

# **West Fairlee 2017 Town Plan**

**Approved March 7, 2017**

**The West Fairlee Town Plan was prepared by the  
West Fairlee Planning Commission  
with assistance from  
The Two Rivers - Ottauquechee Regional Commission  
Woodstock, Vermont**

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## **Introduction**

The Town Plan serves as a guide for the future growth and development of the land, public services and facilities of the community. This Plan is designed to assist town officials in exercising their duties while ensuring that the desires of West Fairlee residents and tax payers are considered when decisions are made.

### ***A. Planning In West Fairlee***

This town plan replaces the town plan dated August 15, 2005. The West Fairlee Planning Commission, in cooperation with the Two Rivers-Ottawaquechee Regional Commission, has updated the elements of this Plan. It has been updated under state law, 24 V.S.A., Chapter 117, the Municipal and Regional Planning and Development Act. Under this Act, Plans must be updated by the Planning Commission and approved by the Selectboard every five years.

This Plan has also been modified to anticipate development proposals that may apply under Act 250 (10 V.S.A., Chapter 151). Under Act 250, before a Land Use Permit can be granted by the District Environmental Commission, it must be found that the proposed development or subdivision is in conformance with the West Fairlee Town Plan. Therefore, it is essential that the goals, policies and recommendations of this Plan are written clearly and specifically, making the vision of West Fairlee's residents very apparent to the reader.

This Plan represents how the citizens of West Fairlee feel about growth in their town. It also acts to influence, by means of the goals and recommendations set forth, what forms future growth will take. Its overall goal is to encourage the appropriate use of all lands in the Town of West Fairlee in a manner that will promote the public health, safety, prosperity, comfort, convenience, efficiency, economy, and general welfare; and to provide means and methods for the future resolution of such land development problems as may presently exist or which may be foreseen.

In addition, this Plan shall further the following specific goals:

1. To preserve and enhance the special qualities and atmosphere of West Fairlee as a traditional small rural community.
2. To preserve and protect areas and sites of historic interest.
3. To protect steep slopes, soils, forests, water quality, water courses, and other natural resources and provide open space for wildlife habitat.
4. To strike a balance between the property rights of individuals, the rights of all our citizens and the needs of our community.
5. To work together as a community to address challenges.

The following planning policies are guides for general proposals for future growth in the town of West Fairlee:

1. Protect and enhance the natural resources of the town for their best use, including but not limited to recreation, forestry, and agriculture.

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2. Encourage the concentration of new residential development in areas served by existing town services.
3. Encourage, through multi-family and cluster development, the conservation of energy and the preservation of open space.
4. Encourage development of new service and commercial business, including retail, recreational, agricultural and clean, small scale industrial enterprises in appropriate locations throughout the Town.

The West Fairlee Town Plan provides a framework to be used for accomplishing community aspirations. It gives specific guidance, while retaining enough flexibility to be useful when faced with unforeseen circumstances. The Plan states goals, objectives, and recommendations for action that will guide future growth and the development of land, public facilities, and services.

Goals, objectives, and recommendations of a plan must be viewed as an integrated, interdependent system of statements that have clear relationships to each other and to the body of the plan. The Town Plan addresses critical areas that relate to growth and development. Goal statements, policies and recommendations describing specific action steps are included in each chapter.

The definitions of these terms must be made clear for the understanding of each plan section as well as the coordination of the plan sections with each other.

- **Goals** are long-range aspirations which serve to establish the Town's future direction. The "goal" describes the end condition that is sought;
- **Policies** are courses of action to be followed by a government, institution, body, or individual for the attainment of desired objectives;
- **Recommendations** are actions suggested to achieve objectives and may be used to solve existing problems or avoid their recurrence. These may include performance criteria, specific strategies, changes in administrative procedures, or suggestions for further study.

### ***B. The Goal of this Plan***

Like many towns today, West Fairlee is diverse. It is divided by its natural geography so that one cannot drive from West Fairlee Center or Lake Fairlee into the Village without going through an adjacent town. It is also divided by conflicting beliefs about the appropriate role of planning for the Town. It has sometimes been divided by contentious politics, most recently by a deep divide about where to house the Town offices after Bean Hall was declared unsuitable for occupation.

As we developed this Town Plan, these divisions and others came into clear focus and could not be easily overcome. About one half of Planning Commission members have roots that go back for more than a generation in West Fairlee and the other half have lived in town for approximately five years or less. On some subjects the citizens of our town are divided to the extent that there is no easy compromise. In this plan we have attempted to identify our differing views as well as those upon which we find consensus. Within each section we have noted where there are significant variances of opinion, and have tried to suggest ways in which differences might be resolved.

Some of these differences conceal an underlying similarity. Just about all of us in West Fairlee live here because we appreciate its rural character, the proximity of farms and

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woodlands and streams, and its small town feel. All of us want to secure these same characteristics for our future and our heirs. Our disagreements are about the choices that will best accomplish this. For example, some want to regulate land use to ensure that the town will keep its present character, while others believe regulation will adversely affect individual property rights.

One of our goals for this Plan is to help our town come together and build a sense of being one community. We believe that the only way to bridge these differences, some of which reflect long held feelings, is through communicating and working together recognizing our shared values and our common interest in the future of our town. We hope that Selectboards and planners can build upon these areas of agreement and will continue to seek common ground in areas where there is still no consensus.

### ***C. Future Development of West Fairlee***

Growth is something most people want, or at least expect. It can be a mixed blessing, however. Growth can mean more jobs for our citizens, and a larger tax base for our town. It can also mean more houses dotting our fields and hillsides, more children to educate, and more traffic on, and maintenance of, our rural roads. Growth represents the unknown: we cannot anticipate today what kind of land development may be proposed, or what organizations and businesses might want to locate here in five or ten years.

While it is not clear that West Fairlee will feel significant pressure from development in the next five years, speculators and developers with multi-lot subdivision proposals will likely arrive sooner or later. When that day comes our Selectboard will, of course, react to the concerns and fears of our citizens. Through the process of developing this Town Plan the citizens and their Selectboard can be proactive, and begin to address land use concerns before they arise. We can work together now to develop a vision of how we want our town to grow. Without a subdivision ordinance or a zoning ordinance, we cannot control the type of development and what will be built, but with the help of Act 250 we can influence the shape of residential development and the location of commercial development.

### ***D. Land Use Regulation***

Within West Fairlee, as in most towns, there are some who fiercely defend the property rights of individual landowners and others whose primary concern is shaping the future growth of the town. Most all of us in West Fairlee choose to live here because we like its rural character, its fields and streams and forests, and its small town feel. In a survey and two community meetings conducted by the Planning Commission, citizens with both points of view have told us they want to preserve the town the way it is. However, their views differ on how best to accomplish this.

Various state and federal laws already limit the absolute right of landowners to do whatever they might want with and on their land. For example, the Flood Disaster Protection Act of 1973 places limitations on building in designated flood hazard areas. While West Fairlee does not have its own zoning regulations governing development of individual buildings, our Flood Hazard Area Zoning Bylaws apply to any construction or filling in areas of town deemed to be a flood hazard. See page 84 for a list of the various

bylaws and ordinances that impact land use decisions in West Fairlee. West Fairlee voters have rejected proposals to implement a zoning ordinance in the past. Under the terms of Vermont's Act 250, however, some proposed developments require prior approval. Where there is pertinent language in a town plan, the Act 250 Review Board is obligated to follow it. Therefore a few parts of this plan can have the effect of shaping future development in West Fairlee. The rest of the plan sets forth our common vision of the future we would like to see for West Fairlee.

### ***E. How this Town Plan works with Act 250***

When a proposed development 'triggers' Act 250, as described on page 24 of this document, it is subject to review by the Environmental Commission for District 3. If a town does not have zoning or subdivision ordinances, (as West Fairlee does not), the District Environmental Commission will look for guidance to the Town Plan. Where the Town Plan contains specific mandatory language—for example, by using words such as “shall” or “must”—the District Environmental Board will use this in determining whether to issue a permit. Where the plan expresses a preference—for example, by using words such as “should” or “may”—or contains guidelines that are less than specific, the District Environmental Commission may choose to ignore it. Therefore in this plan we have tried to choose our words very carefully. Where we use mandatory language we understand that it can restrict future choices, and we intend that restriction. Where we choose not to use such language, we are indicating a preference that the District Environmental Commission may choose to ignore.

### ***F. Community Input***

Development of this plan was aided significantly by the results of a town survey completed in 2010 by residents and other property owners. Of 499 surveys mailed, 172 completed responses were returned, a 34.5% response rate. The updated town plan reflects this valued input. Survey results are included in Appendix B to this Town Plan. In addition, two Community Input meetings were held in August 2010. Summaries of these meetings are included in Appendix C. The West Fairlee Planning Commission has held discussions with Boards and Committees in town, seeking their input on the Town Plan's goals and policies.

This input has been incorporated into the discussions, goals, policies and recommendations included in this Town Plan.

## **Location and History**

### ***A. Location***

West Fairlee is one of seventeen communities in Orange County, located in the Upper Valley of the Connecticut River. It is bordered by Bradford on the north, Fairlee on the east, Thetford on the south, Strafford on the southwest, Vershire on the West and Corinth on the northwest. West Fairlee has a total land area of 22.6 square miles or 14,464 acres. According to the 2010 Census the population of West Fairlee is 652, including 275 households and 183 families. Some have expressed concern about the



accuracy of these numbers, and are seeking an explanation how the population might have decreased by over 10% since 2000 while the numbers of households and families remained substantially the same.

## ***B. A Brief History of West Fairlee***

Prior to European settlement, West Fairlee and its environs likely supported habitat and wildlife conducive to attracting either permanent or seasonal settlements of the Western Abenaki Native Americans. The primary location of these settlements may have been along the Ompompanoosuc River dating as far back as 8,500 B.C. Settlements may have continued through the Archaic and Woodland periods, 7,000 to 1,000 B.C. and 1,000 B.C. to 1,600 A.D. respectively.

During the Archaic period, Native Americans moved seasonally around Vermont to live, hunt, gather, and fish. Villages were established and trade networks were developed during the Woodland period along with ceramic and bow and arrow technology. It was within this setting that French explorer Jacques Cartier became the first European to observe what is now Vermont.

There are many historic buildings and landscapes in West Fairlee that serve as a record of the town's past, and along with their scenic beauty they remind us of the importance of protecting these historical and scenic treasures.

In September of 1761, Governor Benning Wentworth of New Hampshire chartered the Town of Fairlee on the west bank of the Connecticut River as well as many other towns up and down the river. The first settlers arrived in Fairlee in 1769 and built their homes along the river. But it was not until 1779 that the first family settled on Blood Brook in what is now West Fairlee. A few years later settlers began arriving in the Middle Brook valley, and by the mid 1780's newcomers were moving into the Ompompanoosuc River valley. All parts of West Fairlee were now settled. In 1797, the Vermont Legislature, responding to a request from the Town of Fairlee, divided the town in two, establishing the new town of West Fairlee. Its borders contained just over one half the area of what had been the original Fairlee Grant.

By 1800, the population of West Fairlee was about 400 people and two population centers were beginning to emerge: the village of Canton, now known as West Fairlee Village, and West Fairlee Center in the Middle Brook valley. During the early part of the 19th century, West Fairlee changed from a frontier settlement to a farming community with many of the farms located in the Middle Brook and Blood Brook valleys. General stores appeared in the Village and the Center, and the Town House, where town meetings were held, was located in the Center. Farming was so successful that by 1820 West Fairlee's population rose to nearly 1200. But as happened for a variety of reasons all through rural northern New England during that period, agriculture declined rapidly from this peak, and by 1860 West Fairlee had become a town of only 700 people.

But by the late 1860s, the Ely Copper Mine, located a mile and one half west of the Village, just over the Vershire line, began to grow into one of the largest copper mines in the United States, and West Fairlee's population began to grow along with it. At the same time, the town's center of activity began to shift to West Fairlee Village. The

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presence of hundreds of relatively well paid miners, who gravitated to West Fairlee Village as the nearest place for a commercial center to grow, created a thriving cash economy both for the Village and for the farmers in the Middle Brook and Blood Brook valleys, who sold fresh produce, milk, meat and eggs to the miners. Commerce in the Village boomed, and soon there were a number of stores, a hotel and various businesses, including a sawmill, carriage manufacturing shops, a furniture manufacturer, a farm rake mill, a gristmill and even a cigar factory. By the middle 1880s, the town's population had grown to more than 1000, much of it in the area of the Village, and by 1895, Bean Hall, named for Alvah Bean, a long-time Town Clerk and West Fairlee entrepreneur, was built in the Village to serve as town hall.

Despite all this activity, the Ely mine went bankrupt in 1883 and closed. Two significant attempts were made to reopen it, from 1885 to 1890, and again in 1900, when George Westinghouse bought the mine and invested heavily in expanding the smelting operation. But these efforts failed, and no significant underground mining took place after 1883, and by 1905 the mine was closed for good. With this, West Fairlee reverted to a subsistence farming economy. In 1909 a large fire destroyed much of the village, including the hotel, several stores, a livery stable and several houses. This was followed almost exactly one year later by a second large fire which destroyed the Whitney Block, a large commercial building that housed most of the remaining businesses in the Village. Finally, seven years later, West Fairlee's largest remaining commercial building, the Eastman Block, also burned. Very little of the commercial space was ever rebuilt since West Fairlee's smaller population after the closing of the mines and the town's farming economy with its much smaller cash income, did not require it. By 1920, the population had dropped to less than 400.

For the next several decades the population of West Fairlee continued at this low level. The economy had been so depressed after the copper mine finally closed that the town's residents hardly noticed the great depression of the 1930's. Probably the largest source of jobs and income in West Fairlee throughout this period were the summer camps on Lake Fairlee that first opened from 1905 through the early 1920's. It is hard to find a native of West Fairlee who grew up during the mid 1900's who did not --or whose parents did not-- work in the camps during the summer.

After the Second World War, the town began changing again. Agriculture began to decline to the extent that today there are very few working farms left. When the highway system improved, the town began to change again and became a bedroom community, whose residents worked in much larger nearby towns like Hanover and Lebanon, New Hampshire. This continues to be the situation in West Fairlee today. We are a town that has gone through several ups and downs in its 250 year journey from a frontier settlement to a pleasant bedroom community nestled within the pretty valleys of Blood Brook, Middle Brook and the Ompompanoosuc River.

## **Population**

### ***A. Population Patterns and Projections***

Existing population characteristics, past trends and future projections are all major considerations in the town planning process. An increasing population within a

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community is in most cases accompanied by an increase in demands for municipal services. One primary purpose of community planning is to anticipate, plan for and guide population growth in such a way that the increasing demand for municipal services does not outweigh the town's ability to accommodate this growth. Another purpose is to anticipate and have a plan in the event that West Fairlee's population should decline over time.

Local industry has had a direct effect on West Fairlee's population historically. Copper was first discovered in Ely, located in the southeastern corner of the town of Vershire, in 1813. In the mid 1800s, the Ely Copper Mine began operations, only one and one-half miles due west of the village of West Fairlee. Reportedly employing more than 2,000 people at its peak, the Ely mine was most active between 1853 and 1905, when it closed.

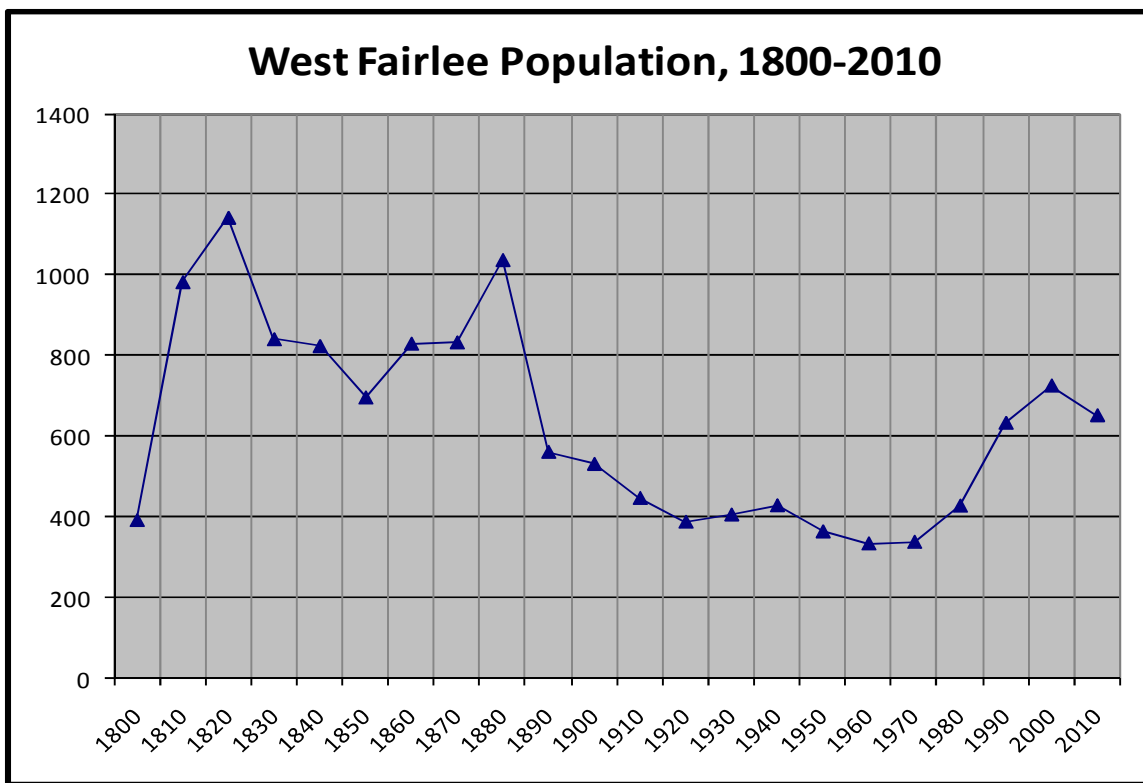


Figure 1 – West Fairlee Population History, US Census 2010 and UVM Center for Rural Studies

As shown in Figure 1, West Fairlee's population declined sharply after about 1830 as happened throughout most of rural northern New England. The Ely mine operation was undoubtedly the cause of the large population growth and other dramatic changes in West Fairlee after the Civil War, when the Town's population grew to well over one thousand and the village became very prosperous. As the mine declined, so did the population, falling to less than 600 by the time the mine first closed after the turn of the century.

Between 1970 and the present time, West Fairlee's population has grown by 93%, or by 315 people, up from 337. The reason for this dramatic growth is unclear, though it is possible that the construction of Interstate 91, combined with economic growth in the

Upper Valley, may be the main reasons. Another possibility is the growth in the number of people from out of state buying residences in the more rural areas of Vermont.

<b>Percent Population Change 1970-2010</b>									
	1970	% change	1980	% change	1990	% change	2000	% change	2010
<b>Bradford</b>	1,627	34.7%	2,191	15.1%	2,522	3.8%	2,619	6.8%	2,797
<b>Corinth</b>	683	32.4%	904	37.6%	1,244	17.4%	1,461	-6.4%	1,367
<b>Fairlee</b>	604	27.5%	770	14.7%	883	9.5%	967	1.0%	977
<b>Strafford</b>	536	36.4%	731	23.4%	902	15.9%	1,045	5.1%	1,098
<b>Thetford</b>	1,422	53.9%	2,188	11.4%	2,438	7.3%	2,617	-1.1%	2,588
<b>Vershire</b>	299	47.8%	442	26.7%	560	12.3%	629	16.1%	730
<b>West Fairlee</b>	337	26.7%	427	48.2%	633	14.7%	726	-10.2%	652

Figure 2 – Population change in West Fairlee area, US Census 2010 and UVM Center for Rural Studies

### **B. Age of Population**

The following figure shows how the population of West Fairlee has changed with respect to age over the last three Census years. Three facts stand out most clearly in this data. 1) The population under the age of 24 has been decreasing. This pattern has been continuous for children under five years old since 1990. But the population of those between 5 and 24 years old, which increased significantly between 1990 and 2000, is now half of what it was in 2000. 2) The population of people starting out and reaching the prime of their working lives, those between 25 and 44 years old, has been dropping since 1990 and has dropped dramatically since 2000. 3) The number of people over the age of 55, those who within the next ten years will reach or be at retirement age, has increased steadily and more than doubled since 1990.

#### **West Fairlee Age of Population, 1990- 2010**

	1990	2000	2010
Under 5 years	62	51	34
5 to 24 years	235	309	156
25 to 44 years	242	235	165
45 to 54 years	49	98	101
55 to 59 years	15	49	65
60 to 64 years	23	30	46
65 to 74 years	32	32	62
75 to 84 years	17	23	16
85 years and over	3	6	7
Under 18 years	196	202	147
55 years and over	67	110	212

Figure 3 – Age of Population, US Census 2010

These patterns are roughly consistent with changes in the State’s population as a whole. While we may possibly be spending less for education in the future because we will be

sending fewer students to school, we will also require increased funds to support services and facilities necessary for the well being of the Town's much larger population of aging and aged citizens. And this will be necessary since the number of West Fairlee's citizens in the prime of their working lives has decreased.

This combination of factors highlights the need for economic development and new jobs in West Fairlee so that people of working age, and most especially young people just beginning their working lives, will not find it necessary to move away from town to support themselves and their families.

### **C. Income and Wages of Population**

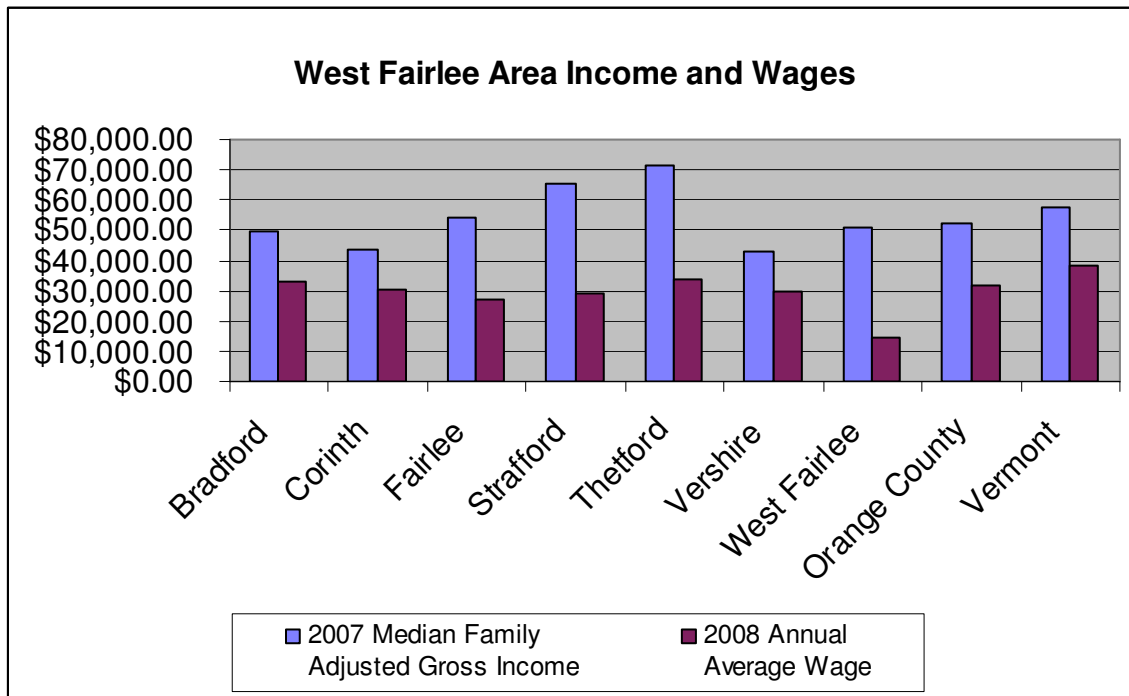


Figure 4 – Income and Wages in West Fairlee area, Vermont Department of Taxes

As the figure above illustrates, family incomes in West Fairlee are roughly on par with those of the rest of Orange County as a whole and with many of the surrounding towns. They are lower than the median family incomes of towns located closer to the Upper Valley's employment centers. Annual average wages in West Fairlee, however, are significantly lower than those in the county as a whole or in the surrounding towns. This indicates that more family members in West Fairlee may be working --and may be working longer hours-- than is typical elsewhere in the County and throughout the State. This raises questions about the adequacy of daycare and after school programs, as well as other forms of support, available to families in West Fairlee. It also again points to the need for West Fairlee to focus on questions of planning in a way that will increase the number of jobs that pay a living wage.

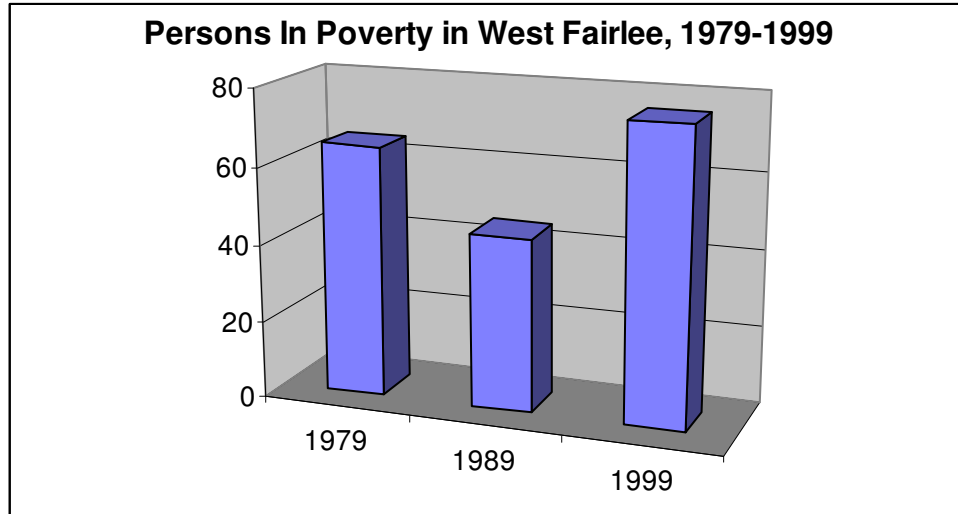


Figure 5 – People in Poverty in West Fairlee, US Census 2000

The number of people in poverty is calculated using the US Census data and definitions. As can be seen from the figure above, the number of impoverished people in West Fairlee rose from 45 in 1989 to 76 in 1999, the last year for which town-level data are available currently. This is a 69% increase.

Nationally, the number of people living in poverty increased in 2009 by four million from 2008 levels, according to the Census Bureau. In Vermont, the poverty rate in 2009 went up to 9.4 percent, a 1.4 percent increase over 2008. It is a safe bet that the number of people living in poverty in West Fairlee has risen significantly during the last decade. This is a special concern in the wake of the recent recession, and should give rise to community consideration of those suffering this condition and concern about the economic stability and growth of the Town.

## **Economic Base**

### **A. Town Economy, Current and Future**

The term "economy" refers to income, jobs and production, as well as the resources and activities that involve or affect the town. The economy has a direct impact on the tax structure and well-being of the residents of West Fairlee, as well as on municipal services and facilities such as roads and schools. Therefore, the purpose of economic planning is to provide a balanced and equitable tax base for the town and to ensure availability of jobs that are compatible with the skills of town residents and promote their upward growth.

West Fairlee occupies an enviable position in its eastern Vermont setting. It remains relatively rural and undeveloped, in spite of its proximity to the Hanover/Lebanon/White River Junction area, the economic engine of the region. Because West Fairlee lies within close commuting distance to this economic center – in a region that consistently enjoys relatively low unemployment statistics compared to the rest of the U.S. – the Town shares this benefit as well (see Employment section below).

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A healthy mixed economy is considered optimum. The purpose of this economic plan is to promote economic diversity by allowing light industries and professions that do not have a negative impact on the area. Examples of negative impacts could include, but are not limited to:

- production or use of significant amounts of environmentally hazardous materials,
- creation of excessive noise,
- significantly increased vehicular traffic,
- businesses that decrease the overall quality of life of the town's residents, or
- businesses that utilize more of the town's services than the tax benefits they return to the town.

West Fairlee has a designated Village Center through Vermont's Village Center Designation program. Village Center designation was created by the Vermont legislature to recognize and encourage local efforts to revitalize Vermont's traditional village centers. The focus of this program is on supporting commercial activity in the center of Vermont's villages. Benefits of village designations to West Fairlee property owners, business owners, lessees and the village include:

- tax credits for building rehabilitation and code improvements, such as handicapped access;
- priority consideration for all grants administered through the State's Municipal Planning Grant Program and the Consolidated Plan for HUD funding, including the Community Development Block Grant Program (CDBG);
- priority consideration by the State Building Department when leasing or constructing buildings, in consultation with the community; and
- a special assessment district in a designated village may use funds for operating costs in addition to capital expenses.

Participants in two Community Input meetings organized by the Planning Commission in August, 2010 said Village designation should be continued because of the benefits it offers to businesses in Town.

In addition to assisting communities with maintaining their Village designation, the Two Rivers-Ottawaquechee Regional Commission has funding to assist the Town with environmental assessment of properties that may be contaminated with petroleum wastes. A focus of these funds is on redevelopment of village center properties, particularly for workforce housing or other economic development projects.

West Fairlee should be attentive, however, to the economic consequences of development. The cost of providing schooling and other government services to new households is the primary reason for the Town to be concerned about jobs creation and residential development. The property tax is the primary revenue source currently available to West Fairlee to cover these costs. On average, property taxes for new, year-round residences will not cover costs of providing services to families in those homes.

Too few resources are devoted to the local economy, according to the people who answered the 2010 West Fairlee survey. Among the best ways to encourage new businesses would be to continue working on high speed internet access in town, and to

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help connect present and prospective businesses with state economic development programs. Respondents to the 2010 town survey favor more of the following businesses:

- Agriculture
- Coffee shops/restaurants
- Home based businesses
- Retail & Service businesses
- Light Industry

Community Input meeting participants also said they want more young families to settle here and begin enterprises of their own to avoid this town becoming merely a satellite of the Hanover, Lebanon or Bradford areas. West Fairlee is appealing because of its community feel, but meeting participants expressed concern about the length of commutes to work locations. Young families need jobs to allow them to live in West Fairlee and buy houses, and there simply are not enough jobs or houses. It was the sense of the meeting that high speed internet service would allow some of this to happen.

A larger tax base will allow the town to accomplish more on behalf of its residents. It was suggested that the Town encourage the following activities in order to build strategies for increasing the tax base:

1. Hold more meetings like the Planning Commission's Community Input meetings.
2. Combine community meetings with other meetings that are going to be held anyway, such as those run by the Historical Society.
3. Reflect the results of meetings in the Town Plan.
4. Share the Town Plan with developers.
5. Encourage townspeople to engage with one another about town matters and issues.

### ***B. Economic Data***

#### **1. Employment**

Data from the Vermont Department of Taxes support the fact that the civilian labor force from West Fairlee has grown appreciably since 1990, consistent with the data described in Chapter II. The size of the civilian workforce in 1990 was 350 people, and by 2008, it was 450 people, a 29% rate of growth.

During these same years, the unemployment rate has remained quite low compared to the rest of the county and the state. West Fairlee's unemployment rate (VT Department of Labor) fluctuated between 2.3% and 0.7%. In 2008, the unemployment rate in West Fairlee was 2.2%, while it was 4.5% in Orange County and 4.8% across the State. West Fairlee residents are very fortunate to enjoy such a historically low unemployment rate.

#### **2. Occupations**

Nearly thirty percent of West Fairlee's workforce is employed in education, health and social service occupations. Another 6.4% are employed in professional, management



and administrative occupations; a further 3.9% are in public administration occupations; and some 3.1% work in finance, insurance, real estate and information occupations. With a total of more than 40% of our population employed in these occupations, ours is a relatively well educated workforce. Another third of our workforce is relatively skilled: 24.5% of our population is employed in manufacturing and construction and another 8.8% work in agriculture, forestry, transportation and utilities. Because of this distribution of occupations, most citizens of West Fairlee commute to work out of town, as will also be seen below in Section C1 of this chapter. It is this that defines us as a bedroom community. That only 3.6% of our workforce is employed in agriculture and forestry is a strong indication that our greatest resources —our fields and forests— are commercially under-utilized.

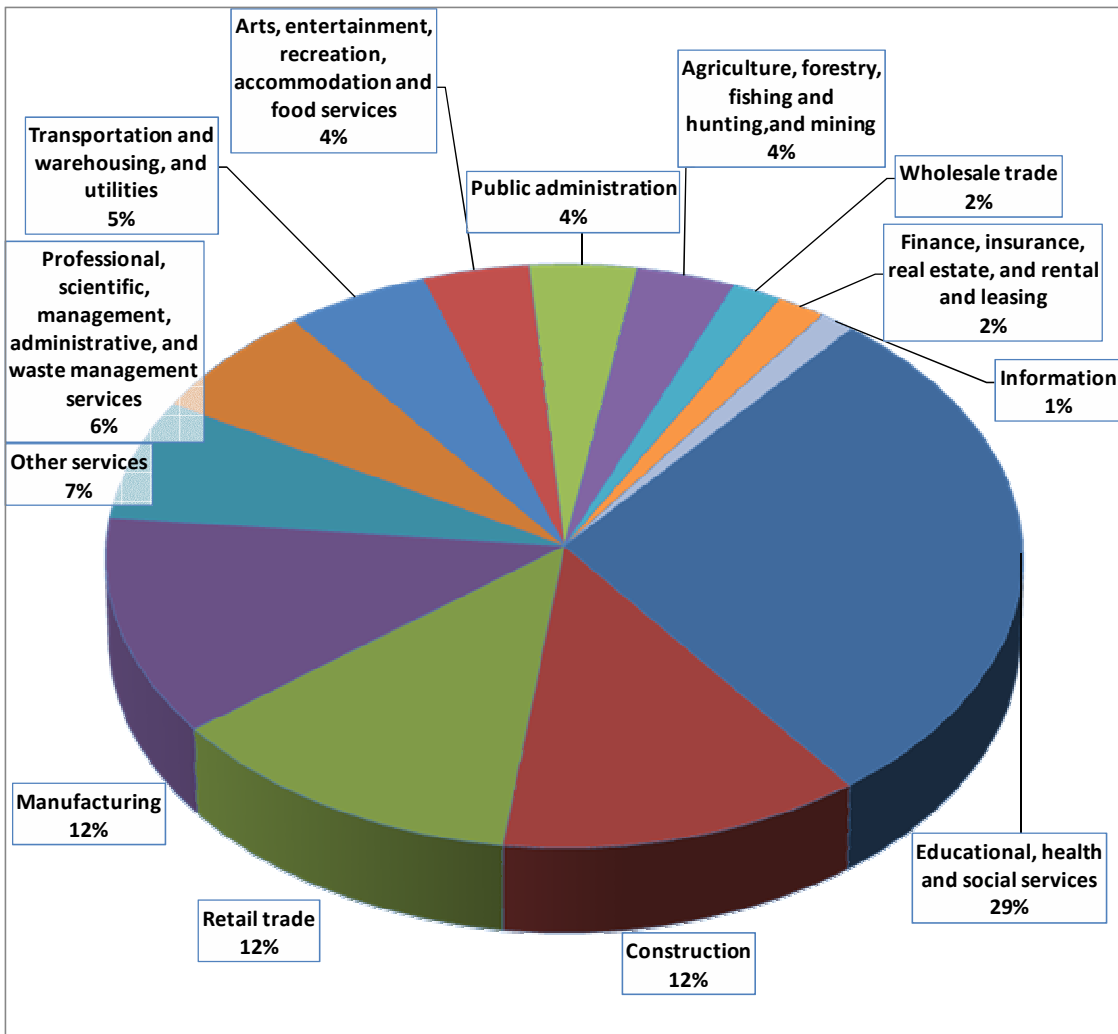


Figure 6 – Occupations of West Fairlee residents, US Census 2000

### **C. Locations of Economic Activity**

West Fairlee has a small store with a gas station and some other small businesses are scattered throughout town. There is no longer a post office in West Fairlee. Most residents travel elsewhere for goods and services, primarily to bigger Upper Valley

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towns. This supports the idea that West Fairlee is a “bedroom” community, where most residents commute elsewhere for employment. Although it is unlikely that West Fairlee will become a hub of commerce like some of the surrounding towns, it certainly can have a viable economy and can encourage businesses to develop. To promote local economic development, small communities like West Fairlee should take advantage of local resources such as their location, physical setting and the skills of their citizens, and encourage development of market niches that are not being filled elsewhere.

### 1. Commuting To Work

The 2000 Census provides information on the origin and destination patterns of residents and workers. In 2000, 311 of West Fairlee’s 368-person workforce worked outside of town. The mean travel time, as reported by the Census, was 30 minutes.

*Figure 7 – West Fairlee Commuter data, US Census 2000*

Town of Residence	Workers over age 16	Number who work outside town of residence	Percent of total
Bradford	1,360	830	61.0%
Corinth	710	558	78.6%
Fairlee	700	524	74.9%
Strafford	549	385	70.1%
Thetford	1,440	1,080	75.0%
Vershire	288	215	74.7%
<b>West Fairlee</b>	368	311	84.5%
Orange County	14,424	10,170	70.5%
Vermont	311,839	202,707	65.0%

These data show that West Fairlee houses workers who are employed primarily in other towns. Most people who live in our surrounding communities work in towns other than where they reside. The same is true for most people throughout Orange County and across the State. But the percentage of people who live in West Fairlee and work in other towns is much greater than it is for any of our neighboring towns, the County or the State

Following is a list of towns where West Fairlee residents work, representing the work locations for 85% of the town’s commuters:

Town of employment	Number of workers
Bradford	15
Fairlee	13
Hanover	55
Hartford	33
Lebanon	81
Norwich	10
Thetford	57
Total	264

## ***D. Working Families and Childcare***

Child care is an integral piece of Vermont's economic infrastructure and should be considered to be as important economically as public education, transportation and housing. With about 90% of the West Fairlee workforce working outside the home (Census 2000), it is important to assure that high quality, convenient childcare is available within the town for working families with children.

There are currently two registered licensed child care providers in West Fairlee as of September 2010. There are nine registered child care providers all told in the surrounding towns of Bradford, Corinth, Fairlee, Strafford, and Thetford.

While childcare resources are believed to be adequate at this time, safe and affordable childcare should continue to be available. West Fairlee supports licensed private childcare centers to meet the childcare needs of its residents, consistent with its goals to support development of home occupations throughout the Town.

## ***E. Goals, Policies and Recommendations***

### **Goals**

1. To nurture a strong and diverse regional economy that provides satisfying and rewarding employment opportunities for residents while maintaining the rural character and natural environment of West Fairlee.
2. To support the maintenance of existing businesses and the development of new businesses in Town including home-based businesses.
3. To strengthen and maintain the Town's agricultural and forest economies and to ensure continuance of West Fairlee's small town village and rural character.
4. To bring broadband internet access to as much of West Fairlee as is possible.

### **Policies**

1. Support community efforts to bring broadband internet access to the entire Town.
2. Encourage home businesses and cottage industries.
3. Encourage low impact businesses to locate in the Village.
4. Support economic projects that trigger Act 250, provided they are in accordance with the provisions of this Town Plan.
5. Encourage agriculture and forest-related small businesses.
6. Maintain West Fairlee Village designation status.
7. Maintain natural, historic, cultural, and recreational resources that provide a quality of life that will attract new businesses, employees and tourists to town.
8. Economic development activities shall continue the traditional development pattern of a village center surrounded by rural countryside.
9. Cooperate with neighboring towns, the regional planning commission, and economic development groups to plan for job creation and population growth that is balanced.
10. Support the development of local enterprises that create markets for locally produced goods and services.
11. Encourage new business development in appropriate locations where services such as roads, fire protection, and power supply are available.

## **Recommendations**

1. The Town should continue to support efforts to bring broadband to West Fairlee.
2. The Town should create a public bulletin board and/or web site.
3. The Planning Commission should further investigate policies that could assist the viability of family farms and other agricultural enterprises within Town.
4. The Selectboard should form a committee to investigate the creation of a farmers' market in West Fairlee.
5. The Selectboard should create a local economic development committee that would encourage the growth of businesses most compatible with the rural character of West Fairlee.
6. Through a series of community meetings, the Planning Commission should begin to define and seek out opportunities for appropriate commercial development and for increasing agriculture throughout West Fairlee.

## **Land Use**

### ***A. Current Land Use***

The citizens of West Fairlee enjoy the way their town is right now. It is our small, densely-built village, our open fields and the undeveloped rolling hills covered by dense forest that define West Fairlee. West Fairlee is a quiet, mostly residential community that includes a state-designated village. Most residents work out of town and in general, appear comfortable with being a residential community.

Many of the town's residents are spread throughout the town, living along the network of "back roads," many of which are unpaved. This development of housing mostly along West Fairlee's roads helps create the open feel that generates our sense of rural character we choose to maintain. Most townspeople are satisfied with the present balance of paved and unpaved roads.

Because of the natural resources that exist in West Fairlee, there are abundant formal and informal opportunities for outdoor recreation such as hunting, fishing, hiking, cycling, cross-country skiing, snowmobiling, horseback riding, swimming and others. The availability of these opportunities is tied to the rural character of the Town.

Maintaining the balance between the dense concentration of development in West Fairlee's village, and the diffuse residential development of the surrounding areas is essential to maintaining the Town's rural character.

Home businesses, light industry and other development that can strengthen and contribute to the rural character within this area are not only welcome, but encouraged. There is active support for adding more small businesses to the village and throughout the town.

### ***B. Expenses, Tax Rates and Tax Bills***

The only tax Vermont towns are allowed to levy to cover their expenses is the property tax. Taxes on the profits of businesses and the incomes of individuals are paid only to

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the State of Vermont. The assessed value of all taxable property is a town's grand list, and this and only this makes up any town's tax base. Only new buildings and physical improvements to land and existing buildings will increase the tax base.

The largest single item West Fairlee's citizens pay for each year is the cost of educating our children. Since 1997, the State of Vermont, and not each individual town, sets the tax rate that determines what we pay for our schools. This tax rate is calculated on a statewide basis and does not depend on any specific town's grand list. Quite simply, the more children a town pays to educate, the more its taxpayers will spend for schools. This holds true regardless of how great or small a town's grand list is.

By contrast, a town's municipal tax rate --the rate that determines what taxpayers will have to pay for the services their town provides except for schools—is based directly on the town's tax base, its grand list. Once a town's budget is prepared and approved, the municipal tax rate is set by dividing the amount of the budget by the amount of the town's grand list. The amount of each taxpayer's actual tax bill is the product of multiplying both tax rates --school and municipal-- by the value per each \$100 of his or her property.

For any fixed, total budget amount, as a town's tax base increases, its municipal tax rate will go down. But this doesn't at all mean that tax bills will decrease as the tax base grows. All the ways that a town's tax base can increase imply that demands for services also will increase, and as these demands are met budgets, too, will have to grow. Before long, growing budgets will more than balance out any possible decline in tax rates and will cause tax bills to grow. This is true for both school and municipal taxes.

The three biggest items citizens pay for each year are education, roads and the Town payroll. As the tax base grows, it is exactly these three budget items that will be most likely to increase. As commerce and population grow, more children will need to be schooled, new roads may very well need to be adopted and maintained by the Town, and more town services, beyond schools and roads, will need to be provided, requiring a greater number of town employees and a bigger town payroll. This means tax bills will increase for all citizens.

If demand for housing in West Fairlee did increase so that real estate prices were to rise steeply, people with higher incomes would have a competitive advantage. It is quite possible that some developers would then seek the opportunity of meeting the housing demands of lower income workers by buying up large tracts of West Fairlee's fields and forests in order to build dense, moderately priced housing. This could mean a sudden boom in the number of school children, and it might also require the building of new roads that eventually would need to be maintained by the Town, increasing the tax burden for everyone. Development of this kind would also be an extremely poor use of our working landscape, undermining the goal of this plan to increase the productive use of land in West Fairlee, and it would be equally poor resource, habitat, wildlife and conservation planning and management.

None of this is meant to suggest that West Fairlee is or should be anti-child, anti-education, anti-growth, anti-development, anti-business or anti-wealth. The intent here is simply to get the facts clearly before us, so that we can see how planning decisions in one area always have consequences and affect realities in other areas. This will allow us to consider issues of planning and development in a clear and balanced way.

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For example, development of new commercial enterprises does not necessarily have to come from outside or bring in large numbers of new residents. In fact, businesses that can employ people who already live in West Fairlee in many ways may often be best. New development does not necessarily have to be concentrated on new housing, and new housing does not have to be only new family housing. No one would deny the need for family housing or its value, but there are also needs for and values to be found in other types of housing: retirement housing, elder housing, housing for single adults and even some kinds of institutional housing. Seasonal homes, unlike year-round residences, generally contribute more in taxes than they cost the Town for services. And many of our greatest opportunities might lie precisely in the direction of uses that respect and enhance the working landscape: forestry and forest products, agriculture and recreation. Development in these directions can be greater producers of revenue than of expenditures for services.

Past a certain point, increasing tax bills can become a disproportionate burden on West Fairlee's lower income citizens. Even taking the effects of the recent recession into account, property values almost always increase at a greater rate than incomes. For this reason, while the property tax rate is uniform across the grand list, it can often be a disproportionate burden relative to the income of many households and their ability to pay the tax. It is in this way that the property tax is regressive. While the State's Income Sensitivity Adjustment Program is a tax credit that provides some relief for this, it would be both tragic and wrong to allow drastic increases in town taxes that would threaten the ability of any of our neighbors—especially families and elders—to continue living in West Fairlee.

### ***C. Town Land Use History***

The town of West Fairlee was established on February 25, 1797. Prior to that time, West Fairlee had been a part of the Town of Fairlee for nearly 36 years. Many people suspect that the town's geography caused this split, with the new town boundary following the line of high hills running north and south through the middle of the original Fairlee, which certainly created transportation challenges.

The first settlement in what is now West Fairlee was made in 1778 by Elijah Blood in the area known as Blood Brook. West Fairlee remained a farming community until around 1854 when the Ely Copper Mine, one and one-half miles west of the village of West Fairlee in the southeastern corner of the town of Vershire, began operation. As shown in Chapter 2, the mine caused a dramatic spike in the town's population, and thus how land was used in the town during its history.

### ***D. Overall Land Use Goals***

When considering development proposals, the well-being and interests of Town residents should be the Town's primary concern, according to those who answered the 2010 town resident and landowner survey. Further, respondents to the survey indicated that development should be regulated by local government so that what one person does with his or her land does not adversely affect adjoining property owners, and so that the common good of West Fairlee residents is protected.

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About half of the people who answered the survey (53%) say West Fairlee does not need zoning regulations. However, 62% indicated that the Town should adopt regulations to control how land is subdivided.

In other towns and states, outside developers have offered landowners prices that were hard to refuse. They have come to small town Selectboards with attorneys and transcript recorders, which can have the effect of intimidating citizens, Selectboards and Commissioners. In the aftermath, former rural countryside has been transformed into monotonous grids of “cookie cutter houses” or “McMansions” in spite of the near unanimous opposition of the townspeople.

Most agree that sooner or later something like this is bound to happen, but it is unlikely that West Fairlee will face this threat very soon. Responding to continuing business growth in Lebanon and Hanover, residential development has been extended in the Upper Valley through Norwich, into Thetford, then into Fairlee, and so on. Perhaps not in our immediate future, but West Fairlee will likely have to address this challenge eventually. Some would prepare for it now, by putting language in our town plan that would have the effect, through Act 250, of requiring land developers to conform to our wishes.

Most of West Fairlee’s history has taken place in the absence of any formal regulation of land use. Some residents are skeptical about the alleged benefits of Act 250 and distrust those who would limit the rights of property owners to do whatever they may want with their land. They would prefer that this plan not include language that would have the effect of restricting future land use decisions.

This is the challenge for West Fairlee in the future: How to reconcile these two perspectives. In the short term the absence of mandatory language in this land use section probably would have little effect. In the future as development occurs we hope that the Town will be ready for the “speculator” or “outside developer” scenario described above. It is much easier to manage and guide development trends by being proactive. We urge all townspeople with differing perspectives to continue to talk about the future we want, and how to get there. To encourage this discussion, this plan will recommend a series of continuing and frequent community meetings devoted to finding a path to achieving the goals of this plan.

In summary, the following goals are important to our town:

- Remain a rural town by supporting current land uses.
- Plan for the controlled and orderly growth of the town, utilizing a pattern that maintains West Fairlee’s rural character.
- Promote a healthful environment for our citizens, and ensure adequate and clean waters and air.
- Encourage the development of enterprises in West Fairlee that provide basic services for citizens, which will enhance and improve the rural way of life that benefits us.
- Ensure necessary public facilities and services within a written plan at a reasonable cost through annual and capital budget planning.
- Provide recreational opportunities for townspeople.

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- Help provide employment and housing opportunities that allow for affordable living in West Fairlee.
- Strike a balance between the property rights of individuals, the rights of all our citizens and the needs of our community.

### **Land Use Regulations and Act 250**

As suggested previously, the citizens of West Fairlee historically have generally taken a “no regulation” stance when zoning has been considered. Towns without land use regulations are always at risk when a large-scale development is proposed. Because of this, State legislators have designated all towns without land use regulation as “1 Acre Towns” for the purposes of review under Act 250. This designation means the following:

- Any commercial or industrial developments of over one acre of property shall trigger a review under Act 250.
- The subdivision of land into six or more lots within a continuous period of five years shall trigger review under Act 250.

Under Criterion 10 of Act 250, any proposed project must conform to all duly adopted local and regional plans. It seeks to ensure that new development respects the wishes of Vermont citizens about the future of their town and region.

The Environmental Court has often found it difficult to interpret town plans in a regulatory proceeding because of their inherently vague and non-specific language. Town plans are generally considered visionary documents, and though not intended to be the word of law, will be used by the Environmental Board for direction if zoning laws do not exist. Considering that West Fairlee does not have land use regulations at this time, the town must specify the standards it expects a developer to meet if it wants the Town Plan to have controlling weight under Act 250. Where we have chosen strong language in some instances it is to ensure that the Town Plan gives clear direction to an environmental board if the need arises.

For those projects not requiring Act 250 review the following guidelines should be considered as strong recommendations.

### **Lot Layout – All Uses**

There is broad consensus in West Fairlee about what we want the town to be like in the future - pretty much the same as it is now. We enjoy living in a rural community, close to the fields and woods and streams. Most accept that change will come someday, but do not want to hurry it along. When there is new development, we agree that it shall proceed so as to have as little impact as possible on our traditional views, trails and rural atmosphere. There is less agreement, as has been indicated earlier, about how best to ensure that our desires and expectations are met.

This is our shared vision: Where land will be subdivided and new houses are to be built, the lots shall be laid out so as to take advantage of, and preserve, existing traditional and natural features such as stone walls, hedgerows, fields, natural clearings and land contours. Lot sizes and shapes shall be varied to avoid suburban repetition. Development and building plans shall avoid monotonous, equally sized and shaped lots,



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and “spaghetti” lots, which are long lots with narrow frontage. Where development of more than five houses is proposed, clustered housing should be considered so as to leave a natural area common to all which shall be preserved as open space. To the extent possible, buildings should be sited so as to preserve historic sightlines. Choices shall be made so as to minimize excavation for roads and buildings where excessive erosion is likely. All plans must be sensitive to the history of the land and of the town.

### Uses in West Fairlee Village

- Newly constructed buildings must be of a size and scale compatible with already existing buildings in the Village Area.
- Traditional building massing, forms and materials must be used within this settled area.
- Within settled areas, home businesses and small scale cottage industries are deemed to be uses compatible with existing uses.
- Since any development within the Village Area may have an impact on the existing water supply due to the limited space, developers must prove that their project will not have any negative effects on public or private water supplies within this area.

### Commercial Development

Commercial development in the village shall be retail, small scale cottage industry or service oriented.

Outside the village, West Fairlee shall be open to light manufacturing or other commercial development, compatible with the area’s agricultural/residential character. Commercial development shall not be limited to the designated village area.

Industrial development shall be appropriate in West Fairlee only if it preserves and is consistent with our agricultural/residential character.

- Where it is the best alternative, development shall be located in clusters set back from State or Town roads.
- If feasible and practical, existing buildings or parts thereof shall be reused for commercial development.
- Large parking or delivery areas shall not be located in front of commercial buildings. Large parking areas shall be located at the sides or rear of such buildings. Where feasible, parking areas shall be shared among adjacent uses.
- Illuminated commercial signs shall be illuminated from above.
- A landscaped buffer, preferably of native plants and trees, shall be part of any new construction adjacent to State or Town roads in order to maintain the rural character and appearance of the location.
- To minimize paved or impermeable areas, all curb cuts to State or Town roads shall be shared when possible.

### ***E. Future Land Use***

One of the primary considerations of this Plan continues to be how land is used and will be used in the future. Many decisions about land use, once made, cannot practically be

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reversed. Farm fields turned into housing units, development of scenic areas, and construction practices which result in long term soil erosion or other ecological damage are examples of practices that shall be carefully considered and evaluated by the Town prior to any change in land use or construction. Any development plan shall consider the impact of proposed change in land use on the preservation of land for this generation and for future generations. Development proposals must promote the public benefit. Development proposals must not have a harmful negative economic impact on the Town or any of its citizens. Proposals must not limit citizens' right to the use and enjoyment of their property. At the same time, the Town must use discretion and not prejudice any individual.

The Town presently and in the future has need for land for public buildings, parking areas, recreational areas, schools, access routes, town forest land protecting water resources, and for various other facilities. The Town must regularly assess public land needs and, when necessary, recommend purchases or acquisition to the voters. Town investments in infrastructure shall not be made to the detriment of viable agricultural, conservation or recreation lands.

Included in this Plan are maps of current and future land use areas. The data on these maps, particularly road names and designations, are based on available data at the time this Plan was written.

Future Land Use is categorized in this Plan into one of the areas described below and depicted in Map #1.

### **1. Village Area**

West Fairlee Village is an area of concentrated development that provides a sense of place or identity, a center for community interaction, and a contrast to the surrounding rural countryside. As the town grows, its residents want West Fairlee Village to continue to fulfill these important functions.

The purpose of the Village Area is to serve as the town center, allowing the highest density development of all Future Land Use Areas in this Plan, providing for residential, commercial, and other uses that are compatible with a community center. Intensive land uses in the Village Area will protect other lands in West Fairlee from scattered development and will help prevent strip development along Route 113, as well as the attendant costs and negative consequences of these types of development.

Higher-density housing is encouraged in the Village Area, both traditional single-family dwellings and multi-family units. This area is especially appropriate for multi-family and senior housing. However, density in the village is naturally limited by the ability of the soils to accept wastewater without impacting drinking water wells.

### **Goals**

1. To maintain a viable village center through good planning and reasonable subsequent development.
2. To strengthen the existing 'sense of place' in West Fairlee Village by encouraging development in this Town center.

## **Policies**

1. West Fairlee Village should continue to accommodate a mix of housing types.
2. Business development should be encouraged in the Village Area, but must be carefully reviewed to ensure that the activity will be conducted in a manner which will not be likely to result in undue or unreasonable adverse impacts on nearby residences or other businesses or on town services, facilities and natural resources.
3. The scale of business development in the Village should be in keeping with the rural character of the Village.
4. Future development of the Village should be a logical extension of the existing Village Area as designated on the Future Land Use Map (see attached), and should not impact significant natural and fragile areas as defined in this Plan.
5. Rehabilitation and renovation of structures and older buildings of historic merit is encouraged, when economically feasible and practical, to enable new uses of property and to avoid obsolescence.
6. Major public investments, such as improvements to Route 113 or Route 244, shall not unreasonably or unnecessarily jeopardize or endanger the character of the Village Center. Prior to the commencement of plans, state planners must consult with the Town and affected property owners regarding these types of activities.
7. The Town supports bicycle/pedestrian enhancements that will promote walking, bicycling, and safety.

## **Recommendation**

1. Through a series of community meetings, the Planning Commission shall begin to define and actively seek out opportunities for commercial development in the village.

## **2. Agricultural/Residential Area**

The Agricultural/Residential Area is comprised of all lands not designated as Village area. The purposes of the Agricultural/Residential Area are to preserve the working rural landscape, to protect lands with an economic capability for agriculture or forestry, and to allow for a lower density development of residences and businesses that are compatible with this type of area.

Land uses allowed in the Agricultural/Residential Area include low density residential, agriculture, forestry, recreation, home occupations, small business enterprises, commercial such as light manufacturing, and rural industrial enterprises scaled to be compatible with this Area. Any proposed development must not unreasonably harm any significant natural and fragile areas as defined in Chapter 6 of this Plan. The extension of municipal water supply and sewage disposal systems to serve this area is not appropriate.

Commercial activities should be allowed, provided they do not have an unreasonable adverse impact on neighboring properties and their agricultural or residential use. Development in this Area shall not contribute to strip-type development that, by its nature, attracts similar businesses, including, but not limited to, convenience stores, chain retail stores, and fast-food establishments.

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As a general guideline, a small business enterprise is any private business that employs or will employ 50 or fewer employees on site year-round. The term “rural industrial” includes any use of land or structure for the provision of a commercial activity that primarily processes material extracted on site or material that is a raw agricultural or forest product. Examples include quarry, gravel/sand pit, sawmill, slaughterhouse and biofuels/wood pellet production.

### **Goals**

1. To maintain the Town’s working landscape and high quality rural character, preserving its scenic beauty and the natural resources of the Town while allowing for moderate growth.
2. To encourage agriculture of all varieties throughout West Fairlee.
3. To support new agricultural businesses provided that they continue to maintain the rural character of the Town.
4. To protect productive forest and farmland.
5. To protect the right of residents to the quiet enjoyment of their properties.

### **Policies**

1. Projects that adversely affect the rural setting and conflict with the existing working landscape must not be located in this area.
2. Residential development and commercial or industrial projects in this area shall be designed and carried through so as not to adversely affect or limit the maintenance of good to high quality agricultural soils and the viability of agricultural enterprise.
3. Commercial strip-type development shall not be allowed within this Area.
4. In order to prevent fragmentation of forest, agricultural lands, or wildlife habitat, no new private road constructed in this Area shall connect to other town roads or highways or create through traffic.
5. Preservation of working forests and farms on large parcels shall be encouraged.
6. New development shall occur at a pace that Town institutions and our road system can sustain.
7. The density and placement of new buildings in subdivisions shall be compatible with agricultural use and the desired land use patterns set out in this plan.
8. The Town supports low density residential development and small commercial enterprises whose impacts are limited so that they do not detract from the rural nature of the area and are in keeping with its agricultural and residential uses.
9. The Town of West Fairlee encourages the private conservation of land.

### **Recommendations**

1. Following the recommendations of the community survey of 2010, the Planning Commission shall propose subdivision regulations for the division of large parcels of land into smaller ones consistent with the goals and policies of this Plan.
2. Through a series of community meetings, the Planning Commission should begin to define and actively seek out opportunities for commercial development and increasing agriculture within its agricultural/residential area.
3. The Planning Commission should explore opportunities to promote recreational activities in West Fairlee and development of the Town as a recreational destination.
4. In order to achieve fair treatment of all property owners on the grand list, all those who undertake new building construction should be required to inform the Town.

### **3. Shoreland Area**

The Shoreland Area is part of the Agricultural/Residential Area which extends along Route 244 in West Fairlee bordering Lake Fairlee. The Area extends inland 200 feet along the northwest side of the road and to the water's edge on the opposite side. Existing land uses are two summer youth camps (owned by the Aloha Foundation and on the National Register of Historic Places), a very small section of another summer youth camp, vacation camps, and a few year-round residences. The lake's only state boat launch area is located in the Area.

The purposes of the Shoreland Area are to preserve the current quiet residential character of the area, to maintain use of the area for housing and camps, and to protect the shoreland to ensure continued water quality in Lake Fairlee. New development in this area should recognize the importance of protecting the water quality of Lake Fairlee.

#### **Goals**

1. To maintain the existing development and recreational pattern of Lake Fairlee and protect it from any unreasonable adverse impacts of new development.
2. To preserve the scenic beauty of the Shoreland area and Lake Fairlee as a key natural resource and recreational resource for the Town.

#### **Policies**

3. Projects that adversely affect the rural setting and conflict with the existing lakeside landscape must not be located in this area.
4. Commercial development is prohibited except for home occupations and businesses that are consistent with the present and desired pattern of land use.
5. Consistent with the guidance of the Vermont Agency of Natural Resources and except for preexisting residential lots, a 100 foot undisturbed natural buffer is required along the lakefront.

#### **Recommendation**

6. The Town should encourage preexisting residential lots to maintain the 100 foot undisturbed natural buffer consistent with Vermont Agency of Natural Resources guidance.
7. The Town should explore the possibility of increasing public recreational access to Lake Fairlee.

### **4. Flood Hazard Area**

The purposes of the Flood Hazard Area are to prevent increases in flooding caused by excessive poor quality development of land in the Flood Hazard Area, to minimize losses due to floods in West Fairlee or in downstream towns, to preserve and enhance high quality waters, to provide for the beneficial use of public waters by the general public, to protect shore lands from erosion, to maintain a low density of development, and to promote high standards of quality for permitted development. Permitted development within this area shall protect public access to the Town's rivers, brooks or ponds, be compatible with the visual quality of the area, protect existing vegetation, and avoid causing any water pollution problems. Building on land that has been elevated above the flood hazard level in the flood hazard area shall be discouraged. Agricultural and outdoor

recreation uses are encouraged in the flood hazard area. Expansion of new commercial development shall not be permitted in the flood hazard area.

### **Goals**

1. To encourage agricultural and outdoor recreational use on the high-quality soils of the floodplain.
2. To recognize and maintain the flood plain functions of the valley particularly sediment storage and nutrient retention.

### **Policy**

1. New development within the limits of the 100-year floodplain is strongly discouraged. Improvements to existing structures in the floodplain are acceptable, provided that careful planning is done to ensure against unnecessary loss of property or public endangerment.

## **Flood Resilience**

### ***A. Background***

Mountainous geography influenced the settlement and historical development patterns of our Vermont communities, so that many of our population centers and farms occupy valley floors where there is more gently sloping land with generally richer and less rocky soil. Many of the valley floors, whose gentle slopes, rich soils, and diverse ecological resources made them so attractive for development, are actually floodplains formed by the meandering movement of streams eroding and re-depositing soil and organic matter. Life in our mountain-and-valley terrain has taught us that our valleys surrounded by steep hills flood often (at least yearly in some locales) and stream channels frequently change position.

The movement of the streams along our valley floors is powered by runoff from the surrounding steeply sloping uplands. Surface water runoff from rain and melting snow collects in streams that converge and become progressively larger as they convey water downslope toward the valleys. Each stream valley and floodplain receives water from a distinct “catchment” or “watershed” area. A watershed comprises a dynamic system of flowing water and moving soil as well as rocks, and trees and other types of debris. The movement of water, soil, and debris along the main valleys in a watershed is sometimes characterized by the term “valley train”. Valley train movements are affected by the size of the watershed, the amount of precipitation onto the land surface, the rate of precipitation, the slope of the land, and the types and amount of land surface cover.

Though seemingly static and inviting for human development, valley trains are conveyor belts that swerve side-to-side while moving downstream, with pulses of faster and often catastrophic movement during periods of intense or sustained precipitation. We don't always pay attention to them and it is easy to lose sight of the valley train conveyors because so much of the movement is slow and innocuous, but the trains *are* always moving. We are gently reminded of this movement during seasonal flooding and small-scale collapse of stream banks. Our attention is abruptly and intrusively redirected to it

by severe and often catastrophic events such as ice jams releasing, rapid melt-off and rain while the ground is frozen or thawing, or during intense storm rainfall.

Flash floods, landslides, stream bank collapses, and stream channel shifts are catastrophic pulses of valley train movements that are often detrimental to human safety and health, and result in damage and high costs to public or private property and infrastructure. Catastrophic movements are not unusual – they are integral to the natural processes of any valley train system. In short, catastrophic pulses of movement, evidenced by flash floods and mass movements of soil, are as common as the so-called “normal” seasonal flooding and erosion, they just occur less frequently. These movements are characteristic of the very areas that, historically, seemed so attractive to human settlement and community development.

## ***B. Flood Hazards***

Flood hazards arise from both inundation and erosion – natural processes inherent to floodplains and valley trains. Most Vermont stream floodplains and, to a lesser degree, upland watersheds have been altered by human activities including deforestation and farming, channelization, stream bank retaining walls, filling, and construction of roads, bridges, dams, and buildings, such as homes, schools, and critical facilities. When development encroaches or stream channels are altered, conditions in the flood erosion hazard zones become more unstable. Dangers to downstream occupants and structures are exacerbated. Removal of vegetation, soil disturbance, and stream channelization increase floodwater depths, flow velocities, erosion, and sediment deposition downstream. Flow of water and sediments, and sometimes buildings, vehicles, and other debris, is diverted to downstream properties and both the damage to infrastructure and risks to public safety are magnified.

For more than 200 years we have incurred significant and recurrent expenses, expenses that are ever-increasing, from trying to control and stabilize our moving valley trains. We have been reminded repeatedly and severely that the movements of valley trains and tributary streams, and the attendant inundation and erosion hazards, are not within our abilities or our best interests to control. Time and experience make it clear that we cannot hold our rivers and streams in place regardless of the amount of effort and money we expend. Our repeated best efforts to actively “control” or “stabilize” streams and rivers have, over the long term, created a cycle of ever increasing safety risks and maintenance costs.

Vermont’s main streams and rivers flow through narrow valleys that collect water from relatively large and steeply sloping catchment areas, a condition that increases risks for rapid or “flash” flooding. Flash flooding occurs not only in areas prone to inundation, such as the known “regulatory floodplains” mapped by the Federal Emergency Management Agency (FEMA), but also along upland slopes and streams that contribute runoff to the valley floors. Floods rarely follow precise boundaries on a map, and flooding often occurs outside the regulatory floodplain boundaries, referred to by FEMA’s as “Special Flood Hazard Areas” or “SFHAs”. This is especially the case in Vermont (based

on research by the Vermont Land Use Institute) up to two-thirds of flood damage occurs outside of FEMA's mapped SFHAs.

Tropical Storm Irene at the end of August, 2011 demonstrated that, by far, the most catastrophic damage is caused by flowing water and entrained sediments ("fluvial erosion"). During heavy rains or rapid snow melt events, soil in stream drainages and floodplains becomes saturated, making it easier to move. At the same time the amount and rate of runoff increases - breaching stream banks, inundating valley floors and adding enough energy to create a slurry of water and sediment that scours stream banks and uproots trees and vegetation and can destroy homes, septic systems, vehicles, propane tanks, retaining walls, roads, bridges, power lines and anything else in and along the floodplains. Tropical Storm Irene was an exceptional but by no means isolated event.

Floods and erosion damage occur at any time of year due to rainfall, ice build-up, snow melt, and soil movement. The continued occurrence of such events is a given, and the severity of such events is unpredictable and variable. On average, flood-related damage, particularly damage from fluvial erosion, costs Vermont taxpayers millions of dollars annually. Our experience of recent decades, and particularly of the past few years, and our best climate science show us that hazardous flood and erosion events are increasing in frequency and severity, and suggest that this trend will continue into the foreseeable future.

## ***C. Flood Resilience Management***

### **1. Overview**

From hard experience, empirical science, and economic data there has emerged a consensus that our wisest, least painful and least costly course over the long term lies in an approach that reduces flood and erosion hazards; minimizes the recurrent costs of trying to control our streams, repairing and replacing community infrastructure and public and private buildings and homes; and allows us to keep our valuable and irreplaceable soil resources while improving stream water quality and aquatic habitat. Vermont's experience, research efforts, successes in fostering effective public/private collaboration, and legislative initiatives to promote watershed-scale management have been at the forefront of this new understanding. The term widely adopted to describe this new understanding of socially and ecologically responsible, safe, cost-effective, and sustainable management is "flood resilience".

At its core, flood resilience management directs that we as a community manage our interactions with our streams and coordinate our efforts with our neighbors because, ultimately, everyone lives, works and plays downstream. Therefore, flood resilience management is most effective when approached on a watershed scale, both locally and regionally.

Most of Vermont's population centers are clustered within and along river and stream valleys. Flood resilience management recognizes that we cannot undo our historical settlement and land development patterns, nor is it practical to expect relocation of



community buildings and homes, nor can we afford the expense and disruption of large scale changes to infrastructure over the short term. But, recognizing our history and current circumstances, our recent experiences provide many lessons pointing to a pragmatic long-term approach to reducing the risks and costs of floods and erosion.

We have learned that we can reduce, maybe even avoid, the repeated cost of repairing our communities if we manage land use so as to allow our streams and rivers the space to move and return to a natural equilibrium. Experience demonstrates that our repeated efforts to control and contain rivers and streams, by engineering channels, using flow-constricting bridges and culverts and altering or removing natural floodplains created a sluice effect that caused most of our streams to incise their floodplains. Without the natural landforms and vegetation that dissipate energy and hold soil in place, the suddenness, the severity, and the cost of erosion and inundation damage increase.

A central tenet of flood resilience management is to allow the streams and rivers to regenerate a more natural floodplain with the unique landforms, rich soils, and diverse plant and wildlife communities that combine to limit and dissipate flood energy and damage and enhance the beauty and appeal of our communities. The value of natural floodplain areas was demonstrated in 2011 during Tropical Storm Irene when observations along Otter Creek showed that flooding in Rutland was far more severe than in the downstream community of Middlebury because much of the floodplain between the two towns is in a more or less natural state with natural levees, wetlands, and diverse woody plant communities.

## **2. Why Flood Resilience Management Makes Sense**

The goals of protecting our community and our natural resources are interdependent and mutually supportive. In an important and timely paper published by the Vermont Journal of Environmental Law (Vol. 14, 2013), Vermont's Department of Environmental Conservation (DEC) former Commissioner David K. Mears and Sarah McKearnan (Special Assistant on Climate) adroitly observe that:

***...adjustments to our community and infrastructure development, river management, and floodplain protection policies can reduce the risk of flood damage to our homes, businesses, and farms, while also enhancing Vermont's natural beauty. In every watershed in Vermont, the goals of protecting our communities and preserving our natural environment are closely intertwined and interdependent.***

An effective flood resilience management approach considers the whole picture when addressing ways to reduce flood risks and minimize the costs of responding to and recovering from flood-related damage. Watershed scale management applies both locally and regionally. West Fairlee's boundaries encompass all or parts of three local watersheds -- Blood Brook, Middle Brook, and a section of the main trunk of the Ompomanoosuc River -- each of which is an upstream component of the regional

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Ompompanoosuc River watershed area, designated by the State as Vermont Drainage Basin 14).

Again drawing upon a description by Mears and McKearnan (2013), a watershed-scale approach makes sense because:

***The volume of water that reaches rivers is closely related to the area of land within the watershed around the river and the type of activities on that land. A change to any variable threatens the equilibrium of the river.***

Within valleys and floodplains, the areas of active stream channel movement are fluvial erosion hazard (FEH) zones, which are incorporated into ANR's mapped River Corridor areas. In naturalized floodplains, fluvial erosion is moderated by woody vegetation and landforms that help detain water, debris, ice, and sediment. Unaltered floodplains develop soils of very high quality and support robust, biologically diverse communities. Natural floodplains reduce water pollution and recharge aquifers and provide downstream water resources, including larger streams, ponds, and lakes.

Because flood resilience management relies on working with rather than against natural stream processes, it decreases the money our community will expend to maintain infrastructure such as bridges, roads and power lines. Flood resilience management limits soil loss and allows vegetation to re-establish, while restoring wildlife habitat corridors at no extra cost. It decreases flood damage and the economic impact of recovering from floods, while encouraging land uses that keep people, property, and community assets out of harm's way. This is a pragmatic and sustainable strategy that yields multiple benefits -- financial, health and safety, environmental, ecological and aesthetic -- to the entire community at the lowest possible cost over time.

Flood resilience is measured by the ability of a town --or a local or regional watershed-- to withstand adverse events. Resilience is created by preparing for reasonably foreseeable flood-related hazards, planning and adapting in ways that avoid or minimize damage, and by optimizing social and economic recovery from catastrophic events. The objective of flood resilience management is to enhance our community's ability to anticipate, avoid, withstand, respond to and recover from the adverse effects of routine and seasonal as well as exceptional flooding events. Resilience management also works to discourage new development in known flood hazard areas, including both SFHAs and River Corridor Areas.

Actively encouraging, diligently implementing, and committing to sustain flood resilient land management practices protects human safety and health, private property, community resources, the natural environment, and our community's economic future. Again borrowing from the words of Mears and McKearnan (2013):

***...a safe community is one that can accommodate the natural fluctuation and movement of stream and river levels. Constructed with the foresight and knowledge that river systems are dynamic, not fixed, safe communities protect, where possible, those key natural functions of the landscape, such as lowering peak flows by storing water and reducing erosion.***

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Active resilience management requires relatively little capital investment and serves to reduce infrastructure and maintenance costs over time by shifting land use practices to achieve a more economically sustainable equilibrium. Moreover, adoption of practices that are consistent with federal and state policies and guidelines for flood resilience management supports and maintains our eligibility for federal and state disaster relief funds, positions us to obtain funding from grant programs for community development, and makes us eligible for assistance toward costs of preparing for **future** flood-related disasters.

Over the long term, West Fairlee's best approach to flood resilience is to implement appropriate, pragmatic and sustainable strategies to achieve the greatest practical benefits at the lowest reasonable cost over time, while minimizing impact to existing landowners. A widely recommended way to facilitate this evolution in management of floodplains is to adopt a "no adverse impact" land use policy for our stream and river corridors.

Following are excerpts summarizing the central tenets of "no adverse impact" policy as described in a paper published by the National Association of State Floodplain Managers (2008):

1. ***No Adverse Impact floodplain management takes place when the actions of one property owner are not allowed to adversely affect the rights of other property owners. The adverse effects or impacts can be measured in terms of increased flood peaks, increased flood stages, higher flood velocities, increased erosion and sedimentation, or other impacts the community considers important. The No Adverse impact philosophy can shape the default management criteria: a community develops and adopts a comprehensive plan to manage development that identifies acceptable levels of impact, specifies appropriate measures to mitigate those adverse impacts, and establishes a plan for implementation. No Adverse Impact criteria can be extended to entire watersheds...***
2. ***The No Adverse Impact approach will result in reduced flood damage. However, its true strength is seen when proposed development actions that would affect local flooding or the property rights of others are permitted only when they are in accord with a locally adopted plan that identifies the negative impacts the community wishes to avoid and/or mitigate. The plan could be specific to flood damage or be quite robust, encompassing related objectives such as water quality protection, groundwater recharge, or the management of stormwater, wetlands, and riparian zones.***
3. ***[A No Adverse Impact plan] promotes local accountability for developing and implementing a comprehensive strategy and plan. With the flexibility to adopt comprehensive, locally tailored management plans (which would be recognized by FEMA and other federal programs as the acceptable management approach in that community) the community gains control of its land use decision-making process and is supported in adopting innovative approaches it considers appropriate for its situation.***

Adopting a “*No Adverse Impact*” policy allows us to actively direct the process of flood resilience planning according to our unique social circumstances and physical setting characteristics while meeting state and federal criteria, and protecting our community and natural resources. The “No Adverse Impact” approach is cited and recommended both by FEMA and by the State of Vermont.

### **3. Current Regulatory Climate and Trends**

Since 1968, FEMA has been providing flood disaster relief funds through the National Flood Insurance Program (NFIP). The NFIP incentivizes municipalities and property owners in known inundation hazard areas to use construction methods that reduce damage from flooding. One basis of the NFIP’s insurability rating system is FEMA’s SFHA maps. The SFHA maps have significant limitations, and these limitations are inherent to local floodplain ordinances that are based on complying with the minimum insurability standards of the NFIP. Continued reliance on floodplain ordinances that only meet the minimum NFIP standards poses risks to communities within and along stream and river corridors.

The SFHA maps, which the NFIP’s actuarial calculations have relied upon for the past several decades, provide only a snapshot of flood inundation hazard areas at the time that mapping data was collected and used to define inundation hazard areas. The SFHA maps do not consider shifts in the positions and shapes of streams --shifts that occur gradually and shifts that are sudden and catastrophic. FEMA’s maps do not show areas subject to stream erosion hazards, which are by far the most frequent, dangerous, and costly type of flood hazard in Vermont. In effect, FEMA acknowledges and compensates for these limitations through the Community Rating System (CRS) under the NFIP. The CRS encourages comprehensive floodplain management practices and consideration of flood-related factors extending well beyond the limits of FEMA’s SFHAs.

The state of Vermont strongly recommends the adoption of new local ordinances based on flood resilience management principles rather than mere compliance with the NFIP standards. Accordingly, Vermont’s ANR, Division of Environmental Conservation (DEC), Rivers Program has recently published (2013, revised 2014) templates and strong recommendations for updated local floodplain ordinances based on sound flood resilience and no adverse impact management policies.

### **4. Recommendations for Local Regulation**

West Fairlee’s current floodplain ordinance addresses only the minimum necessary to qualify for participation in the NFIP and allow property owners to obtain flood insurance. It does not plan for mitigation of any flood-related risks except as addressed by NFIP minimum standards, which only apply to effects on insurability related to modification of existing buildings or construction of new buildings in SFHAs. It does not address areas outside of FEMA’s mapped SFHAs.

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Mere compliance with the NFIP qualifying minimums does not address causes of flooding nor does it consider risks from erosion, the effects of land use practices on flooding and erosion, nor the long-term costs to a community to respond to and repair flood damage. Adherence only to the minimum NFIP standards would allow new construction in and alteration of our known floodways and erosion hazard areas, and so would allow land uses that induce greater flood damage downstream.

Stated another way, West Fairlee's existing floodplain ordinance is not adequately protective of our community's residents and property, our public infrastructure, or our natural resources. It does not protect property owners from hazards that increase due to the activities of others in upstream portions of our floodplains. Furthermore, our existing ordinance is out of date and so does not anticipate the recent and accelerating evolution of state and federal policy, funding guidelines, and regulations toward managed "smart growth," nor does it comport with concurrent and proactive efforts by state and regional planning agencies and neighboring local communities to adopt and implement science-based watershed scale management and smart growth practices.

Vermont's Act 16, relating to municipal and regional planning and flood resilience, was signed by Governor Peter Shumlin on May 6, 2013. Act 16 requires that, all municipal and regional plans effective after July 1, 2014 include a "flood resilience element" pursuant to the purpose and goals of 24 VSA §4302b (14), including:

- ***Avoidance of new development in identified flood hazard, fluvial erosion, and river corridor protection areas, and if new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion;***
- ***Encouragement of the protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding; and***
- ***Encouragement of flood emergency preparedness and response planning.***

Vermont's Act 138 (relating to regulation of flood hazard areas, river corridors, and stream alteration) was adopted in May of 2012, and revised the language of 10 V.S.A. Chapter 32 ("Flood Hazard Areas") § 751 as follows:

***The purpose of this chapter is to minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public service that result from flooding; to ensure that the development of the flood hazard areas of this state is accomplished in a manner consistent with the health, safety and welfare of the public; to coordinate federal, state, and local management activities for flood hazard areas; to encourage local government units to manage flood hazard areas and other flood-prone lands; to provide state assistance to local government units in management of flood-prone lands; to comply with National Flood Insurance Program requirements for the regulation of development; to authorize adoption of state rules for management of uses exempt from municipal regulation in a flood hazard area; to maintain the agricultural use of flood-prone lands consistent with the National Flood Insurance Program; to carry out a comprehensive statewide flood hazard area management program for the state in order to ensure eligibility for flood insurance under the requirements of the National Flood Insurance Program.***

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Vermont's Act 138 works in concert with Act 16 and is directed toward more actively *linking community development funds and funds for disaster relief to local efforts to prevent development in flood hazard areas*. In short, *Vermont is moving toward greater local accountability as criteria for receipt of state funding*.

In keeping with the emphasis on greater local accountability, Vermont's Emergency Relief and Assistance Fund (ERAF) was modified so that as of October 23, 2014 new qualifying criteria will apply to requests by towns for disaster relief funding. ERAF provides State funding to match Federal Public Assistance grants (these are funneled through and administered by the state of Vermont) after federally-declared disasters. After October 23, 2014 the State of Vermont's baseline contribution to disaster relief funding for a town will be an additional 7.5% toward the costs. But, for communities that take specific steps to reduce flood damage, Vermont will contribute 12.5% or 17.5% of the total cost provided the town has previously met certain criteria, as listed below:

- *For funding up to 12.5% of relief costs, communities must meet four mitigation measures:*
  1. *National Flood Insurance Program participation;*
  2. *Annual certification of Town Road and Bridge Standards as described in the current (2014-2016) VTrans Orange Book: Handbook for Local Officials;*
  3. *Adoption of a Local Emergency Operations Plan (to be adopted annually after the town meeting);*
  4. *A FEMA-approved Local Hazard Mitigation Plan (valid for five years) or submission of a draft plan to FEMA Region 1 for review.*
  
- *For funding of up to 17.5% of relief costs, communities must meet the 12.5% funding criteria and:*
  5. *Protect river corridors from new encroachment or protect mapped flood hazard areas from new encroachments and participate in the FEMA Community Rating System (CRS).*

West Fairlee's eligibility for many types of funding would benefit from an improved rating classification under FEMA's NFIP CRS, and compliance with Vermont's recent and evolving flood resilience recommendations and rules. These objectives would be served by prohibitions on land development and/or building of new structures in mapped flood hazard zones. West Fairlee can improve its flood resilience and secure it access to emergency relief funding by adopting a revised and updated river corridor protection bylaw that meets or exceeds current and forthcoming regulations and the Vermont DEC Rivers Program's guidelines. Based on West Fairlee's current circumstances, our best course would be to adapt the Rivers Program's Model 6 template, a free-standing ordinance for towns without existing zoning bylaws, in order to arrive at appropriate regulation of activities affecting our floodplains.

## **D. Flood Resilience Plan**

With this flood resilience element West Fairlee is fulfilling the relevant requirements of Vermont's Act 16 and Vermont's Act 138. We have done this in reasonable anticipation of state policy decisions and rule making that will limit future floodplain development activities and require, among other things, advance notification and both state and local permits for construction and land surface disturbances in and along floodplains and stream buffer zones. West Fairlee also seeks to align its land use guidance and enforced restrictions progressively, based on the relevant criteria set forth by FEMA's CRS.

The requirements and objectives of Vermont's Act 16, Vermont's Act 138, and FEMA's CRS are complementary and mutually supportive. It is West Fairlee's objective to continue to evolve policies consistent with smart growth and land use by coordinating our efforts with present and ongoing efforts by our neighboring communities and the Two Rivers-Ottawaquechee Regional Commission (TRORC) to promote concerted watershed scale management of the Ompompanoosuc River drainage catchment area.

### **1. Local Physical Setting and Land Use Characteristics**

Except for the far northeastern-most portion of our town, which drains to Rowell Brook and is part of the Waits River drainage basin, West Fairlee is entirely within the Ompompanoosuc River catchment area –also designated as Vermont's Drainage Basin 14. West Fairlee comprises three local watersheds including, from east to west, the Blood Brook watershed, the Middle Brook watershed, and the watershed for the upper part of the main stem of the Ompompanoosuc River. Blood Brook and Middle Brook each convey and discharge surface water runoff directly to Lake Fairlee. Lake Fairlee drains into the Ompompanoosuc River via a dam at its western end in Thetford. The main stem of the Ompompanoosuc River flows east from Vershire through the western portion of West Fairlee and into Thetford to the south.

In general, most of the upland areas in each of West Fairlee's three local watersheds are forested and steeply sloping. The upland areas are drained by streams that are confined in channels incised to bedrock, have steep gradients, and converge to form larger flows before discharging directly to the primary streams. Blood Brook, Middle Brook, and the Ompompanoosuc River occupy narrow valleys characterized by relatively low, gentle gradients that decrease and have correspondingly wider floodplains southward and downstream.

Land uses in the Blood Brook and Middle Brook watersheds are almost entirely agricultural, rural residential, and conservation/recreation. Most of the non-forested and cleared land areas in these watersheds occupy the valley floors and adjoin or are near the main stream corridors. Within these areas, woody vegetation is absent from long segments of the main stream banks. Paved town roads run north and south, more or less following the valley floors and are largely within or adjacent to the stream floodplains. Accordingly, there are more residential dwellings, agricultural and commercial buildings, and community buildings along or near the valley floors and floodplains than in the upland areas.

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In terms of flow volume and channel width and depth and catchment area, the Ompompanoosuc River is the largest drainage course in West Fairlee. Vermont Route 113 follows the course of the Ompompanoosuc River along the edge of the Ompompanoosuc River floodplain. The Route 113 and Ompompanoosuc River corridor encompasses the largest and densest concentration of residential dwellings, commercial and institutional buildings in our town. Notably, all of our essential services centers, including municipal and emergency response facilities, and our public school are within this corridor, along the mapped Ompompanoosuc River floodplain and floodplain fringe.

### **2. Mapped Flood and Erosion Hazard Areas in West Fairlee**

As part of its state-wide program to prompt and assist Vermont communities in collective movement toward greater flood resilience, the Vermont ANR Rivers Program collaborated with local communities, TRORC, consulting agents, and other stakeholders to make a watershed scale assessment of stream geomorphology in the Ompompanoosuc River drainage basin or Vermont Basin 14. These studies provide a body of useful baseline data for managing land use toward greater flood resilience.

Phase I and Phase II assessments of Blood Brook, Middle Brook, and the Ompompanoosuc River from Vershire downstream through West Fairlee and Thetford were completed between 2009 and 2011. The stream geomorphic assessment data was used to develop a corridor management plan for the Ompompanoosuc River in West Fairlee and Thetford. The stream geomorphic assessments and river corridor management plan are documented in:

- ***“Ompompanoosuc Watershed Phase I Geomorphic Assessment Orange and Windsor Counties, Vermont” (April 16, 2009) prepared by Bear Creek Environmental, LLC for the Thetford Conservation Commission (with support from the VANR River Management Program); and***
- ***“Ompompanoosuc River Corridor Plan West Fairlee to Thetford, Vermont” (April 28, 2011) prepared by Bear Creek Environmental, LLC in partnership with the West Fairlee Conservation Commission, Thetford Conservation Commission, Vermont ANR, Ompompanoosuc River Watershed Council, and the White River Natural Resources Conservation District (with support from the Upper Connecticut Mitigation and Enhancement Fund).***

These stream geomorphic studies added to prior work by TRORC to assess infrastructure installations affecting drainage along the major streams and tributaries in the Ompompanoosuc River watershed. TRORC's work on this aspect of watershed assessment is documented in:

- ***“Bridge and Culvert Survey Ompompanoosuc River and Major Tributaries Fairlee, Norwich, Thetford, Vershire, and West Fairlee, Vermont” (April 2007)***

These studies provide extensive and high quality baseline data of local stream and river corridor conditions, and help to identify and direct ongoing stream corridor stabilization and hazard mitigation projects.



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The Rivers Program at the Vermont Agency of Natural Resources has mapped major streams and rivers in West Fairlee and these maps encompass areas that are at risk to flooding and areas that are at risk to stream channel erosion. Mapped streams and rivers in West Fairlee include Blood Brook, Middle Brook, the Ompompanoosuc River, and Schoolhouse Brook. These maps outline both FEMA's SFHAs and River Corridor areas. Mapped SFHAs and River Corridors comprise an integral part of this Flood Resilience Element of West Fairlee's Town Plan, and serve to facilitate understanding of the geographic purview of our updated floodplain ordinance.

There are mapped Special Flood Hazard Areas for the Main Stem of the Ompompanoosuc River, Blood Brook, and Middle Brook. Altogether there are 16 structures that are located in the Special Flood Hazard area, including 2 public gatherings, 6 single family residents, and 8 mobile homes. If all of these structures were to be destroyed in a flood, the resulting damage would be approximately \$2,416,000.

There are mapped River Corridor areas for those streams mentioned above that have mapped Special Flood Hazard Areas, as well as Bear Notch Brook and the northern portions of Middle Brook. Altogether there are 36 structures that are located outside of the Special Flood Hazard Area but are located within the mapped River Corridor Area. This includes 24 single family residences, 2 camps, 8 mobile homes, 1 commercial structure, and 1 other residential structure. If all of these buildings were to be destroyed in a flood, the resulting damage would be approximately \$5,436,000.

### **3. Consistency with State and Regional Flood Resilience Initiatives**

As is documented in preceding sections of this flood resilience action plan, West Fairlee has for the past several years been actively collaborating with neighboring communities, TRORC, the Vermont ANR Rivers Program, and other stakeholders in watershed-scale management efforts toward flood hazard mitigation and flood resilience. Some examples of our recent resilience planning and enhancement work are listed below:

- Guided by observations from the TRORC bridge and culvert survey (2007) and the stream geomorphic assessment and river corridor planning documents (2009-2013), West Fairlee's Conservation Commission has promoted and actively engaged in stream bank stabilization and riparian corridor re-establishment projects that, among other efforts, include plantings in cooperation with volunteer landowners along the Ompompanoosuc River.
- West Fairlee's Conservation Commission is collaborating with Vermont's Division of Water Quality to identify ways to mitigate ongoing sources of pollution within the Ompompanoosuc River corridor.
- West Fairlee's conservation commissioners and planning commissioners are actively dialoguing on integration of short term and long term planning and conservation strategies to enhance floodplain naturalization and, thereby, flood resilience

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- West Fairlee’s Planning Commission is actively engaged in conversations with Vermont’s River Program team to facilitate understanding of State initiatives to promote flood resilience and obtain and update maps of flood hazard areas based on FEMA FIRMs and on field assessments by Rivers Program scientists.
- West Fairlee’s Planning Commission has initiated the process of local floodplain and watershed assessment, with emphasis on identifying and inventorying existing landowners, residents, buildings, and facilities within or along the fringes of flood and erosion hazard zones.
- West Fairlee’s Selectboard has pursued and obtained grants for projects to improve the resilience of Town infrastructure in accordance with Vermont Agency of Transportation recommendations and standards
- West Fairlee is working to build momentum toward promoting a more robust recreational economy, including floodplain naturalization through sustained collaboration between our Conservation Commission and our Planning Commission. To date, West Fairlee has preserved nearly 1,200 acres of forest and wetlands in the upland portions of our Blood Brook and Middle Brook watersheds. We are actively considering ways to work creatively with community residents to promote re-establishment of more continuous and ecologically diverse naturalized riparian corridors along Blood brook, Middle Brook, and the Ompomanoosuc River.
- Two West Fairlee citizens, who have also served as town commissioners, recently initiated a periodic news publication that is used, among other things, to inform residents of flood hazards and the ongoing evolution of initiatives to enhance public knowledge and safety, and protect our public and private property and natural resources.
- West Fairlee’s town website is actively updated to provide residents and visitors easy access to current information and can be used to inform the town of ongoing flood resilience efforts.

#### **4. Consistency with FEMA’s CRS Guidelines**

Although West Fairlee has participated in FEMA’s NFIP since its initiation in the 1980s and our current floodplain ordinance is designed to comply with the minimum NFIP standards, we now recognize the need for and community protective benefits of efforts exceeding the NFIP minimums. Reduced flood insurance premiums in response to state and community activities that exceed the NFIP minimum of simply regulating construction of new buildings to the minimum national standards serve as incentives for improving community rating scores under the CRS. The CRS uses a scoring system to recognize work exceeding the NFIP minimums, pursuant to three goals, which are:

- *to reduce and avoid flood damage to insurable property;*
- *strengthen and support the insurance aspects of the NFIP, and*

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- *foster comprehensive floodplain management.*

A community's CRS rating is based on a scoring system that provides points for work that helps to minimize flood losses both inside and outside of mapped floodplains. Communities are encouraged to reduce the exposure of existing buildings, as well as their contents, to flood damage, especially properties that are subject to repetitive flood losses. New buildings and their contents should also be protected from known and future local flood hazards. FEMA emphasizes that standards higher than those described by the minimum NFIP criteria may be necessary.

The CRS encourages communities to map and provide regulatory flood data for all flood hazards, use the maps and data in local regulatory programs, and make the data publicly available. The scoring system rewards communities that generate and contribute data enabling accurate actuarial rating of flood insurance. The focus is on encouraging the use of mapping and information programs that help assess individual property risk and reduce repetitive flood losses. Also, the scoring system rewards efforts to expand the flood insurance policy base by increasing residents' awareness of their flood risk, with the hope that more residents will purchase and maintain flood insurance policies.

Under the CRS, FEMA recognizes that flood hazard concerns extend beyond simply protecting insurable property, and so encourages communities to implement comprehensive local floodplain management programs. The CRS is structured to reward local efforts that: protect lives and public health, safety, and welfare; minimize damage and disruption to infrastructure and critical facilities; preserve and restore the natural functions and resources of floodplains and shore land areas; and ensure that new development does not cause adverse impacts elsewhere in the watershed or on other properties.

The *"National Flood Insurance Program Community Rating System Coordinator's Manual"* (FIA-15/2013) recommends that:

***A community's staff should understand the physical and biological processes that form and alter floodplains and watersheds and take steps to deal with flooding, erosion, habitat loss, water quality, and special flood-related hazards. A comprehensive approach includes planning, public information, regulations, financial support, open space protection, public works activities, emergency management, and other appropriate techniques.***

Although it is beyond the scope of this document to describe in detail specific CRS scoring criteria, West Fairlee's efforts to date, as described in preceding sections of this document, have positioned the Town well to obtain a rating that will lower insurance premiums for our residents and businesses. West Fairlee is also well positioned for additional credits if we elect to prepare and submit an application to FEMA for a revised CRS classification. Such requests are voluntary, but West Fairlee plans to prepare and

submit a CRS classification request as part of its ongoing, and evolving, flood resilience enhancement efforts.

## **5. Flood Resilience Enhancement Strategy and Actions**

### ***E. Goals, Policies and Recommendations***

#### **Goals**

1. Consistent with sound principles of flood resilience and no adverse impact floodplain management, this flood resilience element of West Fairlee's Town Plan is intended to facilitate sustainable land use and development policies and rules that reduce risks to human safety, property, and infrastructure, and decrease recurrent costs to the community related to damage from inundation and erosion.

2. In general, we seek to integrate the core elements of the best available regulation, conservation, and emergency preparedness to enhance flood resilience. Accordingly, our efforts are directed toward consistency with relevant guidelines under both state and federal programs.

3. West Fairlee's flood resilience enhancement efforts shall continue to comport with Vermont's Act 138 and Act 16, and evolving shore lands protection efforts to promote improved water quality in Vermont's lakes and streams.

4. West Fairlee's flood resilience management efforts also continue to comport with the goals and general recommendations of FEMA's CRS for exceeding the minimum requirements under the NFIP pursuant to maximizing insurability and reducing flood insurance premiums for town residents and businesses.

#### **Recommendations**

West Fairlee shall continue to pursue a flood resilience management approach whose essential components are as follows:

1. Identify and map known and likely 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.
2. Identify all existing structures, waste facilities, water supply facilities, and infrastructure in and along West Fairlee's river and stream corridors.
3. Enact an updated town ordinance concerning our stream and river corridors, and include provisions for advance notification of and specific limits on new

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development activities in identified flood hazard areas, fluvial erosion areas, and/or stream corridor protection areas, based on regulatory templates developed by the ANR DEC Rivers Program for communities without existing zoning ordinances.

3. Rely upon and reference Vermont Department of Public Safety and Agency of Natural Resources rationale and guidance set forth in *“State of Vermont Hazard Mitigation Plan”* (November 2013) in specifying appropriate advance notification of changes in land uses and appropriate restrictions on land use and construction standards in floodplains and erosion hazard areas.
4. Regulate any new development in identified fluvial erosion hazard areas, flood hazard areas, or stream corridor protection areas 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 upland areas.
5. Encourage the protection and restoration of our river corridors, floodplains, wetlands, and upland forested areas that attenuate and moderate flooding and fluvial erosion.
6. Engage in focused efforts to inform town residents of policies, strategies, and resources to protect the identified and designated hazard areas and to mitigate risks to public safety, critical infrastructure, and municipal investments, including:
  - a. Contact with property owners and residents within and near stream corridors;
  - b. Lists of published planning and land use guidelines, relying on state publications;
  - c. Summaries of emergency response notification procedures, contacts, and resources;
  - d. Apprise property owners of flood insurance and insurance rate reduction incentives; and
  - e. Provide information on flood damage and disaster recovery funding and financial incentives.
7. Promote future land use planning that facilitates sustained hazard mitigation efforts, including:
  - a. Naturalizing river corridor and floodplain establishment and conservation;
  - b. Defining critical areas for upland storm water runoff limitation and management;
  - c. Enacting assessment and pre-development notification requirements to facilitate advance identification of potential problems that may arise from changes in the density of development, determination of appropriate

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- development densities, and allow re-direction of development away from protected areas and high-hazard areas.
- d. Using easements and acquisition, when possible, to prevent inappropriate land uses.
8. Actively encourage flood emergency preparedness and develop contingency plans for emergency responses to natural disasters, and appropriately integrate the town's emergency response, infrastructure, and flood resilience planning, including:
    - a. Development of an updated Local Emergency Operations Plan based on the Vermont Department of Public Safety's LEOP Base Plan 2014 template.
    - b. Planning to promote consistency with State of Vermont Hazard Mitigation Plan 2013
  9. Work to update and integrate West Fairlee's planning and regulatory efforts with parallel or corresponding efforts by adjoining towns, and with local and regional stake holders in the larger Ompompanoosuc River watershed (Vermont Drainage Basin 14).
  10. Consider adopting River Corridor protection regulations to limit future damage to areas vulnerable to fluvial erosion hazards.

## **Natural, Scenic and Cultural Resources**

### ***A. Significant Natural and Fragile Areas***

No matter how important all these things are, every Town is more than its buildings and roads, its people, their history and their present relationships to one another. At bottom and in the fullest possible sense, every Town is also its land: its topography, soils and waters, and the vegetation, forests, wildlife and even the insects the land supports. In all the most practical ways we can imagine, West Fairlee, like any and every Town, is the aggregate of how, both historically and today, its people have used and continue to use—for good or ill, wisely or unwisely—the land that surrounds us and the natural resources it supports and how in turn we who live here today have been shaped by the land and our use of it. Any meaningful plan for or assessment of West Fairlee and the people who live here must take into account the care or carelessness with which we live in relationship to the Town's unique 22.6 square miles and our aspirations for its wholeness and health into the future.

About 89% of West Fairlee is forested. Fields, farms, bodies of water, roads and areas developed for residential and commercial use make up the bulk of the Town's non-forested land. Most of West Fairlee's forest has been cut over at least twice since the

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earliest European settlement, and throughout recent rises and falls in the timber market there have been a third and fourth major cut on many forested parcels of land in Town. Very few remnants of the original forest remain, and most of these are remnants of sugarbush established at the time of settlement.

In recent times, West Fairlee's rural character and its large tracts of open space have allowed the Town to support a rich diversity of vegetation and a flourishing and diverse population of wildlife species. Bear, deer and moose regularly browse and forage in the backlands –and sometimes the back yards—of West Fairlee, and otter, coyote, fisher, fox, beaver, snowshoe hare, muskrat, porcupine and all the smaller mammals common to our region are permanent residents as well. An abundance of the birds, reptiles and amphibians characteristic of northern New England also make their homes in West Fairlee. The wildlife, timber and other resources that thrive on the land in West Fairlee have contributed and will continue to contribute inestimable value to the social health and well-being, including the economic well-being, of West Fairlee's human residents.

In the survey of West Fairlee's citizens, conducted during the summer of 2010, townspeople strongly stressed their interest in preserving the rural character of the Town by conserving the open land that has value for agriculture and for the aesthetic appeal of its vistas as well as the undeveloped land that has value for forestry, recreation and wildlife populations.

The most permanent and secure method of preserving land for wildlife and undisturbed beauty, recreation and the overall health and strength of our ecosystems and economy is for it to be owned outright by the Town itself. This is how the Town's Brushwood Community Forest has been preserved.

Conservation easements or other recorded conservation restrictions on private lands also protect open space while allowing the grantor to continue to own and use the land. Conservation provisions of this kind are now in place on several hundred acres of land in West Fairlee. A map showing all conserved land in West Fairlee is attached to this plan. 4.9% of West Fairlee's 14,464 acres are preserved, according to state data available at the time this Plan was written.

Vermont's "Current Use" law, the Use Value Appraisal Program, also helps to preserve open space for wildlife, recreation, agriculture and forestry. Of West Fairlee's 14,464 acres 9,081 acres are presently in Current Use, according to 2010 tax data. However, were an economic and building boom in and around the Upper Valley to raise land values dramatically, the rewards of converting these acres to development use could prove irresistible to some owners.

Unfortunately, many people believe wrongly that the property tax benefits enjoyed by owners who have land in Current Use are paid for by the property taxes of all the other property owners in Town. This is not the case. By state law, the town is held harmless for the property tax reductions for land under Current Use. The whole state, and not just the town, makes up for the revenues lost to the Town under Current Use, and it does so not through property taxes alone but through all state taxes: income taxes, sales taxes, etc. Furthermore, because open land, even open land in current use, pays more in taxes than it requires in services, Current Use properties do not create costs for towns but, in fact, keep costs down. Property in current use, and all undeveloped land, actually

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subsidizes owners of developed land, since undeveloped land requires very few services.

It is worth stressing here that good agricultural use of open lands, well managed forestry and reasonable recreational use of open space are themselves sound conservation practices, adding not only to the rural character of the Town but also to the effort to preserve open space.

Contrary to a widely held misconception, conservation easements that preserve land in perpetuity do not “lock up” protected lands from use. Typically, conservation easements disallow housing and commercial building development, clearcutting of forested land and other destructive practices, but these easements do allow agricultural use of land, well managed forestry and recreation and small utility buildings that serve these uses.

As we have indicated and stressed throughout this plan, preserved land generally requires fewer Town services than land developed for commercial, residential or institutional use. The tax contribution of preserved land almost always outweighs its draw on Town revenues.

An inventory of the natural features that comprise West Fairlee, taking into account their value to the Town, is an important part of this Town Plan. These are Areas that, because of their fragile nature, irreplaceable value, and vital function of maintaining the environmental and ecological health and quality of the Town, require special conservation and protective measures. The nature and importance of these significant natural and fragile areas are described below, and in combination with the goals, policies, and recommendations that follow, constitute an environmental conservation policy for the Town.

### **1. Water Resources**

Lake Fairlee, the Ompompanoosuc River and the brooks, streams and ponds that comprise West Fairlee's surface water resources are perhaps the most important of the Town's natural resources. These water bodies are not only important recreational assets and of great scenic and wildlife resource value, but also are connected with groundwater, which is the current source of private water supplies and the potential source of future municipal water supplies. The continued use of surface water is directly related to water quality throughout the Town.

Vermont has a Water Pollution Control Act regulating the quality of waters in the State. This Act forbids, except by special permit, the discharge into the waters of the State any waste that reduces the quality of the receiving waters. Agriculture and forestry practiced according to state standards are assumed, by law, not to be degrading water quality; however, many areas of the state are impacted by agricultural runoff.

In West Fairlee, the threats to water quality include non-point pollution such as sediment from land development, road runoff, stream bank de-stabilization, invasive species, and thermal modification from riparian vegetation removal and effluent from failed septic systems.



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The simplest, most straightforward and most effective means of preventing nutrient and sedimentation impacts to rivers and streams is to have buffer strips of native vegetation between any land disturbing activity and the top of the stream or river bank. The roots of trees, shrubs and herbaceous species hold soil in place and help keep banks stable. Woody vegetation also helps shade rivers and streams. All the vegetation as well as the uncompacted soil and uneven topography of an undisturbed vegetation community will slow runoff, reducing its erosive force.

### **Goals**

1. To maintain or enhance the quality and quantity of drinking-quality resources.
2. To allow use of groundwater resources by new development only in such a manner to protect the public right to adequate quality and quantity of the resource.
3. To consider surface water and groundwater impacts and effects related to proposed or existing uses of land.
4. To maintain or improve surface water quality and quantity.

### **Policies**

1. Land use activities which potentially threaten groundwater quality shall be carefully reviewed and monitored to prevent undue loss of groundwater quality.
2. Maintenance or enhancement of water resources for recreation, fisheries, necessary wildlife habitats and quality aesthetics are high priorities. Water resource policy and practices shall protect these uses.
3. Preservation of the natural state of streams and, to the extent possible, Lake Fairlee shall be encouraged by:
  - **Protection of adjacent wetlands and natural areas;**
  - **Protection of natural scenic qualities;**
  - Protection of all streams and Lake Fairlee from invasive plants and elimination of invasives where they have already taken hold; and
  - **Maintenance of existing stream bank and buffer vegetation including trees, together with wildlife habitat.**
4. Gravel roads shall not be paved as part of a commercial or residential development unless it can be shown that paving will not have a negative impact on any watercourse, wetland, pond or lake as the result of runoff of oil, salt or other road pollutants. Rain gardens, grass strips or other vegetation must be planted, when necessary, to prevent danger to the Town's water resources because of road runoff. If such plantings cannot be used effectively to prevent road runoff pollution of water resources, roads shall not be paved.
5. Consistent with the guidance of the Vermont Agency of Natural Resources a buffer zone of 50 feet must be maintained contiguous to all rivers and streams.

### **Recommendations**

1. The Selectboard shall support citizen water quality monitoring and watershed planning efforts for the Ompompanoosuc River.
2. The Conservation Commission shall investigate maintaining and improving public access to the river for recreational use.
3. The Conservation Commission shall continue to investigate all non-harmful possible means of eliminating Eurasian watermilfoil from Lake Fairlee.

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4. The Selectboard and the Conservation Commission shall investigate and pursue the means by which the State of Vermont can be pressured to require the washing of all boats using the Lake Fairlee boat access.
5. The Town, through the Selectboard and the Conservation Commission, should continue the efforts begun in 2010 to reduce sedimentation, erosion and the conveyance of pollutants along the Ompompanoosuc River, Middle Brook and Blood Brook and to enhance, improve and restore the ecosystem integrity and vitality of these waterways and their corridors. To these ends, the Town should continue to work with local and regional environmental and planning organizations to locate and secure funding for projects including streamside plantings, corridor clean-up and protection, culvert replacement, bridge replacement and, possibly, dam removal.

## **2. Wetlands**

The wetland areas in West Fairlee are very important resources. They provide needed wildlife habitat by serving as feeding or breeding grounds for a select group of species. Water-associated mammals such as muskrat, beaver and raccoon, as well as certain bird species, are associated with wetland areas.

Wetland areas also provide a direct benefit as flood protection areas. Because of their high organic composition, these areas can absorb and retain a large amount of water occurring as runoff, thus reducing flood peaks and providing a more constant supply of water. Since wetlands are naturally associated with the ground water table, they require protection from pollution of all kinds. Whatever is allowed to flow into wetlands may flow into the ground water. Wetlands also serve to purify ground water and thus are natural cleansers of this resource.

Vernal pools are ephemeral wetlands that fill with water in the spring and generally **have dried out by** late summer. These pools allow for the birth of amphibians in a non-predatory environment. Vernal pools are breeding grounds for many species of amphibians, including three species of salamander currently listed as rare and imperiled by the State of Vermont.

### **Goal**

1. To identify and encourage land use development practices that will avoid or mitigate adverse impacts on significant wetlands.

### **Policies**

1. Structural development or intensive land uses shall not be located in wetlands or within the buffer zones of wetlands established by the rules of the Vermont Water Resources Board. According to these rules, the buffer zone contiguous to a Class One wetland is 100 feet, and the buffer zone contiguous to a Class Two wetland is 50 feet.
2. Developments adjacent to wetlands shall be planned so as not to result in undue disturbance to wetland areas or their function. Mitigating measures to protect the function of a wetland are an acceptable measure.

### **Recommendations**

1. The Conservation Commission shall conduct an inventory of wetlands to determine the location of any wetlands that have not been mapped by the State of Vermont.
2. The Conservation Commission shall review state regulations establishing buffers protecting wetlands from construction, agricultural uses and septic systems to determine if the Selectboard needs to revisit the question of whether the town's wetlands are adequately protected.

### **3. Flood Hazard Areas and Floodplains**

Floods are inevitable and uncontrollable natural events which occur sporadically and affect lands adjacent to watercourses. It is therefore in the public interest to plan for floods, and to implement land use strategies which will protect these areas and minimize the risks to public health, safety, and property.

Floodplains, lands adjacent to watercourses, are periodically inundated by heavy rains or during spring thaws. They are porous and can absorb considerable water before reaching flood stage. Floodplains make excellent agricultural land but are poorly suited for development, both because of their propensity for flooding and because of their proximity to watercourses, which creates the potential for pollution.

Vermont has experienced 22 statewide and regional floods since 1973 that were declared federal disasters. Economic losses from each event have been significant. Damage was not limited to designated floodplains, but often occurred along unstable river systems and steep streams. In some cases, recovery costs to the public sector alone amounted to several million dollars per flooding event. Public interest dictates that every reasonable attempt should be made to avoid or reduce such exposure to flood damage. The devastation caused by tropical storm Irene in August of 2011 illustrates how severe, costly, and painful such damage can be.

#### **National Flood Insurance Program (NFIP)**

Under the provisions of the National Flood Insurance Act (1968), the Federal Emergency Management Agency (FEMA) has conducted a series of evaluations and hydrologic engineering studies to determine the limits of flood hazard areas along streams, rivers, lakes, and ponds expected to be inundated during the 100-year base flood, meaning that the flood level has a 1% chance of being equaled or exceeded in any given year. The calculations do not take into account the impact of ice dams or debris, and may, therefore, actually underestimate the areas which are subject to flooding damage.

FEMA has prepared a Flood Hazard Boundary Map (See Current Land Use map, Flood Plain "FEMA FIRM") for the Town of West Fairlee, which includes flood hazard areas for the Ompompanoosuc River and for major streams and ponds. The Town's FIRM was last updated nearly twenty years ago, and the current effective map date is 12/2/92. This map is on file at the Town Office (on the official flood hazard maps as well as the Future Land Use Map of this plan) and at the Regional Commission.

FEMA also administers the National Flood Insurance Program, which provides flood hazard insurance at subsidized rates for property owners in affected areas. In order to

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qualify for federal insurance, towns must adopt and retain a by-law to control land development within these areas. Minimum standards must be included and approved by FEMA.

The Town of West Fairlee adopted a Flood Hazard Bylaw that was updated in March 1990. West Fairlee is a participating community in the National Flood Insurance Program. Coverage is only available to landowners in town if a town elects to participate in the program. If in doubt when developing, contact the West Fairlee Planning Commission or the Town Office. Under the Town's bylaw, the West Fairlee Administrative Officer serves as the NFIP Administrator.

The Two Rivers-Ottawaquechee Regional Commission has determined that approximately 14 residences in West Fairlee are presently located within the mapped flood hazard areas. Mortgage lending institutions require as a prerequisite to financing that flood insurance be purchased on property subject to flooding.

Since 1998, there have been seven flood events that have led to federal disaster declarations for Orange County, including West Fairlee. This does not include flood events that were not federally declared.

Floodplains, like wetlands, are fragile areas which are part of the land and water interface between lakes, ponds, rivers and streams. How these lands are managed has a direct bearing on the quality and quantity of water resources, as well as the safety of the town. Flood hazards can be exacerbated by poor development practices, specifically this includes allowing development in the floodplain without accounting for "no net fill", channelizing or straightening river segments and eliminating buffer areas next to rivers and streams.

### **Goals**

1. To enhance and maintain use of flood hazard areas as open space, greenways, agricultural and/or non-commercial recreation land.
2. To ensure no net loss of flood storage capacity in an effort to minimize potential negative impacts. These impacts include the loss of life and property, disruption of commerce, and demand for extraordinary public services and expenditures that result from flood damage.
3. To maintain maps that reflect as accurately as possible the flood hazard areas to assist in appropriate land use decisions.
4. To recognize that upland areas adjacent to unstable rivers and to steep streams may be at risk of erosion during floods.

### **Policies**

1. It is the policy of the Town that the preferred uses for flood hazard areas shall be for open space, greenbelts, recreational, agricultural and non-commercial uses.
2. Any land use activity (filling, or removal of earth or rock) within flood hazard areas which would result in net loss of flood storage or increased or diverted flood levels or increased risk to adjacent areas shall be prohibited.
3. Utilities or facilities serving existing development (e.g. water lines, electrical service, waste disposal systems, roads, and bridges) may be located within these areas only when off-site options are not feasible and provided that these utilities or facilities are relatively protected from flooding damage.

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4. Flood hazard regulations shall be extended to areas identified as at risk to flood erosion.

### **Recommendations**

1. All upland areas adjacent to unstable rivers and to steep streams that are at risk of erosion during floods shall be identified and mapped.
2. Review and update the town's current Flood Hazard Bylaw.
3. In consultation with regional and State experts, the Town shall consider prohibiting any and all new construction in the flood hazard areas and floodplains.

## **4. Shallow Soils, Steep Slopes and High Water Table**

West Fairlee's soils in the higher elevations tend to be shallow and gravelly above bedrock with stones and boulders. In the valleys, West Fairlee's soils tend to be fertile and highly suitable for agriculture.

A significant portion of West Fairlee imposes severe building and development limitations because of steep slopes of more than 25%, shallow soils or high water table. All these conditions present risks of soil erosion and loss leading to contamination of water bodies and waterways and to loss or negative alteration of wildlife habitat. Therefore, these conditions also create operational restrictions for timbering, farming and recreation in areas where slopes or trails used by skidders, farm equipment or other motorized vehicles may cause soil erosion or loss. Careful design of driveways, logging roads, access trails and bridges is important to prevent unnecessary loss of top-soils and sub-soils.

### **Goals**

1. To maintain and ensure the integrity of the town's soils and to prevent soil erosion.
2. To prevent negative impacts on the town's water bodies, waterways and wildlife habitats by monitoring land use and developing sound building practices and careful use of vehicles and machinery in areas of shallow soils, steep slopes and high water table.

### **Policies**

1. Construction and careless or destructive use of vehicles and machinery in areas of shallow soils, steep slopes or high water table is strongly discouraged.
2. Use of vehicles and machinery in areas of shallow soils, steep slopes or high water table must follow the State of Vermont's recommended best practices.
3. All commercial or housing development projects or proposals in areas of shallow soils, steep slopes or high water table must include detailed plans for avoiding or preventing soil erosion. It shall be the responsibility of owners who develop in these areas to restore all soils lost to erosion, all water bodies or waterways contaminated and wildlife habitats negatively impacted as a consequence their development.

### **Recommendations**

1. The Selectboard, the Planning Commission and the Conservation Commission should work together to do all they can to safeguard the integrity of West

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- Fairlee's soils by monitoring land use and ensuring sound building practices and careful use of machinery on the land, especially in areas of shallow soils, steep slopes or high water table.
2. While considering subdivision regulations, the Selectboard and the Planning Commission shall pursue the question of whether these regulations should include measures to protect the integrity of soils generally and especially in areas of shallow soils, steep slopes or high water table.

### **5. Wildlife Habitat**

West Fairlee is host to critical wildlife habitat areas defined as "concentrated habitat" and identifiable by the Vermont Fish and Wildlife Department. These areas have been shown to be decisive to the survival of particular species of wildlife at any period in their life, including breeding and migratory periods. Such areas include but are not limited to deer wintering areas, important wetlands, habitat for rare or endangered species, black bear habitat, vernal pools and wildlife corridors. Most of these areas, including Natural Heritage Sites –rare and endangered habitats or habitats of rare and endangered species-- are located in the relatively undeveloped sections of Town and are mapped by State of Vermont officials.

One of the most severe impacts of poor development planning is the constriction or outright destruction of critical wildlife habitat and corridors as a consequence of fragmentation. Construction of new roads, excessive parcelization of land and development too far from existing roads are the typical practices that result in fragmentation of wildlife habitat and corridors. West Fairlee recognizes that good stewardship of land and resources, including wildlife habitat and corridors, requires avoiding development design and planning that will impose such fragmentation on the Town's resources.

#### **Goals**

1. To maintain or enhance the natural diversity and population of wildlife, including natural predators, in proper balance.
2. To restore stable populations of endangered or threatened wildlife in appropriate habitat areas.
3. To maintain or improve the natural diversity, population, and migratory routes of fish.
4. To allow sport and subsistence hunting of ecologically sound intensities to provide continued success of the species.

#### **Policies**

1. Wildlife populations and natural diversity shall be maintained or enhanced.
2. Long-term protection of major habitats through conservation easements, land purchases, leases and other incentives is encouraged.
3. It is the policy of the Town to protect deer wintering areas from developments and other uses that adversely impact the resources of these areas.
4. Development shall be designed so as to preserve present continuous areas of wildlife habitat. Fragmentation of wildlife habitat is discouraged, and to this end new commercial or residential development must not significantly limit existing wildlife habitat or corridors. Any new development shall be planned and

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- completed so that wildlife populations are maintained at levels considered to be optimum by the Vermont Fish and Wildlife Department or other expert authority.
5. Development not utilizing existing roads and field lines is strongly discouraged.

### **Recommendations**

1. The Conservation Commission shall encourage owners of necessary habitat for threatened species to contact the State and the Natural Resources Conservation Service for assistance in developing a management plan for these sites.
2. The Conservation Commission shall identify wildlife corridors in West Fairlee.
3. The Conservation Commission shall inventory and map all land presently protected by land trusts, conservation easements or restrictive covenants, and shall include this inventory in an Open Space Plan to be incorporated into this Town Plan.
4. The Conservation Commission shall identify all unprotected areas within the town most in need of protection and pursue their preservation through discussions with conservation organizations, land trusts, the State of Vermont, the town and land owners.

### ***B. Forestry and Agriculture***

#### **Forestry in West Fairlee**

Approximately 89% of the land in the Town of West Fairlee is forested. More than 67% of taxable land in West Fairlee (9,005 of West Fairlee's 14,464 acres) is in the state's Use Value Appraisal Program, more commonly known as "Current Use", which mandates that land owners create and implement forest management plans.

The mostly forested area known locally as "Brushwood" is part of a larger contiguous forest block of approximately 26,268 acres. Over many years, several organizations have identified this area as a high-priority for conservation. Consolidating the fragmented ownership pattern of the area has long been considered an important first step toward protecting this extensive regional forest.

In 2008-2009, the Trust for Public Land (TPL) was able to purchase five privately owned properties within this large forest block, using for the purpose a federal Forest Legacy Program grant as well as money TPL raised from a group of institutional and individual donors. Taken together the properties comprise 475 acres in both Fairlee and West Fairlee. TPL granted conservation easements on the property to the State of Vermont. One of the properties was already also subject to a conservation easement held by the Upper Valley Land Trust. TPL then transferred ownership of the property to West Fairlee to be managed as a municipal forest for wildlife habitat, timber harvesting and management, public recreation and education purposes, water quality protection and carbon sequestration. The property is now known as the Brushwood Community Forest. It links two already existing town forests—the 1,500 acre Fairlee Municipal Forest and the 580 acre Bradford Municipal Forest—creating more than 2,500 acres of conserved, unfragmented forestland.

The Brushwood Community Forest is managed by the West Fairlee Conservation Commission with the advice and assistance of the Orange County Forester and using a

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Stewardship Fund, initially of \$70,000, that was established as part of the transfer of the ownership of the forest to the Town. In the years since the transfer and using a further federal Forest Legacy grant and further institutional and individual funds it has raised, TPL has worked to arrange purchase of the Bradford Municipal Forest in order to transfer its ownership to West Fairlee, also under a conservation easement held by the State of Vermont, as an addition to the Brushwood Community Forest. Early in 2011, the Town of Bradford voted to approve sale of the land to TPL for this purpose, and West Fairlee voted to accept transfer of the property from TPL. The process should be complete by the end of 2011. Both portions of this project, the establishment of the original Brushwood Community Forest and the planned addition to it of the Bradford Municipal Forest, have been the top-ranked priority both of the Vermont Forest Legacy Program and of the US Forest Service Forest Legacy Program.

The expanded Brushwood Community Forest in time can become a focus of outdoor recreation in the Upper Valley, such as hiking, snowshoeing, cross country skiing, mountain biking, bird watching, ATV use, picnicking and so forth. As such, it can offer modest economic advantages to the Town and similarly modest business opportunities for thoughtful and inventive entrepreneurs: recreational equipment outfitters, bed and breakfasts, grocery merchants, restaurants, cafes and the like.

### **Goals**

1. To maintain and enhance the Town's forested areas.
2. To encourage management of the Town's forested areas for timber and other forest products, as well as for wildlife habitat, recreation and education.
3. To encourage the conservation and protection of the Town's forested areas by individual owners.

### **Policies**

1. Good forestry practices as defined by the Vermont Department of Forests, Parks & Recreation are encouraged of all forestry operations conducted within West Fairlee.
2. Promote continued use of forest land for sustainable forestry activities.

### **Recommendations**

1. The Conservation Commission shall study and develop strategies to protect the long term viability of forest lands.
2. The Conservation Commission shall organize a committee of volunteers to study and implement, according to a regular schedule, the Stewardship Plan for the Brushwood Community Forest. This committee shall also be responsible for making, mapping and maintaining trails in the forest and for sponsoring and conducting hikes and natural history programs in the forest to familiarize citizens with this natural and recreational resource.

### **Agriculture in West Fairlee**

According to the 2007 USDA Census of Agriculture, 8 farms were operating in West Fairlee. The USDA definition of a farm is "any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the Census year." By that definition, the 2007 Census counted three farms in West Fairlee of less than 50 acres and five that worked between 50 and 1,000 acres. While



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the USDA requires all farms to respond to their survey, many people in West Fairlee have farms with animals, sugaring and haying operations, and other agriculture that may not be reflected in Census numbers. There are at least four farms in town that sell animals and animal products, including sales of cattle, horses or ponies, sheep or goats, hogs, poultry and poultry products. There also are at least 6 farms that produce and sell crops, including hay, maple syrup and certified organic apples and blueberries.

West Fairlee includes within all three of its valleys an abundance of good to prime agricultural soils. Nonetheless, agriculture has long been in decline in West Fairlee just as it has been throughout the state and throughout all of northern New England. At the present time, the Town's farmlands and open fields are greatly underused for agriculture and are far less productive of food, income and jobs than they could be.

According to the town survey conducted in preparation for this plan, West Fairlee citizens favor protecting farmland and open fields from residential and commercial development. For many people this may primarily reflect a desire for West Fairlee to continue to look as it does, namely, to look like a rural town. But there can be little doubt that the best way to secure West Fairlee's rural appearance into the future will be to encourage the highest and best possible agricultural use of the Town's agricultural resources. The only way for us to continue to look like a farming community is for us to be --much more than we have been in recent years-- a farming community.

The relatively great revival of interest in organic food, locally produced food, and artisan and other value added food products can provide a basis for West Fairlee to begin pursuing an agricultural revival of its own. We have the basic resource necessary for this: good land. What we may lack is the necessary know how and labor power to begin. However, if we can match people who own the land and would like to see it farmed with people who know how to farm and would like to do it in West Fairlee, we could begin. Organizations such as the Northeast Organic Farming Association (NOFA) run programs to arrange just such matches. It is the policy of the State of Vermont to encourage and assist maintenance of the working landscape by supporting agriculture through such initiatives as the Farm to Plate Strategic Plan. Many small farming enterprises in nearby towns have been successful over the years and will be happy to share their experience and sound advice. West Fairlee should look to drawing on all these resources to develop its agricultural base as a foundation for planning and growth over the next five years.

### **Goals**

- To identify, protect and preserve the agricultural resources of West Fairlee.
- To strengthen agricultural businesses and encourage new agricultural opportunities.
- To continue existing agricultural land use.

### **Policies**

1. Promote and continue use of agricultural land for sustained farming activities.
2. Maintain agricultural viability by discouraging building in prime agricultural lands.
3. Development within agricultural areas shall be required to be clustered to protect important resource land.

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4. Acceptable Management Practices as established by the Agency of Agriculture, Food and Marketing of the State of Vermont shall be adhered to in lands adjacent to riparian buffers.
5. Maintain or create appropriate buffers between active farmland and adjacent rivers and streams to prevent the runoff of nutrients, pesticides, fertilizers, manure, and soil which adversely affect water quality in rivers and streams. A 50 to 75 foot buffer strip of no-till seeding, non-disturbed soil of grasses or native shrubs or trees should be maintained. The width of the buffer should be determined by slope, intensity of land use, existing vegetation and related factors.

### **Recommendations**

1. The Planning Commission should study and develop strategies to protect long-term viability of agricultural lands.
2. The Planning Commission should continue to encourage the use of locally grown products, particularly in the local schools.
3. The Planning Commission should seek out information about how other towns both in and outside of Vermont have set about developing and revitalizing their agricultural resources. This should include both consultation with regional and state planners about how the town might best go about such a project and a series of town wide forums on these topics that will include experts and operators of successful agricultural enterprises in these areas.
4. The Planning Commission should develop and implement a plan to encourage an increase in sound, profitable and sustainable agricultural enterprise within the town.

### ***C. Mineral Resources***

The use and management of West Fairlee's earth and mineral resources are matters of public good. Maintenance of sustainable quantities of gravel, sand, crushed rock, and other materials are essential for business development, as well as state and local highways. In spite of this, public and private interests often conflict over use of these resources. It is in the interest of West Fairlee business owners and residents to enable utilization of these resources when such uses do not significantly inhibit or conflict with other existing or planned land uses, or do not conflict with other stated goals in this Plan.

### **Goals**

1. To support extraction and processing of mineral resources only where and when such activities are appropriately managed.
2. To enable appropriate utilization of mineral resources.

### **Policies**

1. Existing and proposed mineral extraction and processing facilities shall be planned, constructed, and managed so as to:
  - 1) not adversely impact existing or planned uses within the vicinity of the project site;
  - 2) not significantly interfere with the function, useful life and safety of existing road systems serving the project site;
  - 3) minimize any adverse effects on water quality, fish and wildlife habitats, view sheds and adjacent land uses;

- 4) reclaim and re-vegetate sites following extraction; and
- 5) minimize noise impacts as well as negative impacts on air and land quality.

### ***D. Recreational Lands and Facilities***

Recreation in West Fairlee has traditionally been closely tied to the land. Hills, woods, fields, valleys, streams and ponds offer opportunities for many kinds of recreation - bicycling, picnicking, snowmobiling, hiking, hunting, and swimming.

The following special places were ranked as being of high importance by those who answered the town survey:

1. Lake Fairlee
2. Ompompanoosuc River and its brooks and tributaries
3. The Brushwood Community Forest
4. Rivendell Trail
5. Bearnotch
6. Southworth Park

These areas are used for recreation by residents and visitors alike and are priorities for appropriate management. Beyond the natural recreational opportunities afforded the Town by these natural areas, and the hills and forests surrounding West Fairlee, the Town has formal recreational areas at the Westshire Elementary School and fields.

#### **Goal**

1. To provide access to recreational opportunities for West Fairlee residents and visitors of all ages.

#### **Policies**

1. Maintain recreational land to encourage its optimal use.
2. Use of private land for recreational purposes should not cause damage to the land and should not endanger people or livestock.
3. Permitting recreational use should not be construed to be a permanent commitment on the part of the landowner.

#### **Recommendations**

1. The Town should develop management plans for each municipal parcel and incorporate these into the Town's Capital Budget and Program.
2. The Town's Boards and Commissions should support the development of a Town recreation plan.
3. The Conservation Commission shall create, map and promote the use of non-motorized recreational trails that will be open to the public year round within the town and the forest lands it owns.

### ***E. Scenic and Historic Resources***

West Fairlee has a wealth of historic resources: buildings, bridges and landscapes which have survived earlier periods and which serve as a visual record of the Town's history.

The National Register of Historic Places lists four West Fairlee properties, and 16

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properties in the Brook valleys and Wild Hill are listed on the Vermont Historic Register. The Village of West Fairlee on its own comprises an historic area. Most of the homes in the Village date from the copper mining period and present a variety of architectural styles of the Nineteenth and early Twentieth centuries. Over 20 village homes are on the Vermont Historic Register. A complete listing of the more than 40 town properties on this Register is contained in Appendix A.

A sawmill on Marsh Hill Road off of Blood Brook Road was the earliest commercial business in town. Owned by the Miller family for generations, it provided lumber for many early settlers. The small, now inactive sawmill stands on the site and is the oldest sawmill in existence in Vermont.

The West Fairlee Center area has maintained a sense of rural timelessness. Approaching the Center from the south on Middlebrook Road, one enjoys a long view of the Congregational Church (built in 1855) framed by mature trees on both sides of the road. Once in the Center, the Community Center Building (built in 1804), the cemetery dating to burials beginning in 1815, and the few neighboring homes offer a glimpse of Vermont as it was long ago.

The landscape of the Town and the Ompompanoosuc River valley is an economic as well as an aesthetic asset. Tourists come to the Upper Valley because they are attracted to our scenery and the quality and values of rural life. Tourism is a major industry in Vermont and has particular meaning for towns, like West Fairlee, that are located near the main transportation route. The challenge for West Fairlee is to maintain those parts of the town that have historical value, and which help give the town its character, while accommodating the development that is a by-product of the Town's location.

### **Goals**

1. To preserve and enhance historic buildings and sites in the Town of West Fairlee, when practical and economically feasible.
2. To promote sensitive economic development in areas of historic value.
3. To support education and outreach to further the preservation of historic and archeological resources.
4. To stimulate economic strength through preservation of historic and archeological resources.

### **Policies**

1. It is the policy of the Town that future development within or adjacent to historic buildings or sites be permitted only when the design of the project fits the context but does not detract from the dominant character of the immediate area;
2. It is the policy of the Town to discourage unnecessary destruction or removal of recognized or documented historic buildings, structures, or sites;
3. It is the policy of the Town to support restoration and adaptive use of historic buildings or sites when this is practical and economically feasible and when such projects do not diminish the distinguishing qualities of those buildings or sites;
4. It is the policy of the Town that public improvements such as bridge replacement or rehabilitation, street widening, roadway reconstruction, signage, utility distribution systems, and outdoor lighting be designed to avoid unnecessary degradation of historic buildings or sites. Such public investments shall be planned in consultation with local and state officials, including the Vermont

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Division for Historic Preservation, to ensure consistency with their planning objectives and programs.

5. It is the policy of the Town that archeological resources be recognized and supported as important links to the prehistoric and historic record of the town, and that they are accepted as key components of our heritage. No land development shall be permitted which results in the unnecessary loss or destruction of a significant archeological resource.
6. It is the policy of the Town to preserve outstanding historic areas and to discourage development which has an adverse impact on locally recognized historic resources. Development shall be designed to be compatible with the traditional patterns, scale, size, bulk, density, and form of existing buildings, structures, or sites.

### **Recommendations**

1. Historic resources of the Town of West Fairlee should be further inventoried, analyzed, and mapped by the Historical Society and the resource inventory should include known archeological sites
2. The Historical Society should further identify, document, and evaluate historic buildings, and historic and archeological sites and landscapes which may be included on the National Register of Historic Places.
3. The Historical Society should develop National Register nomination(s) for significant historic properties that might be considered for the Register.
4. Preservation of historic and archeological resources through easements or covenants should be encouraged by the Historical Society.

## **Housing**

The major function of local housing planning is to meet three community objectives:

1. safe and affordable housing for the community's present and future population:
2. suitable density and distribution of housing throughout the community:
3. a rate of growth the community can absorb in terms of the balance between increased expenditures for services and increased tax revenues as a result of new housing being built.

Growth in housing affects both the Town's capacity to provide schooling and services to our citizens and the character of the area. Housing built without adequate planning for schools, roads, and other public services can overburden the ability of the taxpayers to pay for these services, and also can lower adjacent property values and negatively affect the rural character of the Town.

Property taxes, on the other hand, paid on new, year-round residences very often do not cover the full costs of providing services to them. This increases taxes for everyone. For this reason, residential development must be done thoughtfully. This chapter discusses the number, type, location, and availability of housing to meet the needs for the community.

### A. Number of Housing Units and Ownership

The following chart shows the growth of West Fairlee’s housing stock from 1940 to 2010 as compared to the growth of housing in our abutting towns. The growth pattern in all seven towns, measured in number of housing units, mirrors the rapid population growth throughout the area from 1970 to 1980.

Number of Housing Units, 1940-2000, West Fairlee and Abutting Towns								
Town	1940	1950	1960	1970	1980	1990	2000	2010
Bradford	442	506	562	633	955	1,075	1,217	1,281
Corinth	219	272	251	347	512	618	728	803
Fairlee	261	297	316	344	460	551	575	625
Strafford	224	250	239	271	412	494	542	586
Thetford	348	445	433	565	1,085	1,136	1,193	1,288
Vershire	99	94	85	136	275	302	378	435
West Fairlee	129	134	126	168	249	355	340	368

Figure 8 – Number of Housing Units, 1940-2010, US Census 2010

A housing unit, as defined by the U.S. Census, includes houses, apartments, mobile homes, and rooms for occupancy.

While the number of housing units in West Fairlee and in the area as a whole was increasing from 1940 onward, growth really took off and increased at a much faster pace, beginning in the 1970s and continuing all the way into the new century. Figure 11 below shows both the increase in the number of housing units and the rate of increase of housing units decade by decade from 1970 to 2000 for West Fairlee and for our abutting towns.

Town	1970-1980		1980-1990		1990-2000		2000-2010		1970-2010	
	unit change	% change	unit change	% change	unit change	% change	unit change	% change	unit change	% change
Bradford	322	50.9%	120	12.6%	142	13.2%	64	5.0%	648	102.4%
Corinth	165	47.6%	106	20.7%	110	17.8%	75	9.3%	456	131.4%
Fairlee	116	33.7%	91	19.8%	24	4.4%	50	8.0%	281	81.7%
Strafford	141	52.0%	82	19.9%	48	9.7%	44	7.5%	315	116.2%
Thetford	520	92.0%	51	4.7%	57	5.0%	95	7.4%	723	128.0%
Vershire	139	102.2%	27	9.8%	76	25.2%	57	13.1%	299	219.9%
West Fairlee	81	48.2%	106	42.6%	-15	-4.2%	28	7.6%	200	119.0%

Figure 9 – Change in Housing Units and Rate of Housing Growth, 1970-2010, West Fairlee and Abutting Towns, US Census 2010

More than half of West Fairlee’s present housing stock –namely, 54% of all units—have been built since 1970. The period of most rapid growth in housing in West Fairlee, as well as in our neighboring towns, was the decade of 1970 to 1980. During the following decade, the rate of growth diminished and then leveled off through the last decade of the century. The three towns that were largest in 1970 at the beginning of this period --

Bradford, Corinth and Thetford—were also the largest at its end in 2010. But it is also interesting to note that the greatest rate of growth through these decades occurred in Corinth and Vershire.

**B. Types and Costs of Housing**

According to the 2000 census, the majority of West Fairlee’s housing units are single-family homes as is the case for most Vermont towns.

<b>Units in Structure</b>	<b>Number</b>	<b>Percent</b>
1-unit, detached	246	72.8
1-unit, attached	4	1.2
2 units	22	6.5
Mobile home	66	19.5

Respondents to the town survey conducted in preparation for this plan were equally divided on the question of whether or not they would like to see the number of houses and the population of West Fairlee increase. 40.91% favored growth in housing and population, and 40.91% did not.

If new housing were to be built, 80% of respondents said they would like to see single family houses built on individual lots. Next most popular were cluster homes, which 56% of respondents said they would like to see built. 45% said they would like to see the addition of apartments and condos. There was little support for addition of new mobile homes either on individually owned lots or in parks.

Most respondents to the survey by far felt it was families and the elderly who most need housing in West Fairlee.

Nearly 60% of the homes in West Fairlee at the time of the 2000 Census were owner occupied, and 23% were occupied by renters. The balance of the housing in town, 18%, was unoccupied, including 13% of the housing stock that was available for seasonal, recreational or occasional use.

**C. Municipal Taxes**

**Tax Rates for West Fairlee, 2005-2010**

<b>Year</b>	<b>Municipal Rate</b>	<b>Homestead Rate (school taxes)</b>	<b>Total</b>
2005	\$0.3328	\$1.4159	\$1.7487
2006	\$0.3528	\$1.5009	\$1.8537
2007	\$0.3842	\$1.5531	\$1.9373
2008	\$0.3807	\$1.4535	\$1.8342
2009	\$0.4578	\$1.4581	\$1.9159
2010	\$0.6242	\$1.4685	\$2.0927

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West Fairlee's municipal taxes for resident homeowners have been on the rise over the last six tax years, increasing by almost 20%. **Tax rates in West Fairlee are also among** the highest in the area, as shown in the following table (source: Vermont Housing Data).

<b>Tax Rates, West Fairlee and Surrounding Towns, 2010</b>			
<b>Town</b>	<b>Municipal Rate</b>	<b>Homestead Rate</b>	<b>Total</b>
<b>Fairlee</b>	<b>\$0.3200</b>	<b>\$1.1806</b>	<b>\$1.5006</b>
<b>Strafford</b>	<b>\$0.4631</b>	<b>\$1.1588</b>	<b>\$1.6219</b>
<b>Bradford</b>	<b>\$0.5961</b>	<b>\$1.0918</b>	<b>\$1.6879</b>
<b>Corinth</b>	<b>\$0.5805</b>	<b>\$1.2897</b>	<b>\$1.8702</b>
<b>West Fairlee</b>	<b>\$0.6242</b>	<b>\$1.4685</b>	<b>\$2.0927</b>
<b>Thetford</b>	<b>\$0.5261</b>	<b>\$1.6688</b>	<b>\$2.1949</b>
<b>Vershire</b>	<b>\$0.8081</b>	<b>\$1.6220</b>	<b>\$2.4301</b>

This being shown, it is important to remember that tax rates are relative to the total amount of a town's budget, the number of properties in the town and the total value of its land and buildings. For example, the actual taxes paid for a property, say, in Thetford will be higher than the actual taxes paid for a comparable house on a comparable piece of land in West Fairlee. Nonetheless, since tax rates affect housing affordability, we will examine the impact of this information in the next section.

### ***D. Housing Affordability***

Affordable housing is defined as the amount a household earning the county's median income could afford if no more than 30% of its income were spent on housing costs. For homeowners, housing costs include payments for principal and interest on a mortgage as well as taxes. For renters, housing costs include rent and utilities.

The US Department of Housing and Urban Development (HUD) estimated the following 2010 rental costs for West Fairlee and Orange County, as follows:

	<u>Rent</u>	<u>Annual Income needed</u>
1 Bedroom rental	\$ 733	\$27,480
2 Bedroom rental	\$ 838	\$32,000
3 Bedroom rental	\$1,219	\$44,560
4 Bedroom rental	\$1,258	\$45,920

HUD figures show that the median household income for family of four in 2010 is \$60,800. The 2000 Census reported that the number of households spending 30% or more of their income on housing costs was 14 households or about 17% of those who own their homes, and 21 households or 29% of those who rent. According to these figures, affordability of rental units is not a concern for working families in West Fairlee.



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Census data reported by VHFA indicate that median monthly owner costs in 2000 were \$733, including a mortgage, or 17.3% of household income. Using more current data, however, it seems the cost of taxes alone is likely contributing to problems with housing affordability among West Fairlee's homeowners. The median selling price of a home in West Fairlee in 2009 was \$157,000. The taxes on such a home would have been \$3,286.

As is typical of Vermont as a whole, West Fairlee's population of older people has been growing over the last 10 years. (see figure 3 on page 9(?)) Since 2000, the Town has also been losing population in the age range of young families. This could in part be the result of a lack of housing suitable for young families. Both trends seem to square with survey respondents' sense that families and the elderly were most in need of housing in West Fairlee.

People born between 1946 and 1964 -- the Baby Boomers-- are beginning to retire, and the oldest of these people will be 84 in 2030. This population bulge will exert added pressure on an already tight housing market. In addition to this change, expanding health care costs may leave seniors with even less money to spend on housing.

In the Vermont Housing Finance Agency's issue paper "Housing and the Needs of Vermont's Aging Population," it is acknowledged that a growing number of seniors today want to "age in place," which means choosing to remain at home or in a supportive living community as they grow older without having to move each time their needs increase. However, given the high costs of home ownership in West Fairlee, aging in place may not be an option that can be considered by older residents. Nonetheless, citizens at community meetings held by the Planning Commission in 2010 felt affordable senior housing should be available to West Fairlee residents. At present, Vermont lacks availability of senior housing and assisted living homes, and yet these options may be the optimal way to address senior housing and the desire of elders to "age in place" in the future.

Having the right housing includes the ability to stay active and engaged in community life, which is a great benefit not only to the individual, but to the community as a whole. This applies to elders, but it is equally true for young adults even if they can't yet afford a home of their own or a high rent. It certainly is also true for people of all ages with disabilities.

In many instances, the best means of providing housing for people in these various groups may be the construction of accessory apartments. An accessory unit could be an apartment created within an already existing home, a unit built as an addition to an already existing home or a new, free-standing and separately plumbed building, constructed as a smaller adjunct to an already existing home. A major advantage of accessory apartments is that they can provide needed new residences for members of groups most in need of housing without having to subdivide out new building lots for construction. This can help the Town limit the fragmentation of open space.

## ***E. Goals, Policies and Recommendations***

### **Goals**

1. To provide the opportunity for West Fairlee residents to have access to affordable housing.
2. To encourage the preservation of existing housing and construction of new housing to meet reasonable and modest population growth.
3. To encourage the preservation of historic structures when practical in ways that appropriately serves the need for housing.
4. To encourage the development of affordable senior housing within the Town.
5. To encourage the creation of accessory apartments.

### **Policies**

1. The Town shall ensure that the timing and rate of new housing construction or rehabilitation does not exceed the community's ability to provide adequate public facilities (e.g. schools and municipal services) without imposing economic hardship on any residents of the Town.
2. To limit the open space fragmentation caused by new housing by encouraging the construction of accessory apartments and clustered developments.
3. Encourage the location of future housing so as to complement existing or planned employment patterns, travel times, and energy requirements.
4. Plan the location of housing, related amenities, and land uses with due regard to the physical limitations of the site and its proximity to current or planned public and private services such as roads and commercial/service centers.

### **Recommendations**

1. The Planning Commission should apply for grant funding to conduct a housing needs assessment in West Fairlee.
2. The Planning Commission and Selectboard should assess the housing needs of seniors and open discussion with developers about creating affordable senior housing. This process should lead to a feasibility study or market study if this seems justified by the need for senior housing in West Fairlee.

## **Education**

West Fairlee has seen many changes in its school system. In the late 1800's there were seven school districts and seven school buildings in the Town. In the 1930's a central school was built in the village and an addition was added to it in 1988. This building is now the Community Building. During this period Thetford Academy in Thetford, VT was the high school for West Fairlee.

On October 13, 1998, the town of Orford, NH, and the Vermont towns of Fairlee, West Fairlee, and Vershire voted into existence the Rivendell Interstate School District, for students in kindergarten through twelfth grade. Starting in the fall of 2000 the district began schooling. Since its formation, a new elementary school, Westshire, was built in the village of West Fairlee and serves West Fairlee and Vershire K - 5 students. Beginning in the fall of 2011, grade 6 will also be served at Westshire. One of the two Preschool programs offered by the District and serving children with and without

## West Fairlee Town Plan

disabilities is also housed at Westshire. Grades 7 -12 are served by an expanded middle and high school in Orford, NH called Rivendell Academy.

In fiscal year 2007, Rivendell Interstate District expenditures per pupil were \$15,133 (Vermont Department of Education). The Vermont per pupil expenditure rate was \$13,287. In FY 2009, the District expenditures per pupil were \$15,440, and the Vermont per pupil expenditure rate was \$14,903. In 2010-2011, the District's rate was \$11,569 per student. State figures are not yet available for FY2011...

The Community School Organization (CSO) is a non-profit organization that promotes developing strong connections between the Rivendell schools and its communities. The CSO operates a Fund Raising Council which funds needed school projects not included in annual budgets as well as student scholarships. The CSO also operates a Recreation Council, a Volunteer Council and various sport programs such as basketball, T-ball, soccer, skiing and skating.

### **A. School Facilities**

The Rivendell Interstate School District consists of three schools:

1. Westshire Elementary School, a preK-6 school in West Fairlee Village for West Fairlee and Vershire students;
2. Samuel Morey Elementary School, an expanded Elementary School in Fairlee for Fairlee and Orford pre-K-6 students; and
3. Rivendell Academy, an expanded school in Orford, serving all of the district's middle and high school students plus out-of-district tuition students.

School facilities are deemed adequate to meet the town's needs.

### **B. Student Enrollment**

The Westshire student enrollment PreK-5 for the school year ending 2011 was 95 students, down from 128 in 2004, and Rivendell Academy's was 288, down from 312 in 2004. While some families in town have chosen to home-school their children, the Westshire and Rivendell home-schooled student population is less than 10.

### **C. Programs**

The Westshire Elementary School has implemented a number of innovative programs to serve its rural student population:

#### **1. Responsive Classroom:**

The *Responsive Classroom* approach is a widely used, research-backed approach to elementary education that increases academic achievement, decreases problem behaviors, improves social skills, and leads to more high-quality instruction. It is a way of teaching that emphasizes social, emotional, and academic growth in a strong and safe school community. Developed by classroom teachers in 1981 and continually refined to meet schools' needs, the

approach consists of practical strategies for helping children build academic and social-emotional competencies day in and day out. In urban, suburban, and rural settings nationwide, educators using these strategies report increased student engagement and academic progress, along with fewer discipline problems.

**2. Project–Based Learning:**

Hands-on learning which is based in projects for concept development, research skills, application of learning in real-life projects, and student engagement in various learning mediums.

**3. Differentiated instruction:**

Sometimes referred to as *differentiated learning*, differentiated instruction involves providing students with different avenues to acquiring content; to processing, constructing, or making sense of ideas; and to developing so that all students with teaching materials in a classroom can learn effectively, regardless of differences in ability.

**4. Title 1 Reading and Math:**

Federally grant funded programs which serve individuals and small groups in specialized instruction to supplement classroom lessons.

**5. Weekly Enrichment Instruction:**

This is support for all learners in reading and math in addition to the regular classroom curriculum.

**6. Visions:**

After school programs 4 days per week, before school homework support, and vacation camps for academic support, tutoring, and enrichment

**7. Critical Friends Groups:**

A CFG is a professional learning community consisting of approximately 8-12 educators who come together voluntarily at least once a month for about 2 hours. Group members are committed to improving their practice through collaborative learning.

**8. Vermont Breakfast Program and Fruit & Vegetable Program:**

The Vermont Child Nutrition Program supports daily breakfast and snacks, teaching daily healthy eating habits along with our Free and Reduced Lunch program, for which approximately 65% of our students are eligible.

**9. Farm to School and Community Program (NOFA Vermont):**

Northeast Organic Farming Association of Vermont, working for Local Farms, Healthy Food, & Strong Communities since 1971. Student correspondence and visits to local farms.

**10. Health and Wellness Programs:**

This includes the dental program (Ronald McDonald), exercise, and social service activities (Jump-rope for Heart, Food Bank collections, Walking Club for Service, Green-Up Day, others).

**11. Upper Valley Business and Education Consortium - *Everybody Wins Reading Mentorship Program:***

This program aims to increase children's prospects for success in school and in life through one-to-one reading experiences with caring adults. Through our Power Lunch program, we reach children while they are young, stimulate their interest in reading and learning, and encourage them to believe that they, too, can be successful. EW! VT is a regional affiliate of the national literacy organization Everybody Wins! EW! was founded in New York in 1991, and today there are more than 11,600 students enrolled in Power Lunch programs around the U.S. EW! VT was established in 2000 to bring Power Lunch to children in Vermont. Through collaboration with the Upper Valley Business and Education Partnership, we are able to offer EW! to 22 students and community volunteers at Westshire during the 2010-11 school year.

***D. Career and Technical Education***

Vocational schooling is provided by the River Bend Career and Technical Center in Bradford, Vermont, approximately 15 miles from the Village of West Fairlee. River Bend provides technical education programs for students from eight area high schools and for adults. River Bend's facility includes a state-of-the-art automotive garage, heavy equipment training sites and shop, a complete building trades workshop, and a commercial kitchen with its own restaurant. Additionally, there is a fully-outfitted cosmetology lab, a pre-school for training for human services students, Business Technology and Pre-Engineering Technology programs, an Environmental Studies program, and an Emergency Services program.

The Rivendell district could increase its role as a community learning partner in the future. The school buildings, which are not at their maximum enrollment capacity, could be developed for after school and adult education, utilizing the buildings, libraries, computer, and other resources, as a year round resource for community members.

***E. Goals, Policies and Recommendations***

**Goals**

1. To provide a safe and secure learning environment where quality educational opportunities are provided to all students.
2. To enable the best opportunity to educate our students at the most equitable cost to the Town's taxpayers.
3. To have high speed internet access available for all students in our community.

## **Policies**

1. Land development that is likely to result in large numbers of school children must be phased or planned.
2. It is the policy of the Town to provide sufficient and appropriate physical space to meet current and projected enrollments.
3. Promote volunteering in school programs and activities.

## **Recommendations:**

All children and all communities benefit from our community investment in education. Therefore, it is recommend that, for a strong community-school partnership:

1. Town residents and officials actively and regularly participate in school meetings and budget reviews, engaging in responsible dialogue on funding, staffing, and school programs and curriculum.
2. The Town, through its Commissions and Boards, actively support the school and District through
  - a. District Action Planning
  - b. School Improvement Committee (SIT)
  - c. Further support expansion of the CSO vision for development of the arts, health and wellness, athletics, and career planning for our students of Rivendell Interstate Schools
  - d. Supporting the implementation of high speed internet access throughout the District.
3. The Town residents actively participate in
  - a. Career development programs in the school
  - b. Reading and writing programs in the school
  - c. Health and wellness programs,
  - d. Programs for the arts, humanities, and sciences in the school
  - e. The CSO and other volunteer opportunities in the schools

## **Communication and Community**

### ***A. Community Information and Services***

According to the 2010 West Fairlee survey, more people get info from word of mouth than any other source. About half the survey respondents have missed events or meetings in Town because they lacked information about the event or meeting. Further, most respondents feel there are too few resources are devoted to communication.

Survey respondents overwhelmingly favor working cooperatively with neighboring towns to provide services. They also recommended that the town should explore ways to help neighbors assist one another with child care, transportation, odd jobs, and access to resources.

More people use dial-up than any other form of internet access, according to the survey. Seventy seven percent said that a high speed internet connection is important to them, and 59% said it was extremely important. About half of the people who responded to the survey have never seen the [www.westfairleevt.com](http://www.westfairleevt.com) website. Most said they would look at this website if there was town information posted there, such as meeting notices, commission & committee meeting minutes, and other announcements.

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Cell phone service was viewed as important by 76% of the survey's respondents, while 51% said it is extremely important.

During community input meetings held in the summer of 2010, residents and landowners expressed strong interest in enhancing communications within town in the following ways:

- High speed internet access
- Cell phone service – affordable service, possibility of producing revenue for the town if town land is rented out for cell tower.
- Bulletin boards around town
- A town newsletter - electronic and hard copy
- A town sponsored website
- Telephone chain
- Face-to-face interactions
- Community gathering place(s)

In other words, communications should be improved, in service to the *idea* of community. The following suggestions were offered for how to enhance a sense of community:

- Shared services (child care, recycling, ride sharing, etc)
- Improved communications
- Community newsletter
- Facilities (school) and gathering places (church)
- Youth programs
- Senior programs (food, shopping, doctors)
- Intergenerational programs
- Arts — music, writing, visual arts. To bring people out, involve the kids and use the school.
- Natural History— Brushwood Community Forest hikes and programs for children and adults.
- Agriculture — Community garden and 4H.
- Education
- Child care
- Transportation
- Recreation
- Volunteering

The following facilities are needed in West Fairlee, as expressed by participants in Community Input meetings:

- Improved municipal facility space
- Youth
- Senior housing
- Medical
- Westshire School
- A gathering place for recreation, youth programs, communication center

Participants in these meetings also expressed caution that the town be careful to balance expectations and costs of delivering these services and facilities. Further, they asked that future planning be done with an eye toward energy & climate change.

## ***B. Goals, Policies and Recommendations***

### **Goals**

1. Improve communications programs.
2. Increase volunteerism for public programs and services.

### **Policies**

1. The Town's boards and commissions will continue to use public facilities for public community events.
2. The Town's boards and commissions will support efforts to encourage volunteerism.
3. The Town's boards and commissions will continue to support community programs.

### **Recommendations**

1. The Town should consider placing public bulletin boards at the town's major intersections.
2. The Town should create and sponsor an official town website.
3. The Town should create a list serve.
4. The Town should create an official monthly or bi-monthly town newsletter available to all residents and property owners.

## **Utilities and Facilities**

The Town of West Fairlee maintains roads and municipal facilities and provides services to all its residents, as described in this Chapter and in Chapter 11, Transportation. It is in the best interest of the Town's taxpayers to budget appropriately for these facilities and services.

### ***A. Town Facilities***

The Town owns two public buildings, Bean Hall and the West Fairlee Community Building. Until recently, Bean Hall held the Town Offices, public meeting space, and a Post Office branch. The Community Building, originally a schoolhouse, was leased to various businesses that provide services to the community. Over the years the Town's frugal budget choices provided insufficient funds for the proper maintenance of both buildings. Due to safety concerns resulting from construction deficiencies and inadequate maintenance, Bean Hall was closed in 2006.

Town Offices are now located in the Community Building, which continues to provide space for a number of businesses and now also houses the Town's library, food shelf, and historical society. The Town Office serves as a public meeting space, but it is inadequate for larger gatherings. Other meeting space is generously provided in the churches in town, and in the Westshire School.

The Selectboard appointed a Building Committee in 2010 the culmination of which was to focus resources on the Community Building. A vote to raise a bond for renovations



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failed in 2011. However, significant funds were added to the Community Building Reserve Fund to undertake smaller aspects of the renovation project or accumulate funds toward larger projects. The Town has not yet reached a decision about what to do with Bean Hall.

There are eight public cemeteries in West Fairlee, as listed below.

- West Fairlee Village
- West Fairlee Center
- New/Krook
- NW/Childs/Scruton Hill
- Blood Brook
- Wild Hill
- Middlebrook
- Kidderhood

Cemetery space is adequate.

The majority of people who answered the Town Survey indicated that, with a couple of exceptions as noted in this chapter, town services are fine as they are.

### ***B. Fire Protection, Rescue and Police Services***

The West Fairlee Volunteer Fire Department was founded more than 50 years ago. People are the Department's greatest resource. Eighteen volunteers risk their lives for the Town of West Fairlee and respond as mutual aid for neighboring towns, as needed. Six of the volunteers have completed the time-intensive FireFighter 1 Certification and two have completed FireFighter 2 with another one currently taking FireFighter 2. Two volunteers are EMTs and another is currently working toward his EMT. Eight volunteers are HazMat certified by F.E.M.A. and the Department of Homeland Security.

Equipment follows people as a resource and the WFVFD has significantly bolstered the tools to serve our community in the past few years, including: a gas meter, thermal-imaging camera, new SCBAs (breathing apparatus) and new turnout gear. The Department makes use of a 2007 Pierce 500gpm pump, a 1986 Pierce with 1000 gallons of water and 1000gpm pump and a 1982 Hahn with 500 gallons of water and 1500gpm pump. In 2010, the WFVFD installed two dry hydrants greatly impacting their response efficacy in the Middle Brook, Wild Hill and Blood Brook areas.

Police services are provided through a contract with the Orange County Sheriff. There is also a constable. Roughly half the people who answered the town survey said police and public safety should be improved in West Fairlee.

Emergency medical response is provided by Upper Valley Ambulance Service in Fairlee, and by the West Fairlee FAST squad. FAST Squads in neighboring towns are able to assist when required. At each year's town meeting, funding is appropriated to these organizations upon request, in recognition of their service to the town's residents.

Upper Valley Pediatrics, located in the Community Building, provides comprehensive medical care for children from birth to adulthood. In addition, mental health counselors

provide counseling services for children and families, and the practice has a nutritionist on staff for exercise and diet management.

### ***C. Solid Waste Management***

West Fairlee is a member of the Greater Upper Valley Solid Waste Management District which manages waste generated in ten Vermont member-towns. The District is working to develop a landfill in North Hartland, Vermont.

Town residents receive semi-monthly solid waste pickup through a contract with a private firm. A similar contract for recycling has been established with another firm. Discussions are being held with a neighboring town in an effort to combine West Fairlee's program with their recycling program.

Respondents to the Town's survey indicated that trash and recycling services should be improved.

The State does not do enough enforcement of its own regulations on illegal dumping of junk, according to survey respondents.

### ***D. Goals, Policies and Recommendations***

#### **Goal**

1. Improve communications infrastructure.

#### **Policies**

1. The Town will continue to use public facilities for public community events.
2. The Town will support efforts to encourage volunteerism.
3. The Town will continue to support community programs.

#### **Recommendations**

1. The Selectboard should develop a Capital Budget and Program.
2. The Town should allocate sufficient funds for the regular maintenance of its public facilities.

### ***E. Telecommunication and Other Towers***

Seventy-six percent of respondents to the Town's planning survey said they believe cell phone service in West Fairlee is either important or extremely important to them. At the same time, 59 % of respondents said the Town should be able to regulate cell tower locations, types and design.

Obviously, there is the potential for conflict here. The challenge will be to find ways to balance the ease and convenience of cell phone communications with many of the other goals of this plan, including protecting scenic vistas and natural areas, preserving the rural character and appearance of the Town, protecting undeveloped lands and

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watersheds and ensuring the health and safety of the community, consistent with state and federal policy and regulation.

Therefore, it is in the interest of the Town that the proliferation of communication and transmission towers and antennas be minimized through the sharing or co-location of towers, consistent with state law. It is also in the Town's interest that, when feasible, communications towers be located in non-residential locations and away from visually sensitive areas, prominent scenic areas, historic areas, Lake Fairlee and the Ompompanoosuc River. The citizens of West Fairlee desire to maintain the rural and scenic character of our community. Our undeveloped ridgelines and hillsides are scenic and valuable to the character of the Town. The integrity of our open and undeveloped spaces and particularly the integrity of our forest and agricultural soils are among West Fairlee's most valuable assets. Protection of these areas from intrusive developments when feasible, are matters of public good.

Town bodies and Town Plans have a role to play, and are afforded substantial deference in many telecommunications infrastructure siting matters under state law, including 30 V.S.A. Section 248a. The following policies for the creation of all towers should apply:

1. In order to minimize tower proliferation, it is the policy of the Town that applicants shall exhaust all reasonable options for sharing space on existing towers prior to proposing new towers and related facilities. The principle of co-location is the Town's favored choice. When making their determinations on the feasibility of co-location, prospective developers shall conduct a duly diligent effort to evaluate space available on existing towers, the tower owners' ability to lease space, mechanical or electrical compatibilities, , and regulatory limitations.
2. It is the Policy of the Town that existing wireless service providers should allow other providers to co-locate on existing facilities, subject to reasonable terms and conditions, and subject to state and federal law.
3. One of the Town's principal scenic qualities is its ridge lines. It is the policy of the Town that use of ridges for telecommunication towers and related facilities should to be undertaken when possible in a manner that will not unduly detract from or unduly adversely affect these scenic values. Accordingly, protection of these areas from insensitive development is a matter of public good. To minimize conflict with scenic values, facility siting, design and construction should employ the following principles:
  - a) Towers should not be sited in highly visible areas such as at public use areas, on shorelines or lands immediately adjunct to the Ompompanoosuc River and Lake Fairlee; Towers should be located in forested areas or be sufficiently landscaped to screen the lower portions of the towers and related fixtures from public vantage points;
  - b) When possible, towers should utilize materials, architectural styles, solar schemes, lighting, mass and other design elements to promote aesthetic compatibility with surrounding uses and to avoid undue adverse visual impacts (such as the necessity of aviation lighting); When possible, where prominent views of a site exist, it is preferable for towers not to be located on peaks and ridges that are locally significant or regional focal points;
  - c) Where construction of access roads is involved, these should be situated to follow the contour of the land to avoid open fields or meadows, and to avoid disruption or damage to the watershed and erosion should comply with the

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- department of environmental conservation Low Risk Site Handbook for Erosion Prevention and Control;
- d) When towers no longer are used for the purposes for which they were originally constructed, they shall be dismantled and removed from the original site. Local and state land use permits should incorporate removal of inactive fixtures as a condition of approval, unless an acceptable new use exists.
  4. It is the policy of the Town that illumination of towers by artificial means should be limited and towers should not display strobe lights.
  5. It is the policy of the Town that in planning for telecommunication facilities, due consideration be given to the environmental limitations of any given site. The impacts of communication towers and related fixtures as well as their construction and maintenance on wildlife habitats, soil erosion, forestry and agricultural lands, and similar resources should be carefully addressed consistent with state law.
  6. It is the policy of the Town that when telecommunication projects are situated on lands owned by the State, design plans be compatible with current Management Plans for Public Lands adopted by the Agency of Natural Resources.
  7. It is the policy of the Town that this section and all of its parts serve as a clear written community standard intended to preserve the resources, aesthetics and scenic beauty of the Town of West Fairlee. Accordingly, it is the intent that this section be utilized by the District Environmental Commission, the Natural Resources Board, or the Public Service Board as part of an aesthetics and resource analysis for all wireless or other broadband telecommunications facilities, particularly those developed under Title 30. These policies shall be used, in part, to determine whether or not a project fits the context in which it will be located, possesses acceptable visibility features, and has acceptable levels of scenic impact.

### **Goals**

1. To facilitate the provision of telecommunications services to the residents and businesses of West Fairlee.
2. To direct the location and design of towers when possible, to keep them out of or minimize construction in sensitive areas, including schools, historic and highly scenic areas, as well as protect environment and natural resources.
3. To provide standards and requirements for the operation, siting, design, appearance, construction, modification, and removal of telecommunications facilities through the creation of a telecommunications tower ordinance.

### **Policies**

1. When feasible, locate telecommunication equipment in existing towers or structures such as silos and steeples.
2. New towers should be camouflaged when necessary to preserve scenic integrity.

### **Recommendations**

1. The Selectboard shall create a telecommunications tower ordinance with the help of the Planning Commission, the Conservation Commission and the Two Rivers-Ottawquechee Regional Commission, to be presented to the voters West Fairlee.

## **Energy**

### **A. Background**

Vermont planning law requires that town plans include an energy program for the community. Such a program is intended to promote efficient and economic returns to the community and energy providers. Practical energy planning and implementation results in positive environmental and economic returns to the community and energy providers. Conservation of energy reduces demand for development of extensive new energy sources in the region.

How West Fairlee plans for future growth can have an impact on energy use and conservation. For example, a highly dispersed and unplanned pattern of land use can waste energy resources as well as land. By planning the location of jobs, public services and housing in close proximity to growth centers, the consumption of fuel and the need for additional roads can be reduced. The siting and design of buildings and the selection of energy systems can influence the efficiency and conservation of energy at a town level.

### **B. Energy Trends**

#### **1. Energy Demands**

According to the 2009 *Vermont Comprehensive Energy Plan* <<http://publicservice.vermont.gov/planning/CEP%20%20WEB%20DRAFT%20FINAL%2006-4-08.pdf>>, the electric and heating sectors accounted for 67% of Vermont's energy demand and about 54% of the state's greenhouse gas emissions in 2005. Roughly 40% of total energy demand comes from electricity and another 27% is generated by heating and process energy needs. The remainder (33%) of energy demand stems from the transportation sector. The major fuels consumed in Vermont for all energy needs during 2005 were oil (54%), electric (39%), biomass (2%), and natural gas (5%).

According to The Regulatory Assistance Project's publication < *Affordable Heat: A Whole-Building Efficiency Service for Vermont Families and Businesses*, published in June of 2011, "In 2010, Vermonters paid over \$600 million to import fossil fuels for use in our homes, businesses, and other buildings. At the same time, 85% of money spent on fossil fuels leaves the community, draining the local economy, while weatherization creates local jobs and keeps 85% of this money in the local economy.

Demand for energy in Vermont continues to grow, driven by our state's population and economic growth. Energy demand is also closely tied to vehicular travel. Roughly 33% of Vermont's energy demands are for transportation energy, compared with 28% nationwide. Since 2003 with the rise in gasoline prices, vehicle-miles-traveled have actually shown a modest 3.13% decline from their peak in 2003. In 2006, VTrans reported 7,689 million vehicle miles traveled in the state.

Overall energy demand grew by 25% between 1990 and 2004. Among the largest contributors to this growth were petroleum-based fuels (33% growth) and electricity (20% growth). That said, Vermont consumes considerably less energy than any other

state or the District of Columbia, has the lowest per capita retail electricity sales in the U.S., and is 42nd of 51 states and the District of Columbia in energy consumption per capita, according to state figures.

## **2. Energy Supply**

Energy supply, according to the state's Comprehensive Energy Plan, includes utility sector fuels, such as electricity and natural gas, and heat and process fuels, including fuel oil, propane, kerosene, and biomass. About half of Vermont's total energy demand is met by petroleum-based fuels; 31% of this by transportation fuels (predominantly gasoline and diesel) and the remaining 20% by distillate, residual, propane, and kerosene. More than a third of the state's energy is consumed in the form of electricity, which predominantly comes from resources that are low-emitting or non-emitting sources of greenhouse gases. The remaining energy demand is met by natural gas- and biomass-fueled generating facilities.

Roughly 82% of Vermont's electricity demand is met by sources like nuclear and hydroelectric, and roughly 45% of this comes from renewable sources. From a carbon emissions standpoint, Vermont's relatively clean source mix should remain stable until existing contracts with Entergy and Hydro-Quebec expire in 2012 and 2016, respectively. Only seven states in the nation receive a higher percentage of their in-state production needs from renewable energy and almost all of those depend predominantly on large hydroelectric projects for the greatest share of that contribution.

The 2000 Census reports that about 20% of West Fairlee's 338 households were using wood as a fuel source for heating, 59% were using fuel oil, 18% were using propane, and 3.5% were using electricity. The Vermont Department of Public Service estimates that the average household burns three to four cords of wood each year during the heating season. Given that about 55 homes in West Fairlee were heating with wood, we can estimate that between 165 and 220 cords of wood were burned in 2000. Unfortunately the new census data no longer includes this information, but we believe that more homes are heating with wood now than in 2000.

Increased reliance on wood as a heating source and solar as an energy source is likely to offset some of the demand for expanding alternative sources. West Fairlee has thousands of acres of timberland that could be managed to supply all of the Town's homes and other buildings with firewood. Modern catalytic converters installed on wood burning stoves are a partial solution to the problem of air pollution associated with the burning of wood.

## **3. Renewable Energy**

Renewable energy refers to electricity supplied by energy sources that are naturally and continually replenished, such as wind, solar power, geothermal (using the earth's heat to create power), hydropower, and various forms of biomass (trees, crops, manure, etc.).

Although initial set up costs for renewable energy generation systems can be high, these systems can save users money over the long term, and they reduce the consumption of carbon-based fuels, which helps to protect our environment and reduce our reliance on imported fuels. In Vermont, some of these energy sources are more readily available than others and some are more cost effective for the individual energy producer.

About 59% of the people who answered our survey think that the Town should be able to regulate wind tower efficiency, locations, height, and access roads

#### **4. Energy Efficiency and Conservation**

The most efficient, easiest and least expensive way to develop in order to meet our local energy needs is energy conservation. Every kilowatt of energy conserved represents money that can be spent or invested elsewhere. Increased efficiency contributes to greater economic security and environmental sustainability without reduction of our standard of living. Increased efficiency means shrinking our carbon footprint.

Vermont has both residential (RBES) and commercial (CBES) building energy standards in effect. Although there is no statewide enforcement mechanism or inspection process to enforce energy codes, builders, architects, and engineers must certify that buildings meet codes, and building owners have a right of action to recover damages if the codes were not met. Other voluntary building energy-rating systems are available to ensure increased efficiency in buildings, such as the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) program and the U.S. Department of Energy offered Energy Star program. State energy officials estimate that simple conservation measures incorporated in new housing can result in a 20% to 30% reduction of energy usage.

Locally, the Sustainable Energy Resource Group (SERG) offers home energy audits and provides information to consumers about energy conservation and efficiency.

Vermont's Weatherization Program is run by the Vermont Office of Economic Opportunity. The Weatherization Program aims to reduce the energy costs for low income families, particularly for the elderly, people with disabilities, and children, by improving the energy efficiency and comfort of their homes while ensuring their health and safety. To participate in the program households must meet income eligibility guidelines, currently 60% of state median income or less. Weatherization Services available to income-eligible people include the following:

- Comprehensive "whole-house" assessment of energy-related problems.
- State-of-the-art building diagnostics, including blower door, carbon monoxide, and heating system testing and infrared scans.
- "Full-service" energy-efficient retrofits, including dense-pack sidewall insulation, air sealing, attic insulation, and heating system upgrades and replacements.

### ***C. Goals, Policies and Recommendations***

#### **Goals**

1. To encourage a pattern of settlement and land use that uses energy efficiently.
2. To promote the design and construction of energy efficient buildings and structures.
3. To encourage the public and private use of local renewable energy sources while minimizing the impacts on our water, land and habitat resources and on the air we breathe.
4. To increase public awareness and use of energy conservation practices.

5. To promote public and private energy efficiency and conservation.

### **Policies**

1. It is the policy of the Town of West Fairlee to encourage the use of alternative energy resources; reduce dependency on fossil fuels; increase energy efficiency and conservation; and reduce municipal energy costs through energy efficiency, conservation and a full evaluation of purchasing practices. All energy alternatives, efficiencies and conservation measures shall be balanced against environmental and scenic degradation or harm to natural resources, which must be avoided whenever possible and at most must be minor.
2. Major public investments, such as schools, public playgrounds, and town facilities should to be situated within or in close proximity to the Village of West Fairlee.
3. Rehabilitation of existing buildings, or design of new ones, should use energy efficient design principles and practices with the lowest life cycle costs.
4. Design plans for new public buildings shall reflect sound energy conservation principles.
5. To the extent possible, energy generation, transmission, and distribution facilities or services shall be compatible with the land use and natural resources patterns recommended within this Plan.
6. It is a policy of the Town to encourage the development of local renewable energy sources at an appropriate scale, provided that development of these sources is done so as to minimize environmental or scenic degradation or harm to West Fairlee or its citizens.

### **Recommendations**

1. West Fairlee should have an Energy Coordinator, Committee, or Commission which should be responsible for doing the following:
  - increase public awareness and use of energy conservation practices.
  - post helpful hints on the town's website and in its newsletter.
  - track the design and monitor the efficiency of the heating and electrical systems of the Community Building as it is rehabilitated.
  - work with the Town, the West Fairlee Fire Department and the Rivendell school district to track and monitor heating and electrical energy use and correlated carbon emissions of the Fire Department's building and the Westshire School as soon as possible after the Committee is established.
  - conduct energy audits of all Town buildings, and rank them according to highest energy costs (economic and environmental) for operations and maintenance.
  - review proposals and make recommendations for any work to be conducted on publically owned buildings.
  - explore, document, and map West Fairlee's potential energy resources including solar, wind and wood biomass.
  - ensure that Residential Building Energy Standards Certificates (RBES) are filed with the Town Clerk.
  - provide assistance and/or information to town boards (Selectboard, Planning Commission, Conservation Commission).
  - provide educational opportunities for citizens in energy conservation, renewable energy, environmental sustainability and global warming.



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- serve as a general information resource and advocate for the citizens of the Town of West Fairlee.
  - provide information to the public regarding energy issues as well as state, federal and non-profit assistance programs.
  - implement energy efficiency and conservation programs.
  - establish communication and cooperate with similar groups in nearby towns to coordinate toward developing local energy strategies and regional and state energy planning.
2. The Town should implement energy saving measures and consider the use of alternative energy sources in public facilities.
  3. The Town should apply energy and efficiency standards to the operation of town facilities and departments and in any future town construction.
  4. The Town should strive to reduce the economic and environmental energy costs of the municipally owned or funded buildings, equipment, and infrastructure through planning and record keeping.
  5. The Town should consider energy costs in the purchase and operation of Town infrastructure including building appliances.
  6. Renewable energy based systems should be included in the options considered for all proposed, existing or new buildings and equipment and a life cycle cost analysis will be conducted. At a minimum, solar orientation for passive heat gain and solar supplied domestic hot water should be evaluated.
  7. The Town should actively promote energy efficiency by encouraging ridesharing and considering the possibility of some forms of public transportation.
  8. The Planning Commission should support the State Energy Codes (Act 20) and consider requiring that all new residential construction meet or exceed the current State Energy Code.
  9. Encourage local commerce, especially if it potentially results in lower energy costs locally and globally.
  10. Actively manage town owned property for its ability to provide renewable energy and carbon reduction, where feasible.

## **Transportation**

### ***A. Public Highways and Policies***

West Fairlee's roads and highways are its largest assets and represent the largest portion of the town budget, following education. Unlike school costs, however, the cost to maintain roads and drainage infrastructure is in the direct control of the Selectboard and taxpayers.

The Vermont Agency of Transportation and the West Fairlee Selectboard jointly determine our road classification. There are four road classifications used by the State of Vermont. The classification determines the rate of State financial aid in the repair and maintenance of Town roads (there is no State aid for Class Four roads). Total aid, therefore, depends on the number of miles of road a town has in each class. In fiscal year 2009, West Fairlee received \$51,247 from the State for all roads.

The classes are:

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**Class 1** includes the most heavily traveled town roads usually located in densely settled areas. Class 1 roads are extensions of State Highways and are usually assigned a State number. There are two Class 1 roads in West Fairlee (Routes 244 and 113).

**Class 2** includes those major town highways selected as the most important highways in town. Class 2 roads serve the purpose of linking towns and high traffic areas such as village settlements and State highways. Class 2 roads are generally paved. Class 2 roads in town include Middlebrook Road, Beanville Road, Rowell Brook Road, and Cross Road, and total 9.35 miles.

**Class 3** includes all town roads not Class 1 or 2 that can be driven under normal conditions all seasons of the year by a standard car. In West Fairlee, Class 3 roads include all other town roads such as Blood Brook Road. Class 3 roads amount to a total of 10.83 miles.

**Class 4** highways represent the lowest order of importance to the Town. Public use is limited and as such the Town receives no financial aid from the State.

Outline below is a breakdown of both State and Town Highway mileage. Please note that the State of Vermont's use of the term "highway" includes both what the Town calls "roads" and "highways".

<b>Highway</b>	<b>Mileage</b>
Class 1	4.35
Class 2	9.35
Class 3	10.83
Class 4	14.09
<b>Total Town Highways</b>	<b>34.27</b>
<b>Total State Highways</b>	<b>4.35</b>
<b>Total All Highways</b>	<b>38.62</b>

Source: Vermont Agency of Transportation

The Transportation Map attached to this Plan shows road and other transportation infrastructure in West Fairlee.

Speeding is a problem in West Fairlee, according to 62% of the 2010 West Fairlee survey respondents, and this can be better handled through increased police presence and the use of speed monitoring/warning devices.

### ***B. Road Maintenance***

West Fairlee does not have its own road crew, road equipment, or a town garage. Road maintenance, including culverts, ditching, grading and plowing, is provided by contractors hired by the Town. These service providers supply their own equipment and cover their own insurance. The town leases a salt shed owned by the State and located in Thetford.

Although most respondents to the survey felt that town roads are adequately maintained, those most familiar with their condition are very concerned about the status of our transportation infrastructure. West Fairlee has allowed an enormous backlog of serious and expensive roadwork to build up. For years financial constraints have caused the Selectboard to approve only those repairs that have been absolutely necessary. Insufficient attention has been given to long-term planning for the maintenance of our

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roads. West Fairlee lacks a five-year road maintenance plan, and our capital budget is inadequate for our long term road needs. Significant grant funds are available from the State, but these require that the Town provide a percentage of matching funds. Among the most urgent needs are:

- a: At the time of this writing the Bridge on Marsh Hill Road is in danger of imminent failure. No grant funds are available for this project: cost will possibly be \$70-\$100,000.
- B: The large culvert on Godfrey Road is also in need of replacement: the cost is in excess of \$200,000. A State Structures Grant may be available, but we will need to have at least \$40,000 set aside to match the grant.
- C: Our Class II roads require periodic repaving. A simple, paving shim coat costs in the area of \$40-\$50,000 per mile. "Reclamation" of these roads would cost half again as much or even double that. Both Wild Hill and Beanville roads have been left so long, while the town has been waiting for a grant, that they will require reclamation.
- D: For over five years that the Bradford side of Wild Hill Road has needed to be rebuilt. Every spring approximately one third of our entire stone & gravel budget plus labor goes into making the road passable. This repair will cost in the area of \$100,000.
- E: Other bridges in town need work. The curb slots on the Crossroad Bridge should be closed to extend its life. Rehab of that bridge would likely cost well over half a million dollars – anything that can be done to forestall that eventuality will result in long-term savings. The Back Street Bridge needs to be re-decked, failing that, abandoned.

This list is representative of the condition of our roads and the costs we face, but it is by no means complete. It is urgent that the Town consider seriously the deterioration of our infrastructure over time, and the necessity of keeping it up. Preventative maintenance is generally less expensive than repairs after the fact. The Town should develop and fund a rolling five year maintenance plan, and put in place the mechanism to fund it.

The damage wrought by Hurricane Irene reminds us of the unpredictability (and inevitability) of occasional natural catastrophes. In addition to the capital fund to pay for planned maintenance items, the Town should have an emergency capital fund. This fund would be restricted, to be used only for items not on the five year maintenance plan. It could provide the local "match" funds required for some State and Federal emergency repair funds. Recent town budgets have included a grand total of \$2000 per year of "emergency funds" for highways, which is about enough for four truckloads of stone.

### ***C. Access Management***

The Selectboard requires builders to obtain an access permit from the town for any driveway onto a town road. A permit is required for any new construction and for any change in property use. Site distances are specified as well as driveway construction standards.

The Town shall adopt standards for constructing new roads that will be maintained by the Town, according to 71% of those who answered the town's survey.

### ***D. Public Transit and Bicycle/Pedestrian Transportation***

There is very limited public transportation in West Fairlee. Regional bus service along the Route 5 corridor is available in Fairlee to the east and Thetford to the southeast. Presently, commuter parking is available at I-91 in Thetford, eight miles to the southeast of the West Fairlee village. In spite of the lack of public transit service, 78 people (out of a total of 333) are using alternatives to driving alone to their place of work outside their homes, as shown in the following figure.

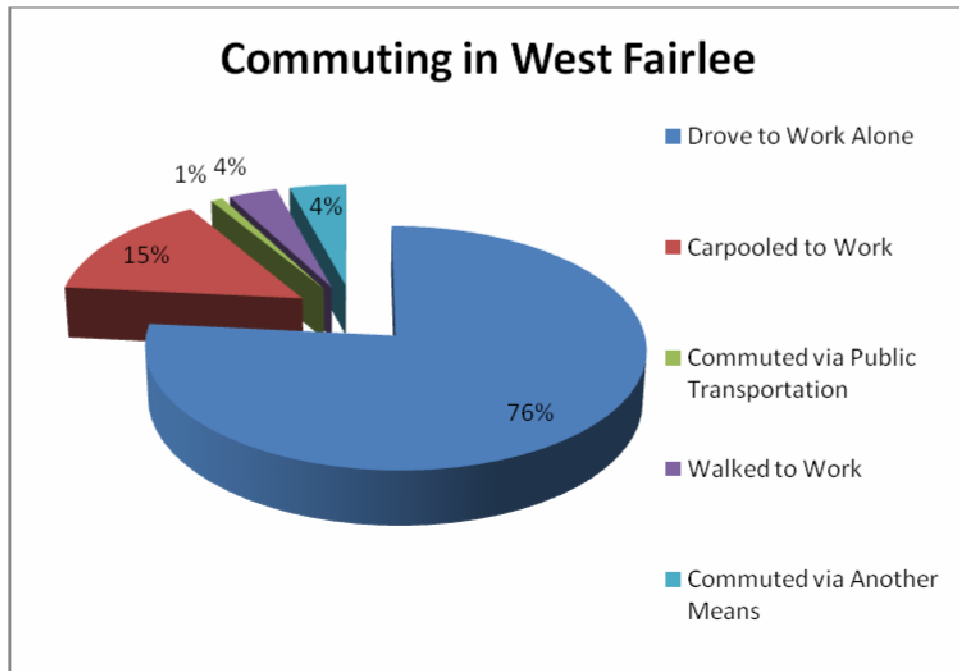


Figure 10 – West Fairlee commuting patterns, US Census 2000

Survey respondents suggest the Town explore a Park & Ride lot and any available public transit options.

Route 113 through the village and Route 244 along Lake Fairlee are relatively level, affording good biking and walking routes. Sidewalks in the village are very limited in their reach.

### ***E. Goals, Policies and Recommendations***

#### **Goals**

1. To maintain a transportation system that is safe, efficient, meets the needs of residents, and complements the other goals and policies of this Plan.

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2. To ensure that future development does not unnecessarily or unreasonably impact the public investment in Town and regional transportation systems or facilities, including highways, bikeways, trails and rail.
3. To support local, regional and statewide efforts to provide public and private transportation systems that meet the needs of all population segments and not just those who use automobiles.
4. To minimize transportation energy consumption by encouraging carpooling and creative alternatives for sharing transportation resources.
5. To provide pedestrians with safe areas to travel within the Village of West Fairlee such as sidewalks and bike paths.
6. To provide regular maintenance and upgrades to equipment and facilities, provided that the costs do not put an undue burden on the people of West Fairlee.
7. To recognize the importance of balancing the need to have safe roadways with the desire to maintain appropriate widths and the health of existing vegetation in its role as a structural component of the roads.

### **Policies**

1. Any new access, new construction, change of use, and any development of a land parcel that would create impacts on West Fairlee's road system shall be reviewed by the Town. Where such development requires improvements to Town highways, such costs shall be borne by the developer, in consultation with the Selectboard, and the Selectboard shall have sole power to change the classification of the road.
2. It is the policy of the town to minimize curb cuts to insure the proper function and performance of a town highway.
3. It is the policy of the town that the design of access roads and related facilities provide for proper alignment of new or relocated driveways along a roadway.
4. The Town shall seek public input in any decision to substantially change the maintenance level or surface treatment of any town road.
5. It is a policy of the town that before adopting a new road or upgrading an existing highway, the abutting property owners shall be responsible for the cost of improving and/or building the road to Town specifications. The final decision regarding the nature of required improvements, standards for completion, and whether or not to accept the road or highway, rests with the Selectboard.
6. Given the interest in and benefits from biking, hiking, snowmobiling, cross-country skiing, and similar outdoor recreational activities, the Town should, as an alternative to complete discontinuance of a highway, give consideration to preserving Class 4 roads for recreational use by downgrading their status to a legal trail and thus retaining the public's interest in them.
7. It is a policy of the town that, if improvements are needed to accommodate increased traffic, the Town shall consider the relationship of the road to the surrounding features of the landscape.
8. Strip development is prohibited as a land use pattern. Such development occurs in a linear path along a right-of-way which often restricts visual and physical access to interior lands.
9. The acquisition of land or rights to land by the Town or other qualified entities for the future development of bikeways and footpaths is encouraged in the Village areas or other areas of concentrated settlement.

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10. The town should be vigilant with the state in addressing proper maintenance of state roads.
11. Continue the quality maintenance and repair of Class 2 and 3 roads.
12. No road improvements will be made to Class 4 roads. Only minimal maintenance that is necessary to preserve the road's existing condition and meet the minimum requirements of the State is authorized.

### **Recommendations**

1. The Town must engage in long term maintenance planning, and develop a five year road maintenance plan, in order to minimize the extent of road repair and cost over time.
2. The Town must include in its annual budget a capital reserve fund for road maintenance sufficient to pay for the items in the five year maintenance plan.
3. The Town should develop a capital fund for emergency repairs, restricted to needs not anticipated on the five year maintenance plan. The town should include this fund in its annual budget.
4. The Town should hire its own local engineer to mediate and advocate for the Town on larger projects. This engineer would be able to help the Town develop its five year plan, and update it from year to year. The additional expense would be more than offset by savings in the cost of planned (non-emergency) maintenance and of grants that could be received.
5. The Town should use contractors that are local and of appropriate scale wherever possible.
6. The Town should work to identify and possibly construct a commuter parking area within the town that will foster shared commuter trips to areas of major employment.
7. The Town should maintain active participation in Upper Valley RideShare.
8. The Selectboard should continue to work with the Orange County Sheriff's Department to control speeding and consider alternative speed control measures.

## **Relationship to Other Plans**

### ***A. Neighboring Towns***

Each Town Plan that is developed and approved at the local, regional and state level is required to be compatible with other local plans, especially those of surrounding towns with common borders.

The town of West Fairlee is bordered by the towns of Fairlee, Bradford, Corinth, Vershire, Strafford, and Thetford. All of these towns have Planning Commissions, and all have Town Plans that have also been approved by the Regional Planning Commission, except for the Town of Fairlee. The neighboring town Plans have been reviewed in the context of the proposed West Fairlee Town Plan. No conflicts exist in either general philosophy or specific development or future land use proposals along town borders.

## ***B. Regional Plan***

West Fairlee is within the Two Rivers-Ottawaquechee Regional Commission. It is one of thirty municipalities that comprise the Region. The Region covers northern Windsor County, most of Orange County, the Town of Pittsfield in Rutland County, and the Towns of Hancock and Granville in Addison County. The Commission was chartered in 1970 by the acts of its constituent towns. All towns are members of the Regional Commission, and town representatives govern its affairs. One of the Regional Commission's primary purposes is to provide technical services to town officials and to undertake a regional planning program. As is the case in many areas of the State, the extent of local planning throughout the Region is varied. Some municipalities are more active than others. Thus, the level of services to each of the towns changes with time.

The Regional Commission has an adopted Regional Plan in place, dated May 2007. This Plan was developed to reflect the general planning goals and policies expressed in the local plans. The Regional Plan is an official policy statement on growth and development of the Region. The Plan contains several hundred policies to guide future public and private development in the Region. Policies for land use settlement are identified. These areas are: Regional Centers, Town Centers, Village Settlements, Hamlet Areas, Rural Areas, Conservation and Resource Areas, and Interchange Areas. Although delineation of each land use is not precisely mapped or charted in the Regional Plan, policies for management of new development within these areas are substantially similar to those set forth in detail in the West Fairlee Town Plan. The two Plans have similar policy statements regarding the need for development that does not overburden services. The Regional Plan shall be consulted as part of the planning process for the Town.

## **Implementation**

### ***A. Putting the Plan into Action***

The Plan provides a guide for the protection and enhancement of our natural and cultural resources. The Plan aims to help the citizens of West Fairlee better define and direct the future of their community. It is a planning tool that provides a vision of what the community would like to become over the next 5 to 10 years.

The Plan is to be used by the Town Boards, Commissions, Departments, residents, and businesses in a number of ways:

1. To provide a framework for planning the future of the Town;
2. To assist in the development of a Capital Budget and Program;
3. To direct the formulation of departmental policies and strategies;
4. To serve as a basis for responding to Act 250 permit requests;
5. To present a framework for developing subdivision bylaws;
6. To supply data and solutions for planning issues;
7. To recommend future planning studies and funding sources.

Adoption of this new Town Plan presents an opportunity to direct the changes that are already occurring in West Fairlee. The primary tools for directing growth are this Town

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Plan, the Town's existing by-laws and ordinances, and the volunteer work of West Fairlee's citizens.

### ***B. Ongoing Planning***

The Town Plan is a dynamic document and represents a process just as much as it does a product. The nature of growth and change quickly dates the data contained within the Plan. To remain effective, the Plan must be readopted at least every five years. When possible, updated statistics should be added to the plan being readopted. Of course, other revisions and modifications will most likely be needed to reflect changing conditions. While the Planning Commission is responsible for maintaining the Town Plan, any individual or group may initiate changes. Title 24 of Vermont Statutes Annotated (V.S.A.) Section 4384 details the procedures to be followed for the adoption of plans and any amendments.

### ***C. Implementation Tools***

The Town of West Fairlee has an array of regulatory tools to carry out the land use goals and objectives of this Town Plan. Town ordinances shall be reviewed and revised based on this Town Plan as well as current needs and conditions. Copies of these ordinances are available at the Town Offices. These revisions, guided by the policies and objectives of the Town Plan, will be extremely important to the future of the Town. They will be based on decisions made with the long-term common good in mind. These tools include:

- Solid Waste Management Implementation Plan – The Greater Upper Valley Solid Waste Management District has recently revised its Solid Waste Implementation Plan and the Board of Supervisors (with participation from West Fairlee) formally adopted it on August 10, 2006. The SWIP will be in force for five years. This Plan describes municipal policy on separation, recovery, collection, removal, storage and disposition of solid waste including recyclables.
- Emergency Management and Disaster Mitigation Plans – The Town has adopted an updated Rapid Response Plan and Pre-Disaster Mitigation Plan in 2008. The RRP identifies people to contact in the event of an emergency. The PDM Plan identifies the hazards to which the Town is vulnerable and measures to mitigate them.
- Flood Hazard Area Zoning Bylaws - This bylaw was rewritten in 2007 and outlines regulations that apply to any construction or filling in areas of town deemed to be flood hazard zones in accordance with the Flood Insurance Study prepared by the Federal Emergency Management Agency.
- Official Map – The "official map," as it is called in the Statutes, documents the location and width of existing and proposed highways and drainage ways and the location of all existing and proposed parks, schools and other public facilities

Other Town ordinances have been adopted in West Fairlee to regulate:

- ATV Ordinance - Lists town roads that may be used for ATV travel between May 1 and November 30; required 10 mph speed limit; and other regulations.
- Class 4 Roads & Trails Ordinance
- Dog ordinance
- Driveway Permit Ordinance - Requires an access permit from the town for any



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driveway onto a town road. A permit is required for any new construction and for any change in property use.

- Junk Cars and Trash Ordinance - Prohibits leaving junk (tires, household appliances, furniture, rope, rags, batteries, glass, plastic, paper, bottles, cans, rubber debris, waste, trash, construction debris) or three or more junk motor vehicles in a place where any such item is visible from a town road or visible to an abutting landowner from that portion of the abutter's land used on a regular basis. Fines will be assessed for violations.
- Right of Way Ordinance
- School Playground and Property - Describes terms for use of school playground and property; prohibited acts; hours of operation; and penalties for misuse.
- Snow Disposal Ordinance - Prohibits any snow removed from private property to be deposited on town roads; enacts \$100 fine for each violation.
- Snowmobile Ordinance - Details which town roads may be used for snowmobile travel; required 10 mph speed limit; and other regulations.
- Speed Limit Ordinance – This ordinance applies to Routes 244 and 113.
- Traffic Ordinance - Establishes town highway speed regulations; location of stop and yield intersections.
- Truck Ordinance - Prohibits truck loading and unloading on town roads; no loading within town right of way; and no skidding operations on town roads.

Based on the response to a survey conducted in 2010, the Planning Commission intends to develop a subdivision bylaw for consideration by the Town. Such a bylaw would regulate division of any single lot, tract, or parcel of land into two or more lots, tracts, or parcels of land. The purposes of such a bylaw would be:

- To provide for the orderly growth of the Town while protecting its unique setting, environmental integrity and scenic beauty,
- To protect the quality of the natural resources of the Town, and
- To encourage the maintenance of the working landscape for recreation, agriculture and forestry.

**Act 250:** Presently, the State Land Use and Development Law, regulates some land development by requiring permits prior to construction. These permits, issued by the District Environmental Commission, determine the objectives for land development in the Town of West Fairlee based on the ten permit criteria stated in the law.

By law, the District Environmental Commission must consider West Fairlee's Town Plan as input in deciding permit conditions for commercial developments on more than one acre or for residential development of six or more lots. Also by law, both the Selectboard and the Planning Commission have party status in all Act 250 proceedings involving land in West Fairlee and may testify on each of the ten criteria. The Town Plan provides the Town and the District Environmental Commission with an important standard for review and comment on Act 250 applications.

**Capital Budget and Program:** The Town does not have a formal Capital Budget and Program, but does have capital reserve funds for major projects.

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The following are techniques of development control and guidance that are implemented by individual residents or property owners.

**Land Trusts:** Land trusts are generally non-profit organizations dedicated to the protection of land resources and can be created to help individuals conserve their land. Property owners can also create a land trust. Because of their non-profit status, most contributions of lands or funds are deductible from federal income taxes.

**Restrictive Covenants:** An individual property owner can achieve the long-term conservation of land through placing development restrictions or covenants in deeds used to transfer land to new owners.

**Use Value Appraisal (“Current Use”) Program:** A State program designed to enable owners of working farms and managed woodlots of over 25 contiguous acres to pay property taxes that are based on the agricultural or forestry value of the land as opposed to the development value of the land.

Many of the recommendations relate to one or more of these existing tools. In addition, the Recommendations focus on new studies to be conducted by the Planning Commission, citizen advisory groups, Town departments, state and regional agencies and others. Recommendations also call for the adoption of an official map, Subdivision regulations, and many other specific actions.

## **Appendix A – Historic Properties**

The following properties are listed on the Vermont Historic Register of the Vermont Division of Historic Preservation:

1. **Gilman-Tucker House** on Route 244 approximately one-half mile east of Route 113.
2. **Hutchins/Comstock House** on the east side of Route 113 south of the village.
3. **Old Homestead** on the east side of Route 113 just south of the Back Street/ Route 113 intersection.
4. **Kenney-Engleman House** on west side of Route 113 south of Back Street intersection.
5. **Thomas-Morris House** on the east side of Route 113 just to the south of Mill Street.
6. **Church-Dearborn House** on Route 113 just south of Bean Hall.
7. **Child-Turkevich House** on Mill Street.
8. **Kimball-Patton House** on the south side of Mill Street.
9. **Johnson-Pullen House** on the north side of Mill Street.
10. **Church-Geer House** on the north side of Mill Street east of the Ompompanoosuc River.
11. **Bates-Ricker House** on the north side of Mill Street to the east of the Church-Gear House.
12. **Tullar House** on the south side of Mill Street east of the Ompompanoosuc River.
13. **George-Roberts House** on Back Street.
14. **The Creamery** on Beanville Road.
15. **The Paymaster's Office** just to the east of The Creamery, above.
16. **Bean Hall**, the town office building, on Route 113.
17. **West Fairlee Congregational Church** on Route 113 just north of Bean Hall.
18. **Bigelow-Carpenter House** on Route 113 just north of the Congregational Church.
19. **Stevens-Bacon House** on Route 113 north of the town hall.
20. **Wheaton-Austin-Burns House** on east side of Middlebrook Road.
21. **Burr-Bowley-Smith House** on the west side of Middlebrook Road.
22. **Bartlett-Childs-Cook House** on the west side of Middlebrook Road.
23. **Smith-Heath-Jarecke House** on the west side of Middlebrook Road.
24. **Morse-Adams House** on the west side of Middlebrook Road.
25. **Page-Dayman House** on the west side of Middlebrook Road.
26. **Nathaniel Niles House** on the east side of Middlebrook Road.
27. **West Fairlee Center Church**, Middlebrook Road.
28. **Churchill-Blake House** on the west side of Wild Hill Road.
29. **Wild Hill Tavern** on the east side of Wild Hill Road (opposite Wild Hill Orchards).
30. **Munn House** on the west side of Wild Hill Road.
31. **Wild Hill School** on the east side of Wild Hill Road.
32. **Tibbetts-Van Alstine House** at the intersection of Rowell Brook, Jennings and Wild Hill Roads.
33. **Quimby-Stone House** on Blood Brook Road (also referred to in the past as Tug Hill Road).
34. **Southworth-Godfrey House** on Blood Brook Road.
35. **May/Kimball House** on Blood Brook Road.
36. **Holbrook-Noyes House** on the east side of Blood Brook Road.
37. **Blood Brook School** on the east side of Blood Brook Road.
38. **May-Child-Morey House** on the west side of Blood Brook Road.

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39. **Godfrey House** on the west side of Blood Brook Road, the home of the late William Godfrey.
40. **Southworth House** on the east side of Blood Brook Road.
41. **Moore Homestead** on the north side of Kidderhood Road,
42. **Starwick House** on the north side of Kidderhood Road.
43. **Jeffords-Wurdak House** on the north side of Mill Street.

## **Appendix B –Survey Results**

The following is a summary of the results of the 2010 survey of West Fairlee’s residents and landowners, circulated by the West Fairlee Planning Commission in advance of preparing this town plan.

The complete results of the survey are available at the West Fairlee Town Clerk’s office or on the internet at <http://wfpc.info/blog/?p=89>

### **Summary of the 2010 Town Survey Results**

1. 40.4% of respondents to the survey think local government should regulate land use to protect all residents. Another 38.41% think property owners should do what they want, and 21.19% think local government should regulate land use to protect neighbors .
2. 65.31% of respondents think the Town’s primary concern when considering development proposal should always be the well being and interests of town residents.
3. 52.8% of respondents think West Fairlee does not need a zoning ordinance, while 36.02% think the Town does need a zoning ordinance. Another 11.18% have no opinion.
4. 61.78% of respondents think West Fairlee should adopt an ordinance regulating housing subdivision development, while 28.66% think the Town does not need subdivision regulation. Another 9.55% have no opinion.
5. 80.39% of respondents think West Fairlee’s ridgelines, forests and farmland should be protected from residential and commercial development.
6. 31.28% of respondents would like to see more businesses and light industry in West Fairlee, 27.57% would like to see more retail stores and services, while 15.23% would like to see the Town become more agricultural and 18.93% would like to see the Town stay as it is.
7. Respondents to the survey divided equally –41.91% each-- on whether or not they would like to see the number of houses and the population of West Fairlee increase over the next five years. Another 18.18% had no opinion.
8. 79.36% of respondents said they favored adding single-family houses on individual lots in West Fairlee, while 55.63% said they favored adding cluster homes, and 44.88%

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said they favored adding apartments or condominiums. No more than 29.06% of respondents favored adding mobile homes either on individually owned lots or in parks.

9. Most respondents –34.8%-- think families and the elderly most need housing in West Fairlee.

10. 38.1% of respondents say they get information about town issues, meetings and decisions by word of mouth. Another 22.54% get this information from the emailed, unofficial town newsletter, while 16.51% rely on public postings, and 13.33% get information by attending town meetings.

11. 52.73% of respondents report having missed town events or meetings because they were unaware they were scheduled.

12. 46.43% of respondents think the Town should mail a monthly newsletter to every West Fairlee household. Another 36.9% disagree, and 16.67% have no opinion.

13. 55.2% of respondents think West Fairlee devotes too few resources to community and communication, while 40.8% think present resources for these things is just about right.

14. 82.69% of respondents think West Fairlee should save money by working cooperatively with adjacent towns while maintaining its identity and providing the same or better services as it offers today. Another 10.26% disagree, and 7.05% have no opinion.

15. 67.88% of respondents think West Fairlee should explore ways to help neighbors with common needs such as childcare, transportation, household chores and odd jobs. Another 13.33% do not think so, and 18.79% have no opinion.

16. 58.9% of respondents said access to a high speed internet connection is extremely important to them. Another 18.4% said high speed connection is important, and 22.7% said high speed connection would be nice to have but is not a critical need.

17. 51.22% of respondents said cell phone service is extremely important for them. Another 25% said cell phone service is important, and 23.78% said such service would be nice to have but is not a critical need.

18. 65.64% of respondents think the Town should be able to regulate wind towers with respect to efficiency, location, height and access roads. 21.47% of respondents disagree with this, and 12.88% have no opinion.

19. 60.47 % of respondents to the survey think too few resources are devoted to the local economy.

20. 54.55 % of respondents think the present balance between paved and unpaved roads should not change.

21. 70.63% of respondents want the Town to adopt standards for constructing new roads that will be maintained by the Town.

## **Appendix C – Community Input Meeting summaries**

Two Community Input meetings were held in August 2010. Notes from these meetings follows.

### **August 23, 2010 Community Input Meeting notes**

#### Group #1

- Erasing artificial community lines (brooks vs. village)
- Address sprawl before it develops
- Westshire facility
- Tension: development vs. conservation
- Transportation options
- Internet
- Cell phone
- Community bulletin boards (more locations)
- Senior housing
- Medical care
- Engage youth & young adults in community
- Ownership of school system
- Worthwhile activities in town
- Community interaction (non-political)

#### Summary

1. Communications
  - internet
  - cell phone
  - bulletin boards
  - newsletter
  - website
  - telephone chain
  - face to face interactions
2. Community needs re:
  - Facilities
  - Youth
  - Senior housing
  - Medical
  - Westshire
3. Expectations vs. costs
4. Address future in light of energy & climate change

#### Group #2

- Need a coffee shop/café, gathering place, with a bulletin board
- Communication is important
- Problem with abandoned junk
  - Selectboard is not enforcing the town's policy or ordinance (which do they have?) on 3 or more cars in yards.
  - Old Town Plan not very effective at addressing this issue or any follow up

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- Zoning has to be addressed in Town Plan
- Cover question on zoning vs. question about land use regulations.
- Conservation Commission should have a plan. Act 250 already controls land use, we don't need to worry about big developments. Septic regulations (state) will also control # of houses.
- Big mansions going up one at a time on Lake Fairlee.
- Cost of land and taxes will control and affect rate of building.
- WF has had multiple votes on zoning. People didn't want it before, and same is probably true now.
- High Speed Internet
- Cell phone coverage
- Act 250 controls commercial development. It's another way to control what happens and is more severe than any local land use controls. Do we want additional regulations, or is this enough?
- Services to share with other towns:
  - o Heating oil purchase
  - o Office supplies
  - o Road salt, sand
  - o Police
  - o Trash/recycling
- Cell towers should be regulated. Heights, access roads, locations. BUT we want to increase cell service. Rent space on town land? Use revenue to reduce taxes? New towers can be smaller, disguised.
- It's hard to get the word out about anything without internet access. Need a newsletter.

### Summary

1. Shared Services
2. Communication:
  - o Website
  - o Bulletin board
  - o Community gathering place
  - o Newsletter
  - o High speed internet
3. Ordinances – lack of enforcement, junk
4. Internet, Cell phone
  - o Affordable
  - o Income for town
5. Development
  - o State regulations and cost of land and development will limit
  - o Town has already addressed zoning need
  - o Economic development is important

### Notes from big group discussion:

- Need to address question of what we want town to look like in 5, 10, 15 years. What is rural character of town?
- Want more young families here to avoid this town becoming solely a satellite of Hanover or Bradford.
- Concern about length of commutes
- Young families need jobs to allow them to live, buy houses.
- High speed internet would allow some of this. Want light industry.

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- Interest in offering some incentives (?) to businesses
- Bradford Ind. Park is half empty. If they can't do it there, WF can't do it either.
- WF is viewed as the sticks in Lebanon/Hanover. Some of its appeal is community feel.
- Common issue is internet access
- Communications in service to the idea of community
- Thetford job site/listing – community service day
  - o Use the school for town functions and let people know
  - o Bean hall issues will be decided by SB and others, not the PC
- How do we build community?
  - o Shared services (child care, recycling)
  - o Communications
  - o Facilities (school) and gathering places (church)
  - o Youth programs
  - o Senior programs (food, shopping, doctors)
  - o Intergenerational programs
  - o Arts – brushwood forest, music, writing, gardening, 4H. To bring people out, involve the kids and use the school
  - o Education
  - o Child care
  - o Transportation
  - o Recreation
  - o Volunteering
- Divide into 3 parts:
  - o Now - communication
  - o Next – shared services
  - o Soon after - development

## **August 29, 2010 Community Input Meeting notes**

### Group #1

- Trailer parks in town could have better control over/management of health & safety conditions, plumbing, septic
- Cell phones & high speed internet access needed to improve life here
  - o Not the town's job, should be state effort
  - o Business growth cannot happen without it.
  - o Discourages renters and sales and lowers property values
  - o Health and safety – 911 access limited without
  - o Old argument that we are a rural town and OK without these is incorrect
- Route 244 is in terrible shape, needs to be completely repaved. Causes vehicle maintenance problems.
- Would like a shoulder or lane for walkers, bikers, on Rte 244 and elsewhere.
- Would like to get funding for sidewalks to connect school to houses and correct high childhood obesity.
- Town village designation should be maintained. Businesses in town can continue to access tax credits.
- Want a community gathering place, especially for young people, recreation, seniors.
- If we involve young people early in life in town, they will stay here.
- Need more kids on teams and more young families in town to have them join recreation programs.



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- Thetford has a good building for the community – we should follow this model. WF should use the school for community gatherings.
- Thetford also has Recreation Coordinator
- Affordable senior housing – development could happen near town offices, school.
- Farmer’s market.
- Recycling programs should be expanded to accommodate more use, materials. Will be working with Thetford to combine, expand.
- Recycling should be no cost or low cost. Trash costs need to be contained.
- Dispersed population. Makes it hard to communicate, get info. Town should communicate more with residents and landowners.
  - o Roger’s newsletter
  - o List serve
  - o Hard copy newsletter, at a cost
  - o Email distribution of town newsletter (poor access makes this hard)
- New development should be done to preserve existing look of town. Are we safe from overdevelopment because of location?
- Preference for single family homes. Elderly housing, multi-unit.
  - o More kids in homes leads to more costs to town.
  - o How to let landowners use land and maximize value for retirement?
  - o Don’t want some commercial uses.
  - o What is impact on taxes, schools, jobs to town if we allow more conservation vs. commercial vs. residential?
- How many residents vs. non-resident property owners? What is tax paid by each group?

### Summary

1. Affordable senior housing
2. Cell phone and high speed internet access
3. Communication with residents and landowners (see below)
4. • Village designation and benefits to businesses
  - community gathering place for recreation, youth programs, communication center
  - be attentive to economic consequences of development

### Group #2 - Summary

1. Communications
  - o Internet
  - o Cell phone
  - o Town communications
  - o Lack of list serve
2. Facilitating community – bringing people together
3. Taxes & tax base – concern about future

### Other important issues:

- Police/public security
  - o speeding
  - o public safety
- Revenue for Town – cell tower on town-leased land
- Housing development

### Notes from big group discussion:

## West Fairlee Town Plan

- PC & SB should talk to developer about affordable senior housing. Begin with a feasibility study/market study.
  - Caution that one type of housing won't work for all
- Create community centers. West Fairlee – East. West Fairlee – Center.
- We should ask if commercial is better in some places than others, and plan accordingly.
- Now townspeople live apart and we need to talk together about how we want to grow as a town.
- Hard in a practical sense to bring people together, esp. with 2 adults working in most homes.
- If we don't use the store, it will go away. Then we'll have to drive to a store in another town.
- We don't have the resources to keep living the way we do now on rural roads and in rural towns that were developed in a very different economy. And we won't be able to afford the future the current economy suggests. Public safety, internet, housing for seniors are all things to be looked at.
- We are losing our grasp on traditional Vermont lifestyles and values. They are changing and disappearing partly due to new technology. We need to act now before more is lost.
- Town Plan should include recommendations that are doable by the PC and other committees and boards in town.
- A better tax base will allow the town to do more things. What do we need to build/develop to build the tax base?
  1. More gatherings like this meeting, with food/milk & cookies. Combine meetings with others that are going to be held anyway, such as Historical Society.
  2. Reflect the results in the Town Plan
  3. Share the Town Plan with developers
  4. Talk to your neighbors