

## TOWN PLANNING

The State of Vermont through the Vermont Municipal and Regional Planning and Development Act 115 [24 V.S.A., Chapter 117] passed in 1967, authorizes, but does not require towns to develop plans.

However, the State limits the authority of towns that do not plan. For example, towns without current plans may not adopt a capital improvement program or levy impact fees, and they have no standing in Act 250 processes in which development proposals are evaluated for their impact upon the town.

Chapter 117 has been amended on several occasions since 1967. Major revisions occurred in 1988, with the passage of Act 200 and in 2004. These laws sought to integrate local, regional, and state agency planning in a bottom-up process; attempted to strengthen the role of town plans with regard to local, regional, and state decision making; and established **state planning goals**.

Act 200 also created a process for regional planning commissions to **approve** town plans that are consistent with state planning goals.

The State passed Act 115 as a means to assist towns to avoid some of the results of development that were dramatically changing the character of the state in the late 1960's. The State does not discourage development, but believes that the town that plans can:

- protect its residents from overcrowding, traffic, and loss of privacy and quiet
- direct growth and development to provide an optimal physical and cultural environment
- protect private property
- reduce property taxes

The State specifies **ten elements** that must be included in a plan **adopted** by a town.

## TOWN GOVERNMENT

### Town of Mount Holly

Chartered -1792

Entity – Municipality – town

County - Rutland

Planning Commission – Rutland Regional Planning Commission

Incorporated Villages – none

Designated Village Center District - Belmont

Municipal Plan adopted by Select Board

Municipal Plan approved by Rutland Regional Planning Commission

Zoning Ordinance – no

Subdivision Ordinance – yes

Development Review Board – no

Development Category – 3 – Outlying Town

Rural Town – population < 2,500

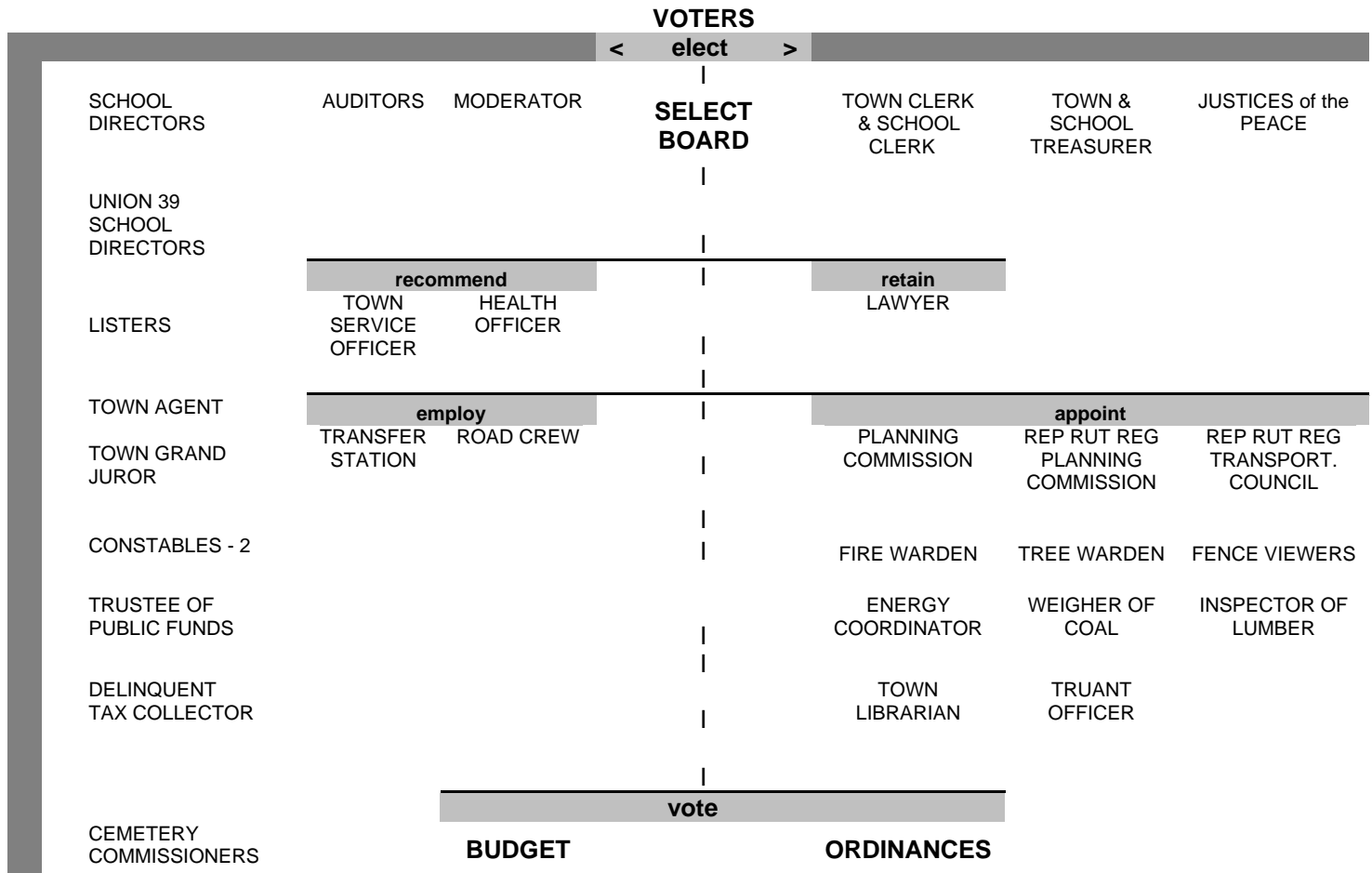
The Town is governed by a three person Select Board, elected for three-year alternating terms.

The Town Clerk and Town Treasurer are elected annually to part-time salaried positions. The Delinquent Tax Collector is elected annually and is compensated by a percentage of delinquent taxes collected. Three Auditors and three Listers are elected for three-year alternating terms and are paid on an hourly basis.

Justices of the Peace are county officers elected by the voters of the Town every even-numbered year. Mount Holly, with a population 1000 – 2000, may elect up to 7 JP's.

The Select Board employs the Transfer Station staff and the Road Crew. One of the road crew is appointed on an annual basis to perform “foreman” responsibilities.

## MOUNT HOLLY MUNICIPAL GOVERNMENT



The Select Board appoints the five-member Planning Commission for rotating terms. The Select Board appoints a representative to the Rutland Regional Planning Commission, and to the Rutland Regional Transportation Council. An attorney for the Town is retained on an hourly basis.

The Select Board recommends individuals to the appropriate state agency for appointment to the positions of Town Health Officer and Town Service Officer.

Voters also elect the School Board Directors, the Union 39 School Directors, the Town Moderator, Grand Juror, Town Agent, Trustee of Public Funds, Cemetery Commissioners, and two Constables.

The Board of Civil Authority composed of the Select Board members, Justices of the Peace, and Town Clerk adjudicates tax appeals made to the Listers and complaints regarding voter registration, election procedure, and counting of votes.

### **Capital Budget**

The Town of Mount Holly has a long-term Capital Improvements Program and an annual Capital Budget to ensure adequate investment in the Town's assets. Assets include roads, bridges, culverts, town buildings and sites, large equipment, vehicles for the Fire Department and Volunteer Rescue Squad, and vehicles and supplies for road work including snow plowing.

Capital projects have included:

- Acquisition of land for public purpose
- Construction of facilities
- Additions to facilities
- Rehabilitation or repair of buildings – useful life over 10 years
- Purchase of equipment with useful life over 5 years
- Planning, engineering, and design study related to a specific capital project.

### **Capital Planning**

The Town uses five-year planning to estimate what capital needs will require attention in the near term. Both large scale projects (road improvements) and smaller projects (town office archive) are included in the plan.

The Town's major capital policies are intended to ensure adequate funding for capital investment. Large projects may require long-term borrowing. A percentage of general fund revenues is allocated annually to debt service and cash funding of smaller capital replacement or renewal projects.

## **I. PLANNING HISTORY**

The Town of Mount Holly adopted its first town plan in 1968. Plans are updated and readopted by the Select Board every five years.

The 2005 Town Plan was adopted by the Town and approved by the Rutland Regional Planning Commission as a temporary measure, while the Town concluded its planning process and voted on proposed zoning regulations.

The Town enacted Subdivision Regulation in 1973, revised them in 1998, and is in the process of revision for 2008.

The Town enacted Flood Hazard Regulations in 1987, which are on the schedule for update, with assistance from the Rutland Regional Planning Commission in 2008.

The Town voted against the adoption of a proposed Zoning Ordinance in 1994. Again in 2006, voters of the Town rejected a Land Use (Zoning) Ordinance that had been adopted by the Select Board, after an extensive planning process involving the community (see below).

The view expressed by many who opposed zoning regulations was that the Town could protect itself from major development problems by relying on the Act 250 process (see footnote).

The Act 250 process relies on a town's plan to guide it in protecting the town's interests. Under changes to Act 117, the town plan has become a more important document. It expresses the town's vision for its future, provides guidance to Act 250, and provides a legal basis for town regulations and budgeting.

Following the 2006 vote against the Land Use Ordinance, the Mount Holly Planning Commission returned to the planning process it had set in motion in 2002 to guide it in writing a Town Plan that would give the Town maximal control over its growth and development.

The planning process that the Town has undergone since 2002 and which flows into the planning for this Town Plan has been as follows:

Mail survey of citizens to identify Town concerns - 1990's  
Straw poll at Town Meeting 2002 expressed concern about the impact of development on the Town.

Municipal Planning Assistance Grant 2002-2003.

The Planning Commission formed a Working Group to spearhead the planning process.

Town-wide mail Survey to elicit opinions about development – 2003

Contract with planning consultant – Landworks, Inc. - to facilitate the community planning process, and moderate:

Community Planning Fair 2003

Four community planning meetings in 2003-2004

The Working Group of the Planning Commission formed four sub-committees to obtain further community input on the four major issues identified in the above planning process:

remaining a rural town with open spaces;

having housing that is affordable;

fostering economic development; and

preserving community character

A Municipal Planning Assistance Grant 2004 – 2005 supported the Planning Commission to develop a land use control ordinance that addressed the concerns expressed in the 2003- 2004 public planning process.

During 2005, the Planning Commission held four community meetings or hearings on the Land Use Ordinance, and the Select Board held two hearings.

Following adoption of the Land Use Ordinance by the Select Board, residents petitioned for a town-wide vote. Voters rejected the Land Use Ordinance in January, 2006.

The 2000 Mount Holly Town Plan due for its five-year update in 2005, was temporarily approved by Rutland Regional Planning Commission, while the Town developed a Land Use Ordinance.

In November 2005, the Town received a Municipal Planning Grant for assistance in updating the Town Plan. Some grant funds were used to pay for delivery of the Town's monthly newsletter – the Mount Holly Chit Chat - to every residence in Town. The Town has provided funds to continue this practice. In addition to general Town news, each month's issue of the Chit Chat contains reports from the Select Board, Planning Commission, Working Group, and the Affordable Housing Task Force (formed in early 2006).

The Working Group of the Planning Commission solicited input on the Town Plan through reports and surveys in the monthly Chit Chat from May 2006 through February 2007. The Working Group has held public working sessions on updating – and now implementing - the town plan each month since April 2006. Two informational meetings on proposed policies were held in January and February 2007, facilitated by Adamant Accord. The draft plan was posted on the town web site in August 2007, made available in print and on CD, was submitted to surrounding towns and regional planning commissions, and was the subject of a warned public meeting in October, 2007.

The final version of the Mount Holly Town Plan 2008 will go through public hearings at the levels of the Planning Commission, Select Board, and Regional Planning Commission.

### **Planning Rationale**

Communities plan for many reasons. Like small businesses and large corporations, like individuals and families, it makes sense for towns to look ahead, to **anticipate change**, and to plan for the future.

- This is especially true in communities where **change occurs at a rapid pace** and where local conditions are being shaped increasingly by state, national, and global trends. Mount Holly is a special place with an historical character, rural beauty, open spaces, and a thriving community life. It deserves careful stewardship.

For Mount Holly to respond thoughtfully to new and changing conditions, it should be aware of its past, take stock of current conditions, and predict future trends and influences. The process of planning may be as important as the plan itself as citizens come together to decide what is most important to them.

- The Town has functioned well for many years with subdivision regulations. It is important that the Town evaluate and **improve regulations** to ensure that emerging development patterns are consistent with the Town's vision.
- With strong public support for **land, scenic, and natural resource protection**, the Town Plan can establish priorities and identify those features and/or resources that are most deserving of protection.
- While **economic development** initiatives over the years have been the responsibility of private businesses the Town Plan is a mechanism for addressing how local government, private businesses and development agencies and associations can coordinate their efforts to foster a healthy and diversified local economy.
- Many **state regulations**, most importantly Act 250, are administered in a manner which gives some credence to local development policies. One of Act 250's ten review criteria requires that new development be **compatible with a locally adopted municipal plan**. The policies set forth in this plan address a wide range of topics, and are designed to serve as the Town's unambiguous position during the Act 250 and other review processes.
- State development regulations are not the only forum in which it is important for the Town to have clearly articulated policies. Many decisions of **state and federal agencies and non-profit organizations** can also affect well-being regarding such matters as transportation, environmental protection, land conservation, economic development, education, and so on. In many instances, public agencies and private organizations seek the guidance of local governments to ensure that their activities are compatible with the community's values and vision. This is especially true regarding increasingly competitive grant programs, where conformance with the local plan is often an important eligibility requirement.
- Mount Holly is a complex town whose population reflects a diversity of opinions and attitudes. The plan and the planning process can be means for **balancing different interests** and opinions and knitting the community together for common ends.

---

**FOOTNOTE:** *Source: Overview of Act 250, Vermont Heritage Network.*

#### **SUMMARY OF ACT 250 PROVISIONS**

*Vermont Act 250 protects the environment by controlling how land is used*

- **BY PLANNING FOR GOOD DEVELOPMENT**
  - *Requiring Towns, Regions and State agencies to plan for orderly growth and development*
  - *Requiring Towns, Regions and the State to work together so that developments governed by Act 250 comply with Town plans and do not burden Town services.*

- **BY PROHIBITING HARMFUL DEVELOPMENT**
  - Developers must get a **permit** before they begin development or construction. (No permit is required for construction for farming, logging, or forestry)

*PERMITS are needed for these DEVELOPMENTS:*

1. Construction for a commercial or industrial purpose on more than one acre of land;
2. Construction of more than 10 housing units within a radius of 5 miles;
3. Subdivision of land into 10 or more lots;
4. Construction of a road (incidental to the sale or lease of land) if the road provides access to more than five lots or is longer than 800 feet;
5. Construction by the state or local government if the project involves more than 10 acres;
6. Substantial changes or additions to existing developments;
7. Construction above 2,500 feet in elevation.

*DEVELOPMENTS receive PERMITS if they meet these CONDITIONS:*

1. Will not result in undue water pollution or air pollution
2. Will have a sufficient water supply.
3. Will not cause an unreasonable burden on an existing water supply.
4. Will not cause unreasonable soil erosion or runoff.
5. Will not cause unreasonable traffic congestion.
6. Will not cause an unreasonable burden on educational services.
7. Will not cause an unreasonable burden on other municipal services (fire, police, water, roads).
8. Will not have an undue adverse effect on scenic beauty, aesthetics, historic sites, or rare and irreplaceable natural areas; and will not destroy necessary wildlife habitat or any endangered species.
9. Will conform to the capability of the land, for instance, limiting development on primary agricultural soils.
10. Will conform to local and regional plans or capital programs.