

Report on Proposed Changes to the 2020-2028 Grafton Town Plan

Submitted to the Grafton Selectboard by the Grafton Planning Commission
September, 2020

The purpose of this report is to summarize the proposed changes to the 2020-2028 Grafton Town Plan (the Plan) by the Grafton Planning Commission and to meet the requirements of 24 VSA §4384 (c) and 24 V.S.A. § 4385 of the Vermont state statutes. The vision and goals in the Plan have not changed; we continue to try to balance the individual property rights with the needs and desires of the greater community. The Planning Commission believes that these changes simply help clarify that vision.

Summary of Proposed Changes

In early August, 2020, the Grafton Selectboard sent a proposal to the Planning Commission expressing their desire to see two changes to the Plan¹. They wanted the “Critical Resource Areas” designation removed from the state and town owned land and they felt that invasive species were a growing problem in our region and wanted it addressed in the Plan. The Selectboard’s proposal led to a wider discussion which then led to the recommended changes presented here.

- I. Land Designation Changes - After discussion by the Planning Commission, it was voted unanimously to COMPLETELY REMOVE the Critical Resource Area designation from the Plan, including both in the Land Use chapter and on the accompanying Proposed Land Use map. The Planning Commission believes that removing this designation will not change the overall Plan and help reduce some conflict confusion it has caused.

The existing Plan identifies the following areas as Critical Resource Areas (page 11):

- [The Turner Wildlife Management Area is identified as a Critical Resource Area for its historic, ecological and cultural significance.](#)
- [Publicly owned lands include three state forests, \(Mollie Beattie, Putnam and Dorand\), the Grafton Town Forest and the Village Park.](#)
- [There are six locations where rare, threatened, or endangered species occur.](#)
- [The headwaters of the many tributaries to the Saxtons River are fragile ecosystems and development could have negative impacts including flooding and pollution downstream.](#)

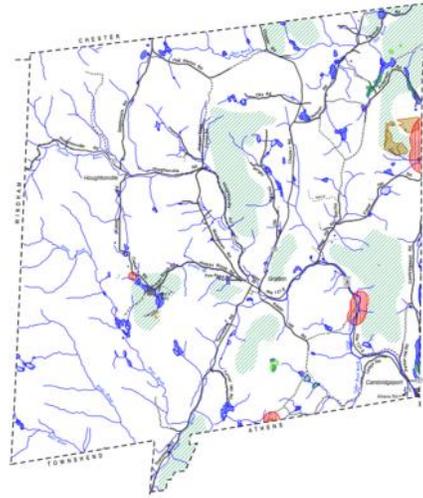
Although the Proposed Land Use map shows only three brooks (Stiles, Willey, and Howe) as Critical Resource Areas, the ‘headwaters’ to the Saxtons River actually includes a much larger portion of the Town of Grafton (see the following Water and Wildlife Map). A small portion of the town also contains the headwaters of the Williams River. It was never the intent of the Planning Commission to include that amount of land as Critical Resource Areas. It was also noted that there are already existing state

¹ August 3, 2020 Selectboard minutes - <https://graftonvt.org/wp-content/uploads/2020/08/Selectboard-Minutes-08-03-2020-via-Micro-Teams.docx>

and federal laws that protect those headwaters; therefore, in many ways the Critical Resource Areas designation is redundant.



Grafton Proposed Land Use Map



Grafton Water and Wildlife Map

It should be noted that the land-designations used in the present Grafton Town Plan match those used in the Windham Regional Plan (WRP) EXCEPT for Critical Resource Areas. 'Critical' Resource Areas are only identified as a subcategory of Resource Areas in the WRP. By eliminating this as a separate designation, the Grafton Town Plan's land-use designations will now be the same as the Windham Regional Plan.

Although the Special Flood Hazard Areas (SFHA's) were not mentioned in the Selectboard's proposal, the editing process identified concerns as to how the SFHA's were defined and categorized in the Plan. The following passage is part of the present description of 'Resource Lands' (page 11):

The flood plains of Grafton are also designated as Resource Lands. Development in the flood plains should be avoided whenever possible. If development is to occur, steps should be taken to ensure that the development will not negatively affect the flood plain and water flow.



Flood Hazard Map

The first concern was that 'flood plains' is a vague term. It could mean the SFHA's (a federal designation), the 'River Corridor' (a state designation), or something else. The second concern was that development within the SFHA is regulated and should be more clearly stated in the Plan. Since the majority of the SFHA's lie within Productive Rural Lands, the following paragraph was added within that section (page 11 of the proposed Plan) and the paragraph referencing 'flood plains' in the Resource Lands section was removed.

Although the Special Flood Hazard Area (SFHA) is not a separate Land-Use Designation, it is regulated by Grafton's Flood Damage Prevention Regulations and defined by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753. The majority of the Special Flood Hazard Area (SFHA) lies within Productive Rural Lands.

The last change the Planning Commission made to land designation definitions as part of the Selectboard proposal was to remove the following struck-through text from the Resource Lands definition (Page 9).

~~**Resource Lands** are dominated by lands requiring special protection or consideration due to their uniqueness, irreplaceable or fragile nature, or important ecological function. Resource Lands can be actively worked and used, but future development should be weighed against the desire to preserve the area.~~

Although the Planning Commission felt the Plan was stronger with this phrase in it, it was determined that removing it would have little impact to the meaning of the Plan and agreed to it. As with Critical Resource Areas, this phrase was added by the Grafton Planning Commission and did not match the Windham Regional Plan.

II. Invasive Species – The Grafton Planning Commission agrees with the Selectboard that invasive species are a serious economic and environmental threat to our region and recommends adding an 'Invasive Species' section to the Land Use chapter (page 11 in the proposed Plan) and to add two Recommendations for Action to the end of the chapter (page 13 of the proposed Plan).

III. Additional Changes

- a. The earliest these proposed changes can be adopted is March, 2021. The title on the cover was changed from 2020-2028 to 2021-2029 to reflect that potential adoption date.
- b. The Table of Contents' changes reflect the repagination after the edits.
- c. The 'Recommendation for Action' to apply for a Village Center Designation (VCD) at the end of the Land Use chapter (page 12) was removed. Although the VCD is not formally approved by the state at the time of this writing, the application has been submitted and the Grafton Planning Commission is confident that it will be approved.

Addressing 24 V.S.A. § 4384

24 V.S.A. § 4384 states that when considering an amendment to a town plan, the planning commission shall prepare a written report on the proposal.

- 1. The report shall address the extent to which the plan, as amended, is consistent with the goals established in section 24 V.S.A. § 4302.**

It is the Grafton Planning Commission's opinion that the Grafton Town Plan will remain consistent with the 14 goals identified in 24 V.S.A. § 4302 if the proposed changes are adopted.

- 2. If the proposal would alter the designation of any land area, the report should cover the following points:**

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

The proposal would alter land designations but not have an impact on the surrounding area, traffic patterns, or the overall pattern of land use. Areas that are presently identified as Critical Resource Areas already have strict laws and regulations controlling them.

- b. The long-term cost or benefit to the municipality, based upon consideration of the probable impact on the municipal tax base and the need for public facilities.**

The Grafton Planning Commission does not see any long-term costs or benefit to the Town of Grafton due to the removal of the Critical Resource Area designation. The changes are for clarity. The change would allow the town and state more freedom to develop on their land, including the Town of Grafton's desire to develop a pavilion on the Village Park property and future potential development on the Turner Hill site.

Although the Grafton Planning Commission does not see any immediate expenses related to the invasive species issue, the Grafton Planning Commission could envision expenses to the Town in the future. These expenses would be there whether the issue was identified in the Town Plan or not. The Planning Commission hopes that, by identifying this as an issue in the Plan, Grafton can invest early to help mitigate the problem and to reduce the long-term expenses.

- 3. The amount of vacant land which is already subject to the proposed new designation, actually available for that purpose and the need for additional land for that purpose.**

The publicly owned lands (forests and parks) identified in the Town Plan as Critical Resource Areas is approximately 600 acres. Although the three brooks identified on the Proposed Land Use map also includes approximately 600 acres, if, as the text of the Land Use chapter indicates, ALL headwaters are considered Critical Resource Areas, the acreage is significantly larger. As noted previously, all Critical Resource Areas identified in the present Plan are protected by existing laws and regulations.