



**TOWN OF VERNON
PLANNING AND ECONOMIC DEVELOPMENT
COMMISSION
567 Governor Hunt Road
Vernon, VT 05354
802-257-0292**

**Solicitation of comments on Town Plan Amendments
May 23, 2017**

To:

Rod Francis, Planning Director
Elizabeth McLoughlin, Planning
Commission Chair
Planning Services Department, Town of
Brattleboro
230 Main Street, Suite 202
Brattleboro, VT 05301

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Planning Commission,
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236 School Road
Guilford, Vermont 05301

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PO Box 504
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69 Main Street
Northfield, MA 01360

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139 Main Street, Suite 505
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To Whom It May Concern:

The Vernon (Vermont) Planning Commission will conduct a public hearing in accordance with 24 V.S.A. §4384 on Monday, June 26 at 6:30 p.m. at the Vernon Town Offices, located at 567 Governor Hunt Road in Vernon, with the objective of obtaining public input on the following proposed amendments to the Vernon Town Plan:

1. **Amendment regarding Village Center Designation.** The purpose of this amendment is to enable possible Vermont Village Center Designation, by making the town eligible to apply for Village Center Designation for the Vernon Center area which includes the Vernon Elementary School, the Vernon Town Offices, and the Governor Hunt House.
2. **Amendment regarding Flood Resiliency.** The purpose of this amendment is to provide for greater flood resilience by discouraging development in flood hazard, fluvial erosion and protected river corridors; encouraging the protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding; and encouraging flood emergency preparedness and response planning.

Copies of these amendments, together with the Planning Commission's Reports on them, are enclosed. Additional copies may be obtained at the Vernon Town Offices.

The Planning Commission is soliciting comment from the planning commissions of abutting municipalities and from the regional planning commission with respect to the compatibility of their respective plans with Vernon's plan.

Following review and incorporation of public comments, the Vernon Planning Commission will forward these amendments, with any revisions, to the Vernon Selectboard for their review, revision and adoption.

If you wish to submit comments in writing please do so by sending them in advance of the above-referenced public hearing to:

Robert Spencer, Chair
Vernon Planning and Economic Development Commission
567 Governor Hunt Road,
Vernon, Vermont 05354

Comments received prior to or on June 26, 2017 will be considered and incorporated as appropriate.

Sincerely,

A handwritten signature in dark ink that reads "Robert L. Spencer". The signature is written in a cursive, flowing style.

Robert L. Spencer, Chair

Draft Amendment to the Vernon Town Plan regarding Village Center Designation

The Town of Vernon supports the development of, and intends to apply for Village Center Designation for the Village of Vernon, defined as follows, and shown on the map which is part of this amendment:

The Vernon Village Center consists of: the land of the Vernon Elementary School; all land north of the school property and between Governor Hunt Road and Fort Bridgman Road (Route 142) including the land of the Town Office Building; all properties with frontage on the east side Governor Hunt Road beginning with the Governor Hunt House, north to the railroad tracks; and two residential properties on the west side of Governor Hunt Road south of the Vernon Elementary School. No property west of Fort Bridgman Road is included.

The Village Center (VC) designation is non-regulatory. Vernon has no zoning; the VC designation does not create zoning. The VC is not an historic district. The Vermont VC designation process recognizes and encourages local efforts to revitalize Vermont's traditional village centers, as well as to create new village centers such as in Vernon's case. Designated VCs receive priority consideration for state grants and other resources. Commercial property owners in designated VCs are eligible for tax credits to support building improvements.

VC designation will support, encourage, and expand community interaction, enhancing the assets of the Village of Vernon, such as the Town Office Building, the Vernon Elementary School, and the Village Green with bandstand and veterans monument. VC designation will facilitate achieving the town's goals of:

- a more vibrant center for the town;
- the development of a store and café as a social gathering place; and
- the development of additional housing and space for commercial enterprises.

When relocating town infrastructure in the future (such as the post office, fire station, or town garage, the Town will give priority to locating such buildings in or adjacent to the VC.

The vitality of this area will be enhanced by being designated as a VC. The Vermont VC program provides opportunities for eligible projects within the designated area to receive technical assistance and state funding. The program includes a variety of tax credit incentives to help reduce the costs of façade and life-safety/ADA compliance code related improvements, and some data and network installations and related HVAC costs. Eligible projects are given priority consideration for Municipal Planning Grants, grants from the Agency of Transportation, Agency of Natural Resources, and the Community Development Block Grant Program (CDBG.)

A VC designation for the Village of Vernon offers the benefits of:

- more economical uses of public facilities;
- the preservation of more of our forests, farms and open spaces for future generations;
- easier access for our children to friends and community life in the village center;

- the ability for seniors without access to private transportation to live independently in enhanced surroundings; and
- the ability for citizens, being close to neighbors, to be able take better care of each other.

Vernon Elementary School, located within the VC area, has a capacity of 300 students but a current enrollment of only about 165. Development of a VC can attract a larger population to Vernon, more efficiently using our school facility and potentially lowering our cost per student.

Development of new housing and commercial uses within the VC area ideally will follow a historic settlement pattern typically found in compact New England villages. To help encourage an appropriate development pattern in the VC, the Town will undertake a master planning process that will, with extensive participation and input from residents and the assistance of professional planners, create a plan for future development in the VC area. This plan will represent the Town's desires, but will not restrict the options of property owners with regard to development of their properties.

As the Vermont Yankee Nuclear Power Station (VY) is decommissioned over time, property of VY such as the historic Governor Hunt House may become available for adaptive re-use by the town. A VC designation can help attract funding for such adaptive re-use. As the VY site is decommissioned, it represents a potential area for eventual expansion of the Vernon VC. Similar to the Governor Hunt House, VC designation may facilitate the restoration of other historic buildings, as well as the preservation of scenic assets.

In its application for Vermont VC Designation, the Town will:

- a. explain how designation helps implement the relevant goals in this Plan, linking the goals in the Plan to the relevant purposes and benefits of Vermont VC Designation. The plan shall explain previous, current and future revitalization activities.
- b. include the designation boundary on at least one map.

Vernon Planning Commission Report concerning Village Center Designation amendment to the Municipal Plan

This report is in accordance with 24 V.S.A. § 4384(c), which states:

“When considering an amendment to a plan, the planning commission shall prepare a written report on the proposal. The report shall address the extent to which the plan, as amended, is consistent with the goals established in § 4302 of this title.

This Vernon Town Plan Amendment is an update of the prior Plan adopted May 19, 2014, which the Windham Regional Commission (WRC) found to be consistent with the state planning goals and approved May 26, 2015. This update addresses the town’s interest in developing a Village Center (VC) within a designated area, under the Vermont Village Center Designation program; this interest grew out of a Town Visit process led by the Vermont Rural Development Council during 2016. Subsequent to the Town Visit, two task forces of Vernon residents explored in detail options for a Village Center as well as for a store/café gathering place. These two task forces joined efforts to form a non-profit organization, the Friends of Vernon Center, Inc., with the goal of furthering both projects.

If the proposed amendment would alter the designation of any land, this report must also include written findings with regard to:

1. *The probable impact of the proposal on the surrounding area, including the effect of any increase in traffic, and the overall pattern of land use;*

The adoption of this amendment stating support for designated village centers will not have any impact on traffic and supports the plan’s desired pattern of land use, with the exception of one parcel currently in agricultural use. This parcel is centrally located within the area to be designated as a village center, and which therefore may change over time from agricultural to residential and commercial use. Over time, the development of the Vernon VC area may increase vehicular, pedestrian and bicycle traffic in the VC area, but not so significantly as to require costly mitigation measures.

2. *The long-term cost and benefit to the municipality, with regard to probable impacts to the municipal tax base and the need for public facilities;*

This amendment of itself will have no cost or benefit to the municipality or to the municipal tax base or create the need for public facilities. However, once VC designation is applied for and granted, the result may have a beneficial effect on the Village of Vernon and therefore on the municipality from increased vitality and economic activity and also may increase the town’s tax base. As well, as noted in the amendment, it may result in greater enrollment at the Vernon Elementary School, resulting in more efficient use of the building and a lower cost per pupil.

3. *The amount of vacant land available (e.g., already zoned or designated,) needed and proposed for the intended use;*

The area to be designated as a Village Center pursuant to this amendment consists of approximately 51 acres, of which approximately 11 acres is currently “vacant” land in agricultural use. While this vacant land would be removed from the town’s inventory of agricultural land, it should be noted that the town’s farmers have, over the past decade, actually increased the acreage of land used for crops and pasture by much more than this 11-acre area by converting woodland to open fields. In addition, the town has in the past year acquired the development rights on 25 acres (Pine Ledge Farm), and facilitated the sale of development rights on 73 acres to the Vermont Land Trust.

4. *The suitability of the area in question for the intended use or purpose, with consideration given to appropriate alternative locations, alternative uses for the area under consideration, and the probable impact of the proposed change on other, similarly designated areas;*

The area in question was designated by residents of the town as the preferred location for a Village Center, as part of the VCRD Town Visit program described above and in the subsequent task force meetings. It was also so designated in a prior Town Plan though not in the most recent Town Plan. The Town of Vernon has never had a densely populated central village such as is found in many New England Towns. However the area in question has historically been considered the center of the town, with at one time or another a railroad station, hotel, grange hall, post office, store, café, gasoline station, and the current school, municipal office building, and public library. With the latter three pieces of town infrastructure it is the most appropriate location for a Village Center. It is located at the midpoint of the main road through Vernon, Fort Bridgman Road (Route 142).

5. *Whether the size and boundaries of the proposed area are appropriate, with respect to the area required for the proposed use, the capability of the land to support it, and existing development in the area.*

As noted, the existing development already includes a school, town office building and library. The boundaries are appropriate, being formed naturally on the east by the existing property of the former Vermont Yankee Nuclear Power Station, which is to be decommissioned; on the west by a secondary north-south highway and railroad tracks, and on the south by agricultural land. The land is capable of supporting additional development. It is located above Connecticut River basin aquifers that support productive water wells, and the soil includes a deep layer of sand permitting efficient septic systems for waste discharge. The capacity of existing roads is sufficient to support the potential additional development in the area.

Flood Resilience amendment to the Vernon Town Plan

Background

In 2013 Vermont enacted Act 16, “An act relating to municipal and regional planning and flood resilience,” which requires that all municipal plans effective after July 1, 2014 include a flood resilience element pursuant to the purposes of and consistent with the state planning goals specified in 24 V.S.A. § 4302:

(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.

Act 16 amended 24 V.S.A. § 4382 - The plan for a municipality - adding a twelfth required element, a flood resilience plan, to the requirements for a municipal plan:

(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. (emphasis added)

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

Fluvial Erosion

By statutory definition, “fluvial erosion” means the erosion or scouring of riverbeds and banks during high flow conditions of a river. Much of the flooding damage experienced in Vermont is from the power of moving water causing the erosion of stream banks supporting roads and buildings and the sudden destruction of under-sized culverts and bridges. Providing a river the room it needs to slow its flow can, over time, allow it to function as a responsive system and avoid repeated losses to public infrastructure and investments.

Rivers, streams, and their channels are changing constantly in response to the inputs of water, energy, sediment and debris that pass along them. Erosion (and deposition) along a stream or river is natural. Sometimes, efforts to stop this process in one place can make it worse in

others. Every few years a stream fills to bankfull and the shape of the channel responds to this force by cutting deeper into some streambanks and also by depositing sediments in the quiet inside bends. This process is visible as an “S” shaped form that slowly changes position.

If the stream cannot spill out of its banks, the power of the trapped water increases and the channel either digs down or cuts out further to the sides. Where there are roads and buildings nearby these adjustments to the channel’s shape can become dramatic and costly.

A river is in geomorphic equilibrium when its inputs of water, energy, sediment, and debris are in balance. In this condition a river is neither building up sediment in the channel nor losing sediment from its bed. Importantly, a river in equilibrium has not become overly deep and can continue to overflow onto its floodplains. The water that spills onto the floodplain slows down, and the velocity of the water still in the channel does not become excessively powerful.

In order to protect roads and buildings it is important to be sure that the river is able to function as well as possible upstream and downstream. We need functional streams and rivers with room to adjust (river corridors) and intact floodplains to moderate the impact of high water events.

River corridors and floodplains

River corridors and floodplains are different but frequently closely related. The river corridor is the area that provides the physical space that a river needs to express its energy and meander without it having to dig down or out. The state-designated river corridor includes a 50-foot buffer on either side of the fluvial erosion hazard area to prevent disturbance in this area and allow for bank stabilization. Statute defines it as: *"River corridor" means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Agency of Natural Resources in accordance with river corridor protection procedures.*

A floodplain is the area where water flowing out over a river bank can spread out and slow down. The floodplain as defined by FEMA is the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or, most commonly, the 100-year flood.

River corridors and floodplains overlap a great deal. One on top of the other there might be 60 – 90% overlap. However, there are areas in the river corridor that will be eventually shaped by the activities of the channel - although they may be high and dry - and other areas in the floodplain that will be under water during a large flood, but which the river channel may not need to access to maintain its geomorphic equilibrium.

The extent of a river corridor is based on calculations including such things as the meander belt of the stream, soils, watershed size and gradient, and channel width. The extent of floodplains is based on calculations such as a stream’s peak flow history and frequency.

Regulatory Flood Hazard Designations

There are two types of regulatory flood hazard designations and two sets of official maps that identify those flood hazards in Vermont: inundation hazard areas are identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs); fluvial erosion hazard areas are identified by the VT Agency of Natural Resources on river corridor maps.

The Town of Vernon has land, homes and businesses that are susceptible to the two types of flooding impacts: inundation and fluvial erosion. Inundation flooding occurs during high water events on the Connecticut River. Fluvial erosion occurs in areas both in and out of the flood hazard area (floodplain) as mapped by the FEMA. Both inundation flooding and fluvial erosion

are potential hazards along the Connecticut River, Broad Brook, and Newton Brook, as well as along other streams that drain watersheds extending to border of Vernon.

Inundation Hazard

Towns participating in the National Flood Insurance Program (NFIP) must regulate development in areas designated on the FIRMs that show the floodplain that FEMA has calculated would be covered by water in a 1% chance annual inundation event, also referred to as the “100 year flood” or base flood. This area of inundation is called the Special Flood Hazard Area (SFHA). FIRMs may also show expected base flood elevations (BFEs) and floodways (smaller areas that carry more current). FIRMS are only prepared for larger streams and rivers. The Town of Vernon has areas of inundation hazard flood risk mapped by FEMA.

Fluvial Erosion Hazard

A significant portion of flood damage in Vermont occurs outside of the FEMA-mapped floodplain areas and along smaller upland streams, as well as along road drainage systems that fail to convey the amount of water they are receiving. Vermont ANR’s river corridor maps show the area needed to address the fluvial erosion hazards, which may be inside of FEMA-mapped areas, but often extends outside of them. River corridor maps delineate areas where the lateral movement of the river and the associated erosion may be more of the threat than inundation by floodwaters. Elevation or floodproofing alone may not be protective of structures in these areas, as erosion can undermine structures. ANR released statewide river corridor maps in January 2015. The Town of Vernon has areas of river corridor mapped by ANR.

Flood Hazard Regulation

Inundation

For federal flood insurance to be available to property owners through the NFIP, a municipality must adopt and administer flood hazard area regulations. Since Vernon does not have zoning, the Town has adopted a free-standing bylaw to regulate new structures and place restrictions on other types of activities, such as placing fill within the floodplain.

Erosion

To address Act 16, to protect citizens, infrastructure, and the environment, and to qualify for maximum Emergency Relief and Assistance Fund state match in the event of a disaster, the Town of Vernon must adopt and administer River Corridor protection standards as part of its flood hazard area regulations.

Emergency Relief and Assistance Fund

The Emergency Relief and Assistance Fund (ERAF) provides State funding to match [Federal Public Assistance](#) after [federally-declared disasters](#). Eligible public costs are reimbursed by federal taxpayers at 75%. For disasters after October 23, 2014, the State of Vermont will contribute an additional 7.5% toward the costs. For communities that take specific steps to reduce flood damage the State will contribute 12.5% or 17.5% of the total cost. Towns that participate in the NFIP and regulate SFHAs, and also meet several other state requirements, can achieve a 12.5% state share of the required 25% state/local match for federal disaster relief funds. Towns that regulate river corridors can obtain an additional 5% ERAF match, reducing the town’s required local match to 7.5%.

Addressing flood resilience

This Vernon Town Plan identifies flood hazards as the Special Flood Hazard Areas (SFHAs) shown on the NFIP FIRMs and identifies fluvial erosion hazard areas as those shown on the ANR River Corridor maps. Further, this Plan designates both those identified areas as areas to be protected, including floodplains, river corridors, and land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property. In addition, this plan incorporates by reference the town's Local Hazard Mitigation Plan approved under 44 C.F.R. § 201.6. Finally, this plan recommends the following policies and strategies to protect the designated areas to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.

FLOOD RESILIENCE PLAN RECOMMENDED POLICIES AND STRATEGIES

Goal: To encourage Vernon to become a more flood resilient community

Policy 1: It is the policy of the Town to foster the protection and restoration of river corridors, floodplains, wetlands, and upland forested areas that attenuate and moderate flooding and fluvial erosion.

Recommendation 1.1: The Town will be familiar with up-to-date ANR river corridor maps that delineate the land area adjacent to streams and rivers that are required to accommodate a stable channel.

Policy 2: It is the policy of the Town to protect floodplains, river corridors, land adjacent to streams, wetlands, and upland forests through adoption and administration of flood hazard area regulations governing development in designated Special Flood Hazard Areas and River Corridors, in order to reduce the risk of flood damage to infrastructure, improved property, people, and the environment.

Recommendation 2.1: The Town will be familiar with Flood Insurance Rate Maps (FIRMs) that delineate areas that could be covered or inundated by water during flooding.

Policy 3: 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.

Recommendation 3.1: The Town will regulate any new development in identified flood hazard areas, fluvial erosion hazard areas, and/or river corridors to ensure that development does not exacerbate flooding and fluvial erosion, and extend these provisions to development activities that might increase the amount and/or rate of runoff and soil erosion from upland areas.

Policy 4: The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.

Recommendation: The Town will update the Flood Hazard Area Regulations to include regulation of river corridors, and include provisions for advance notification of and specific limits on new development activities in identified flood hazard areas, fluvial

erosion areas, River Corridors and/or upland forested areas based on regulatory templates developed by the ANR Department of Environmental Conservation Rivers Program.

Policy 5: Flood emergency preparedness and response planning are encouraged.

Recommendation: The Town will pursue a flood resilience management approach whose essential components are to identify and map flood hazard areas, fluvial erosion hazard areas, and river corridor protection areas based on stream geomorphic assessment studies and maps provided by the Vermont ANR Rivers Program, and designate those areas for protection to reduce the risk of flood damage to infrastructure and private property.

Additional information is available at <http://floodready.vermont.gov/>.

Vernon Planning and Economic Development Commission Report regarding Flood Resiliency amendment to the Town Plan

This report is in accordance with 24 V.S.A. § 4384(c) which states:

“When considering an amendment to a plan, the planning commission shall prepare a written report on the proposal. The report shall address the extent to which the plan, as amended, is consistent with the goals established in § 4302 of this title.

This Vernon Town Plan Amendment is an update of the prior Plan, which the Windham Regional Commission (WRC) found to be consistent with the state planning goals. This update addresses an area of the prior plan which was lacking, specifically, adding a flood resilience plan to address the recently added statutory requirement .

If the proposed amendment would alter the designation of any land area, the report must also include written findings with regard to:

- 1. The probable impact of the proposal on the surrounding area, including the effect of any increase in traffic, and the overall pattern of land use;*

The inclusion of this amendment stating support for flood resiliency planning would not increase traffic in Town, but could potentially reduce damage to roads. Its potential impact on patterns of land use would be to minimize new construction in flood hazard areas.

- 2. The long-term cost and benefit to the municipality, with regard to probable impacts to the municipal tax base and the need for public facilities;*

This amendment assists homeowners with obtaining federal flood insurance for property within flood hazard areas. The amendment could also potentially reduce adverse impacts to the municipal tax base by minimizing damage to Town roads and culverts during flood events. Implementing updated flood hazard area regulations, as the amendment recommends, could also qualify the Town for increased state cost-sharing on repair of flood damaged property.

3. *The amount of vacant land available (e.g., already zoned or designated), needed and proposed for the intended use;*

The inclusion of the amendment will hopefully keep land vacant that provides valuable flood protection benefits. The total acreage has not yet been calculated.

4. *The suitability of the area in question for the intended use or purpose, with consideration given to appropriate alternative locations, alternative uses for the area under consideration, and the probable impact of the proposed change on other, similarly designated areas;*

The new areas with proposed restrictions on development will provide public benefits as protected flood hazard areas, thereby reducing damage to other property during flood events.

5. *Whether the size and boundaries of the proposed area are appropriate, with respect to the area required for the proposed use, the capability of the land to support it, and existing development in the area.*

The flood hazard areas identified by both federal and state maps are based on evaluations that use computer programs to map flood hazard areas. There are provisions in the flood hazard regulations to modify the boundaries based on engineering analysis by the Town or landowners.