality.
- ☐ Name, address, daytime phone number and email address of the primary contact person for the application.
- ☐ A list of documents included in application.
- ☐ Verification that the regional planning commission and the regional development corporation have been notified of the intent to apply.

2. Authorization from Town or Village Selectboard or Trustees

- ☐ Minutes, municipal resolution or signatures of the legislative body showing that the application has been authorized by the municipality.

3. Confirmed Planning Process

- ☐ Letter from the regional planning commission, stating that the municipality's planning process is "confirmed" under 24 V.S.A. §4350.

4. Community Investment Agreement

- ☐ A community investment agreement that has been executed by authorized representatives of the municipal government, businesses, and property owners within the district, and community groups with an articulated purpose of supporting New Town Center interests.
- ☐ A map of the designated New Town Center meeting the land area requirement of 2793b (b)(A). (See map requirements on the following page.)

5. Planning Requirements

- ☐ A municipal center plan (an articulated vision for the New Town Center – a graphic depiction is optional – and next steps for implementing it).
- ☐ Adopted bylaws and ordinances that implement the plan including:
 - ☐ An official map adopted according to 24 V.S.A. §4421.
 - ☐ A design review district or other regulations that adequately control the physical form and scale of development.
 - ☐ Regulations enabling high densities that are greater than those allowed in any other part of the municipality.
 - ☐ Regulations enabling multistory and mixed use buildings and mixed uses which enable the development of buildings in a compact manner.
- ☐ A clear plan for mixed income housing in the new town center.
- ☐ A capital improvement program, or a capital budget and program showing a clear plan for providing public infrastructure within the center, including facilities for:
 - ☐ Drinking water
 - ☐ Wastewater
 - ☐ Stormwater
 - ☐ Public Space
 - ☐ Lighting
 - ☐ Transportation including public transit, parking, and pedestrian amenities.
- ☐ Evidence that civic and public buildings do exist, or will exist in the center, as shown by the capital improvement plan or the capital budget and program, and the official map.
- ☐ Evidence that any private or municipal sewage system and private or public water supply serving the proposed new town center are in compliance with the requirements of 10 V.S.A. chapters 47 and 56, and that the municipality has dedicated a portion of any unallocated reserve capacity of the sewage and public water supply necessary to support growth within the proposed new town center. If no public water or sewer exists respond to requirements of 24 V.S.A. § 2793b (b) (2) (H). See page 8.

6. Success

- ☐ Describe highlights or any outstanding achievements over the past eight years in meeting the New Town Center Definition in §2791 (11):
 - ☐ “New town center” means the area planned for or developing as a community’s central business district, composed of compact, pedestrian-friendly, multistory, and mixed use development that is characteristic of a traditional downtown, supported by planned or existing urban infrastructure, including curbed streets with sidewalks and on-street parking, stormwater treatment, sanitary sewers and public water supply.
- ☐ Provide any maps, plans, graphics and photos that illustrate the progress made.
- ☐ Describe any major obstacles encountered in meeting that definition or the New Town Center requirements.
- ☐ List any benefits that were derived from the New Town Center designation.

7. Map Requirements

- ☐ A color map delineating the boundary of the New Town Center district, clearly showing the buildings and properties that are within the New Town Center district. In most cases, an orthophoto should be used as the base map, with the information below superimposed over it:
 - ☐ Streets identified by name
 - ☐ Significant buildings identified
 - ☐ North arrow, scale and current date
 - ☐ Property boundaries
 - ☐ Zoning Map should be included as a separate map

8. Presentation to the Board

- ☐ The applicant is required to give a 10 minute presentation for the Downtown Board describing the municipality’s plans for the New Town Center. The presentation does not need to be in Power Point but the option is available.
 - ☐ Overview – Summary of progress made and obstacles encountered in implementing the New Town Center (referring to responses under #7 above). Include:
 - ☐ Any new maps, plans and graphics
 - ☐ Photos of and/or plans of any new buildings and public facilities.
 - ☐ Future Plans - Overview of the town’s goals and strategy for implementation over the next five years.
 - ☐ Assistance – How can the state help you in achieving your goals?



Checklist for Compliance Review of Community Water System

VTDEC Drinking Water & Groundwater Protection Division

New Town Center District Designation

WSID #: _____

Public Water System (PWS) Permit to Operate Last Issued: _____

Capacity (Technical)

1. What is the authorized capacity for the PWS? _____gpd
2. What was the annual maximum water production rate (monthly high) provided by the water system for the previous 12 months? (Provide date range and monthly data.) _____gpd
3. What are the total unconnected water commitments/allocation for the water system? _____gpd
4. What is the uncommitted reserve capacity for the PWS?
Add together items 2 and 3 above, and subtract from item 1 _____gpd
5. What are the gallons of capacity planned for the designated area? _____gpd

Implementation Schedule

6. Does the operating permit contain an improvement schedule? _____ Yes _____ No
7. Is the PWS completing improvements in accordance with the permit schedule? _____ Yes _____ No
8. If not in compliance with the improvements schedule, what is the cause and length of the delay (provide detailed attachment as necessary)?

Owner or owner's authorized representative responsible for approving allocation of water to connections and maintaining technical capacity records for the PWS.

Name: _____ Date: _____

Title: _____ Phone: _____

E-mail: _____

The completed form must be submitted to the Sustainable Infrastructure & Management Program within the Drinking Water & Groundwater Protection Division, Agency of Natural Resources (ANR). A complete designation application must include both a copy of the submitted form and written notice of approval from ANR.

Vermont Department of Environmental Conservation
Drinking Water and Groundwater Protection Division
One National Life Drive - Davis 4
Montpelier, VT 05620-3521
802-828-1535
<https://dec.vermont.gov/water>

Checklist for Compliance Review of Community Wastewater System VermontWatershed Management Division
New Town Center District Designation

Discharge Permit:

Number: _____ Issued: _____ Expires: _____

Solid Waste Facility Certification or Approved Sludge Management Plan:

SW ID # _____ Issued: _____ Expires (certifications only): _____

Capacity:

1. What is the hydraulic design of your wastewater treatment facility? _____gpd
2. What was the annual average discharge flow from your facility for the previous 12 months of record? _____ gpd
3. What is the total of unconnected commitments/allocations to your facility? _____gpd
4. What is the uncommitted reserve hydraulic capacity of your facility? _____gpd
[design flow – (commitments + annual average flow)] = uncommitted reserve hydraulic capacity _____gpd
5. Gallons of capacity planned for designated area? _____gpd
6. What is the organic loading (BOD) of your wastewater treatment facility? _____lbs/day
7. What was the annual average BOD received by your facility for the previous 12 months of record? _____ lbs/day
8. What is the total of unconnected organic (BOD) commitments/allocations to your facility? _____ lbs/day
9. What was the uncommitted reserve organic (BOD) capacity of your facility? _____ lbs/day
[BOD design - (commitments + annual average BOD)] = uncommitted BOD capacity _____ lbs/day
10. Pounds of organic (BOD) capacity planned for designated area? _____ lbs/day

Owner or owner's authorized representative responsible for approving allocation of wastewater to connections and maintaining technical capacity records for the wastewater system.

Name: _____ Date: _____

Title: _____ Phone: _____

E-mail: _____

Implementation Schedule:

Are you required by an order issued under section 1272 of Chapter 47 or through permit conditions to implement facility modifications to reduce pollutants in your discharge? _____ Yes _____ No

If you are not in compliance with the schedule dates in that order, please explain the cause and length of the delay.

Are you required by an order issued under section 1272 of Chapter 47 or through permit conditions to eliminate combined sewer overflows? _____ Yes _____ No

If you are not in compliance with the schedule dates in that order, please explain the cause and length of the delay.

Checklist for Compliance Review of Community Wastewater System

Vermont Watershed Management Division
New Town Center District Designation

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Effluent Quality

Were limits for any of the following parameters exceeded during the past 12 months? If violations occurred, please discuss the cause and duration, remedial steps taken during the event and corrective action taken to prevent recurrence.

Biochemical Oxygen Demand (BOD): _____

Total Suspended Solids (TSS): _____

Phosphorus: _____

Ultimate Oxygen Demand (UOD): _____

Settleable Solids: _____

E. coli Bacteria: _____

Total Residual Chlorine: _____

Other: _____

Municipality

Authorized Representative

Date

Title

The completed form must be submitted to the Wastewater Management Program of the Watershed Management Division, Agency of Natural Resources (ANR). A complete designation application must include both a copy of the submitted form and written notice of approval from ANR.

Vermont Department of Environmental
Conservation Wastewater Management Division
One National Life Drive – Main 3
Montpelier, VT 05620-3522
(802) 828-1115
<https://dec.vermont.gov/watershed/wastewater>