

TOWN OF HARTFORD

Growth Center Designation Decision

Vermont Expanded Downtown Board

March 22, 2010

Introduction

The Expanded Downtown Board considered the Town of Hartford's application for growth center designation at their February 22, 2010 warned public meeting. On March 22, 2010 the Board voted unanimously to formally approve Hartford's application with a change of boundary agreed to at that meeting and award growth center designation based upon their review of the application materials, the Planning Coordination Group's February 10, 2010 recommendation, and the statutory designation criteria in 24 V.S.A. §2791. Below is a summary of the Board's findings and conclusions, with attached conditions. This decision is based on following documents:

- a. Growth Center Map dated March 22, 2010.
- b. Application for Growth Center Designation dated December 20, 2009, finalized and officially submitted on January 20, 2010.
- c. Supplemental information and comments:
 - Comments from the Agency of Transportation to the PCG, 2/1/10
 - Letter from the Smart Growth Collaborative to Kevin Dorn, 2/8/10
 - Memo from the Town of Hartford to the Board, 2/9/10.
 - Attachment 1 and Revised Figure C-2, Buildout Map, and Figure C-3, Growth Center Build-out Results (submitted 3/26/10).

1. Location of Growth Center

the growth center proposal meets the definition of a growth center established in subdivision 2791(12) of this title. 24 V.S.A. § 2793c(e)(1)(A).

"Growth Center" means an area of land that ... is located in one or a combination of the following: 24 V.S.A. § 2791(12)(A).

- (i) *A designated downtown, village center, or new town center;*
 - (ii) *An area of land that is in or adjacent to a designated downtown, village center, or new town center, with clearly defined boundaries that have been approved by one or more municipalities in their municipal plans to accommodate a majority of growth anticipated by the municipality or municipalities over a 20-year period. Adjacent areas shall include those lands which are contiguous to the designated downtown, village center, or new town center. In situations where contiguity is precluded by natural or physical constraints to growth center development, adjacent areas may include lands lying close to and not widely separated from the majority of the lands within the designated growth center. Noncontiguous land included as part of a growth center must exhibit strong land use, economic, infrastructure, and transportation relationships to the designated downtown, village center, or new town center; be planned to function as a single, integrated growth center; and be essential to accommodate a majority of growth anticipated by the municipality or municipalities over a 20-year period. 24 V.S.A. § 2793c(e)(1)(a) and 24 V.S.A. § 2791(12)(A)(i) and (ii).*
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Hartford's designated downtown in White River Junction is located roughly at the center of the growth center on the eastern side of the town. The growth center also encompasses two historic villages, Hartford Village and Wilder. FIGURE 1 IN THE APPLICATION (P. 3) SHOWS THE RELATIONSHIP BETWEEN THE DOWNTOWN AND THE GROWTH CENTER.

The 2,005-acre growth center comprises approximately 7% of the Town's land in a single contiguous area around the eastern, most heavily developed part of the town and is targeted to accommodate approximately 60% of the housing and well more than a majority of the commercial development over the next 20 years. (The originally proposed growth center boundary encompassed 2,633 acres, including areas north and south of the approved growth center.) PAGES 3 AND 41 IN THE APPLICATION AND SUPPLEMENTAL ATTACHMENT 1.

2. Natural and Historic Resources within Growth Center

the applicant has identified "important natural resources" and historic resources within the proposed growth center and the anticipated impacts on those resources, and has proposed mitigation. 24 V.S.A. § 2793c(e)(1)(B).

"Important Natural Resources" means headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forest lands, and primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151. 24 V.S.A. § 2791(14)

In general, Hartford's growth center boundaries have been drawn to exclude important natural resources. The application identifies the following important natural resources within the growth center: floodplains, surface waters and wetlands, wildlife habitat and two occurrences of rare/endangered species/natural communities. FIGURE 6, NATURAL RESOURCES MAP, AND MAPS 5-9 IN APPENDIX E. Regulatory mitigation strategies for avoiding the impacts of development on these resources include the adoption of overlay zoning districts for wildlife connectors, agriculture and rural lands, as described on pages 34-35 of the application. In addition, the presence of natural site constraints will likely limit development in some locations, as described on pages 19-20 of the application. Hartford has identified "important natural resources" within the growth center, anticipated impacts on those resources, and has proposed sufficient mitigation for those impacts.

The application identifies four National Register Historic Districts within and immediately adjacent to the growth center. FIGURE 7, HISTORIC RESOURCES MAP. Various regulatory and non-regulatory techniques for mitigating potential impacts to those resources have been employed by the town as described on pages 20-21 of the application. The town has recognized the high archeological potential of the area due to the junction of two major rivers and has excluded some areas from the growth center to avoid conflicts with new development, and is taking steps to limit development in sensitive area such as along streams. The steps being taken at this time to protect historic and archeological resources are found to be sufficient mitigation of any impacts to historic resources in the growth center.

3. Agricultural Soils and Areas

the approved municipal plan and the regional plan both have been updated during any five-year plan readoption that has taken place since the date the secretary of agriculture, food and markets has developed guidelines in compliance with 6 V.S.A. § 8, have been used to identify areas proposed for agriculture, and have been designed so as to avoid the conversion of primary agricultural soils, wherever possible. 24 V.S.A. § 2793c(e)(1)(C).

Both the Hartford Master Plan and the Two Rivers Ottauquechee Regional Plan identify areas proposed for agriculture that are shown on Map 7-A in Appendix E. Further detail showing agricultural soils within the growth center is provided on Figure 8, Agricultural Soils Map.

As shown on those maps and the map of the approved growth center boundary, the growth center has largely been delineated to avoid any undeveloped lands having agricultural soils as well as any working farms. Areas with prime agricultural soils on undeveloped lands and that were included within the town's Agriculture Overlay District (requiring additional standards for development through the zoning bylaw) were originally included within the proposed growth center boundaries, but the approved growth center boundary now excludes those areas.

4. Municipal Plan

the applicant has a regionally confirmed planning process and an approved municipal plan, pursuant to section 4350 of this title, and the approved plan contains provisions that are appropriate to implement the designated growth center proposal. 24 V.S.A. § 2793c(e)(1)(D)(i) and (ii).

The Two Rivers Ottauquechee Regional Commission approved Hartford's 2007 municipal plan (Hartford Master Plan) and confirmed its planning process on September 25, 2007. The Plan contains a wide range of provisions that are appropriate to implement the growth center. These are summarized on pages 28-30 of the application and specific references to Master Plan sections are provided on pages 13, 21, 35 and 40.

5. Bylaws

the applicant has adopted bylaws in conformance with the municipal plan that implement the provisions in the plan that pertain to the designated growth center. 24 V.S.A. § 2793c(e)(1)(D)(iii).

The town's zoning bylaw was last amended in 2008, and the subdivision regulations in 1987. The zoning bylaw sections that implement the Master Plan provisions pertaining to the growth center are listed and described on pages 33-35 and specific references to bylaw

sections provided on pages 13, 21, 35 and 40. These bylaws conform to the Plan and are found to be adequate to implement the growth center provisions in the plan.

Of particular note are the provisions adopted to promote higher density in villages and the downtown and to increase lot coverage and density requirements outside of these areas but within the proposed Growth Center, in keeping with statutory requirements for growth center designation. The scaling-back of the commercial and industrial zoning districts that until recently, spanned the entire length of Route 5 from the interchange south to the boundary with Hartford, is also recognized to be a major achievement.

6. Natural and Historic Resources Outside the Growth Center

the approved plan and the implementing bylaws further the goal of retaining a more rural character in the areas surrounding the growth center, to the extent that a more rural character exists, and provide reasonable protection for "important natural resources" and historic resources located outside the proposed growth center. 24 V.S.A. § 2793c(e)(1)(D)(iv).

Hartford's Master Plan includes specific recommendations for retaining rural character and important natural resource protection outside the Growth Center including a substantial down-zoning of rural land in the town from 5 to 10 units per acre in the recent bylaw revisions, and creating overlay zones with specific provisions to protect scenic and important natural resources in identified locations. These Master Plan provisions are described and referenced on pages 28-29 of the application and the pertinent bylaw changes recommended in the Plan were implemented in the 2008 zoning bylaw amendment, and are found to be adequate to satisfy this requirement.

7. Infrastructure and Capital Planning

the applicant has adopted a capital budget and program in accordance with section 4426 [4430] of this title, and that existing and planned infrastructure is adequate to implement the growth center. 24 V.S.A. § 2793c(e)(1)(E).

Hartford's 2010 – 2015 Capital Improvement Program was adopted in March, 2009 and the town is currently drafting its annual update to the budget and program to be adopted in March 2010 for the next six years. An overview of the improvements needed to support the Growth Center is provided on pages 36-40 of the application.

The town is currently upgrading the White River Junction wastewater treatment plant which serves the growth center and will have sufficient capacity to accommodate the anticipated growth over the next 20 years. PAGE 9 OF THE APPLICATION, AND WASTEWATER PROJECTIONS ON PAGE 64 IN APPENDIX B.

The applicant noted at the PCG meeting that hook ups outside the Growth Center and the Planned Growth Areas shown on the map on page 3 and the Sewer/Water Service Area on page 15, will not be allowed except where already approved.

Transportation facilities are discussed on Pages 9 - 11 and 37 – 40. From the perspective of the Agency of Transportation (AOT), it is difficult to ascertain whether "existing and planned

infrastructure is adequate to implement the growth center.” The information provided did not address current and future level of service (LOS) at key intersections (for example the Route 5/Sykes Mountain Avenue, Route 5 in vicinity of the I-91 interchange, Route 14/Route 4 and perhaps others) within the proposed Growth Center. LOS data provides a baseline for comparison as volume increases over time. In addition, an evaluation of crash data would also be beneficial for purposes of determining the need for roadway improvements for key intersections and roadway segments within the proposed growth center.

The capital budget and program must support necessary roadway improvements should growth result in reduction of service level at intersections seeing increases in the volume of traffic.

The draft capital budget indicates that sidewalk construction funds will support 1,400 feet of reconstructed sidewalk for each of the next five years. Specific pedestrian and bike projects within the growth center already in the budget are described in the 2/9/10 letter from the Town to the Board. AOT recommends in its written comments on 2/1/10, that the Town aggressively budget to construct new sidewalks to complete connections, between the disparate segments of sidewalks that will be constructed in isolated segments as development occurs. State and federal funding for sidewalks is extremely limited, therefore the Town must be ready to assume funding responsibilities for maintaining existing and constructing new sidewalks.

Based on the information provided, the existing and planned infrastructure is found to be adequate to implement the growth projected for Hartford’s growth center over the next 20 years.

8. Size of Growth Center

the growth center is of an appropriate size sufficient to accommodate a majority of the projected population and development over a 20-year planning period in a manner that is consistent with the definition under subdivision 2791(12) of this title, and that the growth center does not encompass an excessive area of land that would involve the unnecessary extension of infrastructure to service low-density development or result in a scattered or low-density pattern of development at the conclusion of the 20-year planning period. 24 V.S.A. § 2793c(e)(1)(F).

As noted in findings for Section #1 above, the growth center is sized to accommodate a majority of the projected development over the next 20 years. Sewer, water line and transportation extensions are planned to service most parts of the growth center as shown on Figures 3 and 4 and described on pages 9-11. (Note that most of the areas needing new infrastructure to serve undeveloped land were excluded from the approved growth center boundary.) Based on these and other considerations described in the application, the growth center does not encompass an excessive area of land and sufficient provisions are in place to ensure that scattered or low-density development will not result from further investment in infrastructure to parts of the growth center currently without sewer service.

9. Support for Downtown, Village Center or New Town Center

the growth center will support and reinforce any existing designated downtown, village center, or new town center located in the municipality or adjacent municipality by accommodating concentrated residential neighborhoods and a mix and scale of commercial, civic, and industrial uses consistent with the anticipated demand for those uses within the municipality and region. 24 V.S.A. § 2793c(e)(1)(G)(i).

The following designated downtowns and village centers are located in Hartford and surrounding towns: White River Junction (WRJ) in Hartford is a designated downtown, and Woodstock, Norwich and Hartland have designated village centers. Except for Woodstock's village center, which serves primarily as a tourist destination, all the other designated centers primarily serve the local community. New development within Hartford's Growth Center is not likely to affect the vitality of those places.

WRJ's downtown has carved-out a niche in the regional economy as a center for community services, visual and performance arts, offices, education and quality dining. The downtown has not attempted to compete with tax-free retail services available across the border in New Hampshire. A Revitalization Plan has recently been completed to improve the downtown infrastructure and prepare for additional private investment. Downtown vacancy rates are low, even in this economic downturn. The Hartford growth center, including the WRJ downtown is characterized as a regional employment and service center. PAGES 43-45 OF THE APPLICATION.

Outside the designated downtown, but within the growth center, the Industrial/Commercial 2 (I/C-2) zone in the Sykes Avenue area, a wide range of commercial uses are permitted. The downtown is sufficiently healthy and the potential demand for office and cultural uses that could benefit the downtown is high enough to justify allowing a wide variety of commercial uses in the HC and I/C-2 zones without undermining the downtown. These areas will also accommodate uses that would not fit well in a downtown.

The mix and scale of uses proposed within the growth center are consistent with the municipal and regional demand and will support and reinforce the designated centers.

10. Capacity for Growth in Downtown, Village Center or New Town Center

the proposed growth center growth cannot reasonably be achieved within an existing designated downtown, village center, or new town center located within the applicant municipality. 24 V.S.A. § 2793c(e)(1)(G)(ii).

Data that the town collected for the build-out analysis and discussed on pages 44-45 and in Appendix C, shows that within the 45-acre designated WRJ downtown, less than 40,000 square feet is vacant and 22 acres are theoretically available for new development, though developing much of this land would eliminate parking that currently serves businesses that have no on-site parking capacity. SEE DISCUSSION ON PAGE 69. The build-out analysis estimates that about 25% of the total commercial space needs for the next 20 years can be

accommodated within the designated downtown. For reasons described on page 45 of the application, the town shows that this estimate exaggerates the development potential of the downtown. Regardless, a majority of the town's anticipated growth cannot be accommodated in the designated downtown.

11. Definition of Growth Center

A **growth center** contains substantially the following **characteristics**: 24 V.S.A. § 2791(12)(B).

- (i) It incorporates a **mix of uses** that typically include or have the potential to include the following: retail, office, services, and other commercial, civic, recreational, industrial, and residential uses, including affordable housing and new residential neighborhoods, within a densely developed, compact area;
 - (ii) It incorporates existing or planned **public spaces** that promote social interaction, such as public parks, civic buildings (e.g., post office, municipal offices), community gardens, and other formal and informal places to gather;
 - (iii) It is organized around one or more **central places or focal points**, such as prominent buildings of civic, cultural, or spiritual significance or a village green, common, or square.
 - (iv) It promotes **densities of land development** that are significantly greater than existing and allowable densities in parts of the municipality that are outside a designated downtown, village center, growth center, or new town center, or, in the case of municipalities characterized predominately by areas of existing dense urban settlement, it encourages in-fill development and redevelopment of historically developed land.
 - (v) It is supported by existing or planned **investments in infrastructure** and encompasses a circulation system that is conducive to **pedestrian and other non-vehicular traffic** and that incorporates, accommodates, and supports the use of **public transit systems**.
 - (vi) It results in **compact concentrated areas of land development** that are served by existing or planned infrastructure and are separated by rural countryside or working landscape.
 - (vii) It is planned in accordance with the **planning and development goals under section 4302** of this title, and to conform to **smart growth principles**. [See #12 below.]
 - (viii) It is planned to reinforce the purposes of 10 V.S.A. chapter 151 [Act 250].
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Hartford's proposed growth center contains the following characteristics that substantially meet the definition of growth center.

Mix of uses – both the existing and planned development in the growth center include a wide mix of uses as described on page 4 of the application.

Public spaces – public spaces and uses are present throughout the growth center as shown on Figure 2 and described on pages 4-5.

Central places or focal points – focal points and anchoring institutions exist throughout the growth center and are described on page 6.

Densities – as described on pages 6-8, Hartford has successfully updated its zoning to achieve a sharp contrast between relatively high, maximum densities permitted within the growth center, and lower densities outside the growth centers sufficient to maintain rural character.

Infrastructure investments – Sewer and water infrastructure is sufficient to meet the needs of the growth center as described on page 9.

Compact development – Hartford’s 2,005 acre growth center is appropriately compact when considered within the context of the town’s existing land use patterns and its role as a regional center.

Statewide planning goals and smart growth principles – Hartford’s growth center is substantially in keeping with statewide planning goals and smart growth principles.

Act 250 purposes – Act 250’s purposes are reinforced by Hartford’s growth center.

12. Definition of Smart Growth

"Smart growth principles" means growth that: 24 V.S.A. § 2791(13)

- (A) Maintains the **historic development pattern** of compact village and urban centers separated by rural countryside.
- (B) Develops **compact mixed-use centers** at a scale appropriate for the community and the region.
- (C) Enables **choice in modes of transportation**.
- (D) Protects the state's **important environmental, natural and historic features**, including natural areas, water quality, scenic resources, and historic sites and districts.
- (E) Serves to **strengthen agricultural and forest industries** and minimizes conflicts of development with these industries.
- (F) Balances growth with the availability of **economic and efficient public utilities and services**.
- (G) Supports a **diversity of viable businesses in downtowns and villages**.
- (H) Provides for **housing** that meets the needs of a diversity of social and income groups in each community.
- (I) Reflects a **settlement pattern** that, at full build-out, **is not characterized by:**
 - (i) **scattered development** located outside of compact urban and village centers that is excessively land consumptive;
 - (ii) development that **limits transportation options**, especially for pedestrians;
 - (iii) the **fragmentation of farm and forest land**;
 - (iv) development that is **not serviced by municipal infrastructure** or that **requires the extension of municipal infrastructure across undeveloped lands** in a manner that would extend service to lands located outside compact village and urban centers;
 - (v) **linear development along well-traveled roads** and highways that lacks depth, as measured from the highway.

Hartford’s growth center is planned to substantially conform to the smart growth principles as follows.

Historic development pattern – The town has gone to great lengths to maintain the historic development pattern of compact village and urban centers separated by rural countryside through their growth center planning and zoning.

Compact, mixed use centers – Generally the growth center will develop compact, mixed use centers at a scale appropriate to the community and region.

Transportation choice – As described on page 11, much of the growth center is served by significant public transportation through the free, Advance Transit service that links villages, employment centers and the downtown within the growth center as well as with surrounding communities. Existing and planned bicycle and pedestrian investments are sufficient to serve

and connect neighborhoods and uses within the growth center as shown on Figures 4 and 5 in the application.

Important environmental and historic features – Measures for protecting important natural and historic resources within and without the growth center are found to be sufficient.

Agriculture and forest industries – Measures for strengthening agriculture and forest industries and avoiding conflicts with them are found to be sufficient.

Public utilities and services – Planned growth within the growth center is balanced with the efficient provision of infrastructure and public utilities as discussed in findings above.

Diversity of downtown and village businesses – The diversity of downtown and village center businesses will be substantially supported by the growth center as discussed in findings above.

Diversity of housing – A variety of housing types serving a wide range of income groups exists within the growth center, and new housing development is expected to further diversify the housing options as described on page 6 of the application.

Settlement pattern that is not scattered development, limits transportation options, fragments farm and forest land, requires extension of infrastructure across undeveloped land, or linear development – As discussed in all the findings above, the Hartford growth center substantially avoids adverse development patterns at full build-out.

Expanded Downtown Board Approval

The Board concludes that the Town of Hartford has demonstrated that its growth center will meet the statutory criteria for growth center designation as discussed herein. The Town has worked to implement the proposed growth center as envisioned in their application and has demonstrated through their plan and implementation tools that they will concentrate compact development within the growth center and guide over 50% of the town's growth into this area over the next 20 years. The tools are in place to protect important natural and historic resource lands and the Town is conducting the kind of planning expected in the growth center statute.

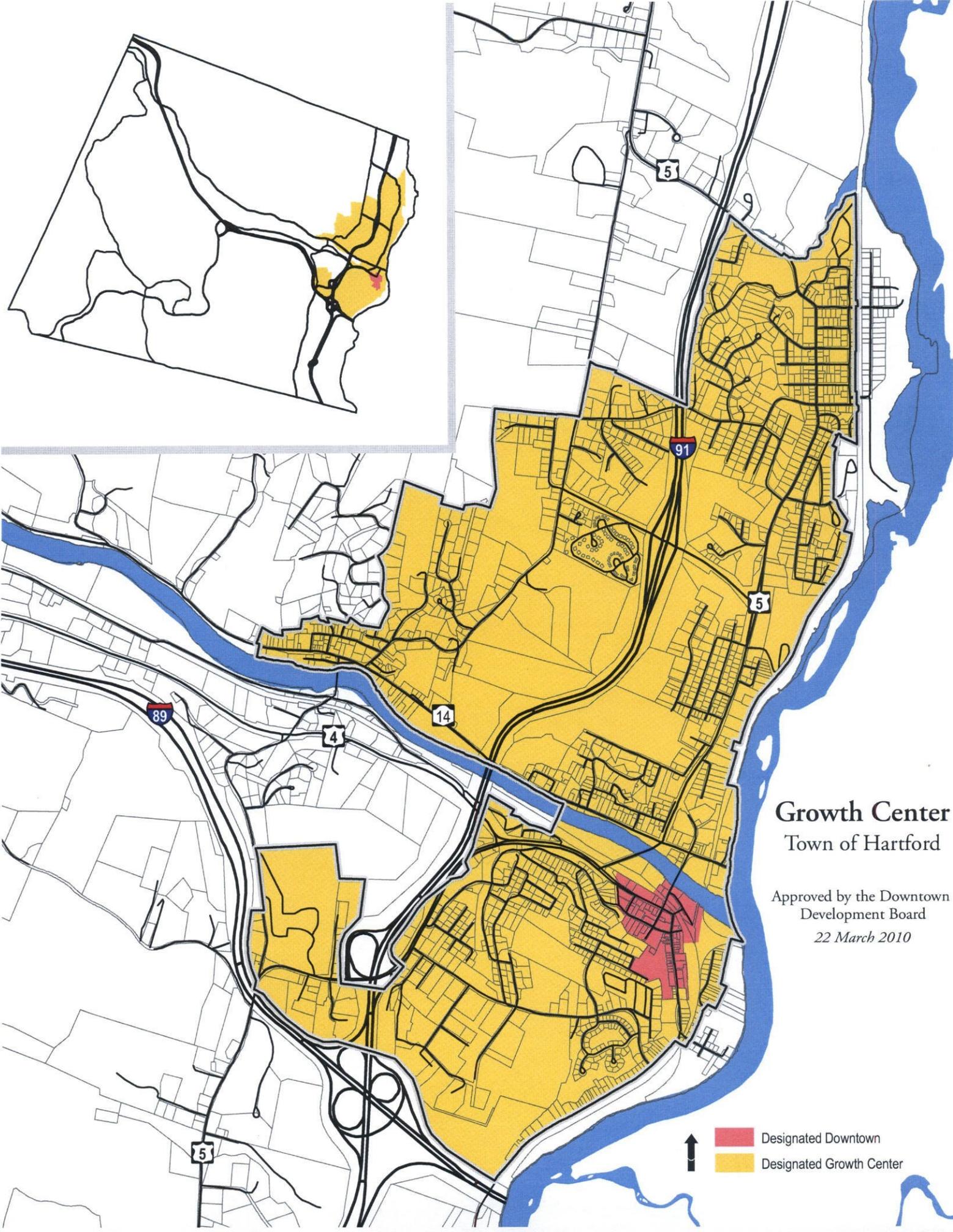
The Board hereby approves Hartford's Growth Center application, based on these findings and conclusions.



 Kevin Dorn, Chair
 Expanded Downtown Board

4/28/10

 Date



Growth Center Town of Hartford

Approved by the Downtown
Development Board
22 March 2010

- ↑ Designated Downtown
- Designated Growth Center