

Municipal Development Plan for the Town of

DERBY, VERMONT

*Derbyvt.org (802) 766-2017*

**2010**

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# ACKNOWLEDGEMENTS

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# HISTORY OF THE TOWN OF DERBY

We take pride in our ancestors' diligence, foresight and hard work in creating this town we call our home. What follows in this section is a brief history of the settlement patterns, agricultural and industrial development.

The Town of Derby shares a border with Canada to the north, with the towns of Holland, Morgan and Charleston to the east, Brownington and Coventry to the south and the City of Newport to the west. It is a landscape of lakes, ponds and streams, some rolling hills and large tracts of level plains. Within its borders Derby contains all or parts of Lake Memphremagog, Clyde Pond, Derby Pond, Salem Lake, Cobb Pond, Brownington Pond and a large number of smaller ponds. Major river courses and tributaries include the Clyde River, Johns River, Tomifobia River, Cobb Brook and many smaller streams. Such an abundance of water played an important part in the growth of the Town and will continue to do so as they constitute a prime recreational resource as well as an abundant source of community water supply.

The main roads running north and south afford views of the Green Mountains to the west and the White Mountains to the east. The Town is located on a series of plateaus, which rise from an elevation of 682 feet at Lake Memphremagog, to 1025 feet at Derby Center to 1740 feet at Nelson Hill in the northeast portion of the Town. The gentle slope of much of the land and the ready availability of water makes development practical, but careful planning will be required to ensure that the natural assets of the community are not degraded in the process.

Settlement has been concentrated in the two villages of Derby Center and Derby Line with smaller concentrations of populations in Beebe Plain and West Derby. The late 20th century trend of second vacation homes has resulted in densely settled lakeshore areas. Throughout the remainder of the Town large and small dairy farms, diversified farms, widely scattered home sites and large swaths of forestland are found. Sections of wetlands along some streams have not been developed and there is much open land between the existing roads, some used as pasture and hay land, some in managed woodlots and much left in its wild state.

Long occupied by the Algonquin tribes, the area now known, as Derby was first settled by Europeans in the middle of the 18th century and was chartered as a town in 1779. It grew rapidly since the land was suitable for farming, settlement and cross border trade and in 1880 Salem was annexed to the Town. Commerce and industry were concentrated in the Villages, but logging, cattle farming, sugaring and diversified farming were important livelihoods in the rural countryside.

The Village of West Derby was incorporated in 1848. At the time West Derby was first settled the City of Newport and West Derby were separated by water. In 1832 both the City and Village constructed the first of several bridges across the swampland and water to connect Newport with the town of Derby. In 1918 Newport annexed West Derby with the Town's approval. The Town of Derby now occupies an area of approximately 37,696 acres of land including the two remaining incorporated villages of Derby Line and Derby Center.

Derby Line occupies approximately 575 acres of the Town of Derby. According to historical records it was first settled in 1798 and grew rapidly as a border village where trade with England could be conducted through the Canadian province of Quebec. Its role as a trade center and port of entry has given the village an international character a quality maintained up to the present

era. Derby Line is unique with the Haskell Library and Opera House, which straddles the border of both the United States and Canada. A number of homes lie on the border as well, with portions of many of the residences divided between the two countries. Where once Main Street contained a tannery, distillery, foundry and slaughterhouse, it now consists of the US Customs House, stores, post office and village service facilities.

The Village of Derby Center, settled in 1794, now occupies approximately 820 acres and is truly located in the very center of the Town of Derby midway between the City of Newport and the Village of Derby Line. By 1850 the village contained eight sawmills, two gristmills, a tannery and shingle mill made feasible by the abundant waterpower provided by the Clyde River. The landscape changed from forest to pasture as settlers cleared land, these industries disappeared and now the Village remains as a traditional center with schools, stores, services and Village and Town Offices.

Dairy farming, the mainstay of Derby's agricultural industry, has been in gradual decline since the 1950's. Farmland has been redeveloped and, as has been the statewide trend, dairy farms have been consolidated into larger units. In 1974 there were 141 dairy farms in Derby, in 1990 about 55, and now there are 12 active dairy farms. Other types of diversified farming have begun to gain prominence including beef, sheep, honey, truck farming, elk, Christmas trees and maple sugaring. Forestlands are important to the Town of Derby for many reasons. They provide wildlife habitat, watershed protection, recreation space and scenic vistas. Forests also provide a source of renewable wood products including firewood, lumber and fence posts. Logging, an important source of income for many residents, depends on a healthy forestland to economically support many of Derby's families.

Historically agriculture has been the economic driver of the Town of Derby. In recent years agriculture has been supplanted by other economic activities, which reflect Derby's evolution toward a mixed balance of agriculture, trade, services and industry. Derby's geographic location on the international border along with access to a modern interstate highway positions the Town of Derby to take advantage of the free trade agreements between the US and Canada. Increasingly Derby has become a favored location for second homes, which has increased demand for home sites, driven development of shoreland zones and given rise to increased land values. Derby is also experiencing rapid growth in the service and retail sectors. Derby is already the largest town in Orleans County. Wise planning and management will be required if Derby is to absorb the increasing growth while taking advantage of its opportunities.

# INTRODUCTION TO THE PLAN

This Town Plan is intended to preserve, protect and enhance the many positive attributes of the Derby community and prevent or minimize adverse impacts on its residents. The Town Plan is the Town of Derby's foundation document for the next five years, created under the Vermont Municipal and Regional Planning and Development Act, Title 24 VSA Chapter 117. The purpose of the Town Plan is to promote the general health, safety and welfare of the Town of Derby.

The Plan shall be implemented in a variety of ways; the Town shall apply these goals and policies stated herein when formulating policy, adopting capital improvement plans, amending the Unified Development Bylaw or considering development projects. A well considered plan can put the Town on the path to responsible economic development and sound fiscal health while insuring that it is a good neighbor to surrounding towns and a working partner in future State and Federal initiated development. The Town shall adopt a series of fiscal initiatives that will allow it to begin planning and implementing investments in infrastructure essential to orderly responsible development. We must refine the strategic planning process to take advantage of non-regulatory planning and public finance tools available through VSA Title 24 Chapter 117 such as Tax Increment Financing and Impact Fees. The Town shall promote the recruitment of environmentally friendly industry to expand the economic base and provide quality employment by marshalling all available Federal, State and Local resources.

This Plan is best implemented with proper financial planning, sound land use planning practices and by building a diversified economic base through quality development. Town residents are an integral part of this Plan and should look forward to a stable tax rate, convenient services, growth in quality employment opportunities and an expanding diversified tax base resulting in a constantly improving quality of life.

The Planning Commission is grateful for the input received from Town and Village officials, departments and interested citizens who gave their time and effort in participating in the development of this Plan.

# COMMUNITY PROFILE

## POPULATION

	<b>Derby</b>	<b>Orleans County</b>	<b>Vermont</b>
Estimated Population, 2007	4,823	27,302	621,254
Total Population, 2000	4,604	26,277	608,827
...that is Under 18 Years of Age	1,252	6,608	147,523
...that is 65 Years of Age and Over	695	3,952	77,510
...that is Female	2,307	13,234	310,490
...that is Male	2,297	13,043	298,337
Median Age, 2000	38.90	39.30	37.70
Population Density (Persons per Sq. Mi.), 2000	92.76	37.66	65.82
Total Population in Urban Areas, 2000	0	4,846	232,448
Total Population in Group Quarters, 2000	23	707	20,760
Absolute Population Change, 1990-2000	125	2,224	46,060
Percent Population Change, 1990-2000	2.79%	9.25%	8.18%
Natural Increase, 1990-2000	124	468.25	23,071
Annual Births, 2004	39	289	6,597
Annual Deaths, 2004	42	275	4,989
Total Population 5 Years and Older, 2000	4,347	24,813	574,842
...Lived in U.S. five years ago	1,522	8,670	227,850
...in Different Town or City five years ago	1,488	7,691	199,432
...in Different County five years ago	465	3,591	105,857
...in Different State five years ago	268	2,009	69,748
...Lived Outside U.S. five years ago	29	238	7,393
...Net (domestic) Migration, 1995-2000	122	30	2,254

Derby's population grew by an estimated 219 persons between 2000 and 2007 for an average yearly growth rate of 0.7%. If this trend remains constant, Derby's projected population will be approximately 4,925 persons by the year 2010. Net in-migration is accounting for an increasing percentage of Derby's population growth and the impact of the projected tripling of Department of Home Land Security personnel assigned to facilities in Derby is currently an open question. Seasonal residents add approximately 800 persons during the summer season.

**ECONOMY**

	<b>Derby</b>	<b>Orleans County</b>	<b>Vermont</b>
<u>Median Household Income, 1999</u>	<u>\$35,313</u>	<u>\$31,084</u>	<u>\$40,856</u>
<u>Median Family Income, 1999</u>	<u>\$39,688</u>	<u>\$36,630</u>	<u>\$48,625</u>
<u>Per Capita Income, 1999</u>	<u>\$17,192</u>	<u>\$16,518</u>	<u>\$20,625</u>
<u>Median Adjusted Gross Income per Family, 2005</u>	<u>\$42,980.00</u>	<u>\$37,939.00</u>	<u>\$52,682.00</u>
<u>Average Adjusted Gross Income per Person, 2005</u>	<u>\$18,965.19</u>	<u>\$17,069.98</u>	<u>\$22,327.37</u>
<u>Annual Average Wage, 2006</u>	<u>\$32,970</u>	<u>\$28,357</u>	<u>\$35,535</u>
<u>Median Earnings, 1999</u>	<u>\$19,840</u>	<u>\$18,132</u>	<u>\$21,497</u>
...Male	\$24,635	\$22,946	\$26,445
...Female	\$11,994	\$13,245	\$17,092
<u>Total Retail Receipts (Taxable), Fiscal Year 2005</u>	<u>\$47,339,510</u>	<u>--</u>	<u>\$4,873,450,827</u>
<u>Civilian Labor Force, 2005</u>	<u>2,640</u>	<u>14,450</u>	<u>355,900</u>
...Employed	<u>2,530</u>	<u>13,750</u>	<u>343,500</u>
...Unemployed	<u>110</u>	<u>700</u>	<u>12,400</u>
...Unemployment Rate	<u>4.10</u>	<u>5.00</u>	<u>3.50</u>
<u>Persons for Whom Poverty Status was Considered, 2000</u>	<u>4,598</u>	<u>25,492</u>	<u>588,053</u>
...in Poverty, 1999	<u>471</u>	<u>3,587</u>	<u>55,506</u>
...under 5 years old	<u>76</u>	<u>325</u>	<u>4,476</u>
...5 to 11 years old	<u>54</u>	<u>491</u>	<u>7,013</u>
...12 to 17 years old	<u>39</u>	<u>416</u>	<u>5,106</u>
...18 to 64 years old	<u>242</u>	<u>1,961</u>	<u>32,694</u>
...65 to 74 years old	<u>23</u>	<u>174</u>	<u>2,785</u>
...75 Years and Over	<u>37</u>	<u>220</u>	<u>3,432</u>
<u>Families for Whom Poverty Status was Considered, 2000</u>	<u>1,374</u>	<u>7,213</u>	<u>158,684</u>
...in Poverty, 1999	<u>121</u>	<u>763</u>	<u>9,925</u>
...with Related Children Under 18, 1999	<u>106</u>	<u>582</u>	<u>7,788</u>
<u>Total Persons in Reach-Up Program (formerly ANFC), 2005</u>	<u>83</u>	<u>649</u>	<u>11,410</u>
<u>Families in Reach-Up Program (formerly ANFC), 2005</u>	<u>36</u>	<u>257</u>	<u>4,573</u>
<u>Total Persons Receiving Food Stamps, 2005</u>	<u>411</u>	<u>3,581</u>	<u>46,416</u>
<u>Households Receiving Food Stamps, 2005</u>	<u>202</u>	<u>1,741</u>	<u>23,080</u>
<u>Households for whom public assistance income was considered, 2000</u>	<u>1,859</u>	<u>10,475</u>	<u>240,744</u>
...with Public Assistance Income, 1999	<u>123</u>	<u>737</u>	<u>11,610</u>

As of 1999 median family income for the Town of Derby was 81.6% of the state median family income Derby's median family income for the same period was 108.3% of county median income. The poverty rate for Derby in 1999 was 10.24%, which compares to 9.43% for the state and 14.07% for Orleans County. Of those classified as living in poverty, children under the age of eighteen accounted for 36% and persons over the age of sixty-five accounted for 13%.

\*Information per Vermont Public Information Center

# GENERAL GOALS AND OBJECTIVES

General goals have been developed to reflect the desires of the local community. These goals are designed to create a balance among the desire to allow for a reasonable rate of growth, the retention of the community's village centers as traditional scale mixed residential and commercial zones, protection of shorelands and wetlands, agriculture and special scenic areas. Objectives are the implementation of our goals and the milestones against which our progress should be measured and include the following items:

- A) Preserve the integrity of the environment balanced against the protection of the property and stakeholder rights of all present and future citizens.
  - 1) Develop a wetland, shoreland and riparian inventory and mapping.
  - 2) Preserve the working landscape in rural areas.
  - 3) Identify scenic, rare or irreplaceable areas for preservation.
  - 4) Create a Conservation Commission.
- B) Locating environmentally friendly industry and business in Derby. Diversify the tax base and enhance Town payrolls.
  - 1) Identify and prioritize key industries and implement policies to support them.
  - 2) Actively promote environmentally friendly industry.
  - 3) Promote the synergies of local natural resources, international border location and Town policy, which is friendly toward environmentally sound industry.
- C) Insure the lifelong education and enhancement of job skills of both children and adults.
  - 1) Continued support for early childhood education programs and affordable quality childcare.
  - 2) Support policies and plans to continue high levels of public school quality and to expand capacity when and if the need arises.
  - 3) Continue support for the North Country Career Center.
  - 4) Provide incentives for institutions of higher learning, research facilities and research & development firms to locate in Derby's industrial and commercial industrial zones.
  - 5) Continue support for the local library system.
  - 6) Continue support for increased Internet access and bandwidth and wireless telecommunications service.
- D) Plan and execute infrastructure projects in a thoughtful and timely fashion in order to absorb expected industrial and commercial development and to meet the needs of a growing population.
  - 1) Develop a plan for increasing available sewer capacity.
  - 2) Participate in the implementation of Northeastern Vermont Development Association Route 5 Corridor Plan.
  - 3) Develop the street grid in the commercial center.
  - 4) Identify town roads under increasing traffic burdens and adopt capital policies to implement remedial upgrades.
- E) Meet the housing needs of an expanding workforce in a period of increasing land values and construction costs regardless of wage levels in quality housing that does not erode the property tax base.
  - 1) Continue the equal treatment of single and two family dwellings.
  - 2) Develop incentives for the redevelopment of non-conforming mobile home parks into multi-family housing complexes.

- 3) Develop land use policies and zoning regulations that decrease per unit land costs of affordable housing.
- F) Conserve the appearance and preserve the traditional scale of our historic village centers.
- 1) Develop integrated master plans for the village centers.
  - 2) Adopt village design control regulations and districts.
  - 3) Seek and maintain village center designation where appropriate.
- G) Promote and provide for the public health, safety and welfare.
- 1) Assure the adequacy and quality of fire protection.
  - 2) Monitor the effectiveness of leased police services.
  - 3) Monitor the effectiveness of EMS services.
  - 4) Assess the adequacy of the Source Protection Overlay Zone in the protection of the quality of public drinking water and take remedial action if necessary.
  - 5) Accurately map flood hazard areas and create a flood plain overlay zone.
  - 6) Continue to support resources to better meet community needs to include availability of mental health resources for all.
- H) Protect and enhance the quality of life for all of Derby's residents.
- 1) Identify and map legal trails and enhance public rights of way to develop and promote a system of hiking, cross country skiing, snowshoeing trails, and other organized recreational activities and assure public access to public waters.
  - 2) Assess the adequacy of public parks and other Town amenities and work with the business community, school board and the villages to address any identified deficiencies.
  - 3) Promote and enhance local arts, entertainment, culture and history.

Implementing our goals and achieving our objectives will require an integrated and unified effort by all Town Departments, Selectboard, the Planning Commission, proposed Conservation Commission, Recreation Committee, the Derby Town School District, the Boards of Trustees of the Villages of Derby Line and Derby Center and, most importantly, the citizens of the Town of Derby.

# **PROTECTION OF THE ENVIRONMENT AND RARE AND IRREPLACEABLE AREAS**

## **PROTECTION OF THE ENVIRONMENT**

A principle goal of the Town of Derby is the proper use of the land and its other natural resources. Our land is among the most picturesque in the Northeast Kingdom and is an important asset and of limited quantity. Our resources are the root of our vitality and quality of life. Preserving our natural resources will ensure that future generations will experience a positive quality of life. The town supports appropriate programs that will maintain and enhance the quality of the natural resources we have today. We want to assure that all residents of Derby have pure drinking water.

The Town is dedicated to the preservation of undeveloped woodlands and open spaces within the Town and Village woodlots. These areas help maintain a healthy population of wildlife and contribute to our Town's rural character. These spaces furnish our children with spaces to learn about and appreciate the natural world. Sound forest management techniques and wise management of all land resources are encouraged.

## **PROTECTION OF RARE AND IRREPLACEABLE AREAS**

The Town of Derby contains miles of shoreline along its lakes, a unique interior drainage basin around Cobb Pond, thousands of acres of woodlands, wetland and riparian areas, working farmland and valuable viewsheds. Many of these assets are under increasing development pressures. The identification, classification and mapping of these areas must be accomplished before a comprehensive plan of protection can be formulated and implemented. The State of Vermont has provided extensive regulatory and non-regulatory tools for the protection of these areas.

The historic village areas provide a traditional scale urban environment that is difficult to replicate once lost. Development and redevelopment in the village areas must be respectful of existing settlement patterns and building scales. Our village areas represent lands with the best-developed infrastructure, highest housing densities and pedestrian friendly streetscapes. Therefore a balance must be struck between the preservation of the village qualities while allowing new housing and small-scale commercial development.

## **SPECIFIC GOALS AND OBJECTIVES**

Below are the specific issues the Town identified for attention and our goals and implementation objectives in addressing them:

- A) Protect the quality of ground water. Ground water is difficult to purify once it is contaminated, therefore steps should be taken to protect public and private water supplies to protect the health of our citizens.
  - 1) The Source Protection Areas for the public water supply systems should be examined for effectiveness and expanded if necessary.
  - 2) Key aquifer recharge areas and watersheds should be identified and mapped for protection.

- 3) Identification by the Town Health Officer of failed septic systems per 18 VSA 126-128 and 613(B).
- B) Solid waste management. The Town of Derby is a member of the Northeast Kingdom Waste Management District, and works cooperatively with the District to manage the solid and hazardous wastes in accordance with the District's solid waste implementation plan. A recycling and hazardous waste plan is on file in the Town Clerks office.
- 1) The Town shall work with NEKWMD to ensure the adequacy of our recycling facility.
  - 2) The Town of Derby encourages reducing the volume of solid waste material disposed of in the regional landfill by supporting solid waste recycling.
  - 3) The recycling and hazardous waste plan shall be reviewed and if necessary updated.
- C) Lakes and streams. Clean water is essential for a healthy environment. The quality of our lakes and streams need to be preserved.
- 1) Property owners are encouraged to preserve a buffer of natural vegetation along all lakes and streams.
  - 2) Zoning regulations shall be reviewed and updated to require delineation and protection of lake and stream buffer areas as part of plat and site plan reviews.
  - 3) Zoning regulations shall be reviewed and updated to require delineation and protection of lake and stream buffer areas as part of plat and site plan reviews.
  - 4) All options for the purchase and transfer of development rights in order to conserve riparian and lakeshore lands need to be explored.
- D) Wetlands and remote areas. Wetlands provide wildlife habitat, fish nurseries, flood and stormwater control and protection of subsurface water resources. These areas are vital to the maintenance of water quality in our lakes and streams. Remote areas also provide essential wildlife habitat and scenic qualities.
- 1) Wetlands and essential wildlife habitat areas need to be inventoried and mapped.
  - 2) Zoning regulations shall be reviewed and updated to require delineation and protection of wetlands and essential wildlife habitat areas as a part of plat and site plan reviews.
  - 3) Create a Conservation Commission.
- E) Air quality. While air quality is currently not an issue we must plan for the future to ensure that we maintain clean air for generations to come.
- 1) Activities, industries and projects that substantially degrade air quality will be discouraged and existing forests maintained.
  - 2) The planting of new trees and the preservation of existing trees and forests are encouraged.
  - 3) The Town and Village shall continue to employ sound forestry practice in the maintenance of its forestlands.
  - 4) The Planning Commission may review and amend the Zoning Bylaw to account for air quality issues.
- F) Village preservation. Our villages require care and attention if they are to remain relevant in this century. The small traditional scale of the commercial districts and pedestrian friendly streetscapes are difficult to maintain in this automobile driven era but are well worth the effort.
- 1) The Planning Commission shall continue to regulate uses and scale through the zoning bylaw.
  - 2) The villages shall investigate the formation of design control and historic preservation districts.

- 3) The Planning Commission shall cooperate with the villages in the formulation of village master plans.

These goals will require the cooperative efforts of the Village Trustees, Planning Commission, Select Board, current and future advisory boards and commissions and especially the citizens of Derby through their active involvement in the planning process.

# LAND USE

The use of land for different types of activities is predicated on many factors including soil types, topography, proximity to other existing land uses and road access. The Zoning map is the development guide for the Town. Current settlement patterns and commercial uses, as well as current zoning designations were taken into consideration in the development of this map. The existence of a guiding Zoning Map will help Derby avoid sprawl and other undesirable growth patterns that occur when spot development prevails.

Municipal services consisting of water and sewer provision are essential for planned industrial, commercial and high-density residential growth and development. The Villages of Derby Line along with Stanstead Quebec and Derby Center control and operate these municipal services. Central service provision allows for the efficient use of commercial and high-density residential lands, providing compact use patterns and thus avoiding large scale on site systems that serve to spread out development and reinforce our over-dependence on automobile transportation and its attendant increases in traffic and congestion.

It is the goal of this plan to locate large-scale retail, commercial and high-density residential development within sewer and water service districts on class one lots whenever feasible. The Town shall work with these municipal services to plan and control growth. Extension of service districts to include all commercial and industrial land should be considered. The Town shall work with the Villages of Derby Line and Derby Center and the City of Newport to establish clearly defined service areas and to make allocation available in a controlled fashion.

A current issue for the Town of Derby is an over reliance on single family residential uses for the bulk of its property tax base. The commercial development now taking place in Derby has alleviated this situation somewhat; however, the industrial sector is under-developed. It is a goal of this plan to balance our tax base between residential, commercial and industrial uses in order to stabilize property tax rates, provide quality employment opportunities and to provide funds for the upgrade and construction of needed infrastructure.

The Planning Commission and Select Board shall consider Tax Increment Financing mechanisms and special overlay districts in order to provide funding for the infrastructure that will be required to support a developing industrial sector. The Select Board shall work with local and state trade and business organizations, state and federal agencies to promote environmentally friendly industries for location in our industrial and commercial-industrial districts. The following sections detail our land use elements and our specific goals for each of them.

## *LAND USE ELEMENTS*

### **INDUSTRIAL AND COMMERCIAL-INDUSTRIAL**

Derby contains three areas designated for industrial uses and commercial uses that support industrial activities. Good highway access and existing or potential water and sewer services are major considerations. While a variety of manufacturing and office uses will be permitted, the Town places great emphasis on minimizing adverse impacts including but not limited to noise, vibration, dust, odor, heat, light or glare. Industrial uses shall provide appropriate

buffering and mitigation for adjoining properties. Specific problems, goals and objectives for our industrial and commercial-industrial districts:

The Village of Derby Line is located on the border and in the core of the village; the commercial-industrial zone in Derby Line is in the most urbanized and densely settled location of Derby's industrial districts. Tivoly Inc occupies this district in buildings that were built in the first half of the 20<sup>th</sup> century that straddle the U.S.-Canadian border. As these building continue to age, redevelopment of this property may become necessary. Our goal for this district is to preserve existing jobs and to encourage expansion or redevelopment to create new jobs; our objectives to achieve this goal are:

- A) The Planning Commission shall work with the Trustees of Derby Line to formulate a Village master plan that recognizes the positive influence a strong industrial base has on the community.
- B) The Select Board shall work with state and federal agencies, local business organizations, and the banking community to identify and promote appropriate incentives to encourage job expansion in the district.

Quarry Road is currently occupied by a wood mulch and processing operation. This district generates considerable truck traffic on the Quarry Road. It is the sole district zoned purely industrial. This district is not served by central water and sewer services and present industrial activities do not require them. Our goal for this district is to maintain its viability as an industrial center. Our objectives to achieve this goal are:

- A) The Road Department shall examine the adequacy of public road access to the district and the weight capacity of the road network.
- B) The Planning Commission shall examine options for the industrial redevelopment of the district should the need arise.

Citizens Road-located off I-91 exit 27 and VT Route 191, good highway access is the outstanding feature of this commercial-industrial district. While transportation assets are well developed, central sewer and water services do not currently extend into the area. A mix of contractor facilities, utility operations, and light manufacturing plant, daycare center and a border patrol station occupies the district. Much land appropriate for commercial-industrial development remains open. Our goal for this district is the development of a high tech light industrial and commercial center to provide quality employment and diversify the tax-base. Our objectives to achieve this goal are:

- A) The Planning Commission and Select Board shall work with state and federal agencies and telecommunication firms to insure that the Town, in general and this district specifically, has access to the most up to date Internet connections.
- B) The Select Board shall take the steps necessary for the activation of the TIF district in order to capture funding for infrastructure development.
- C) The Planning Commission shall use site plan review criteria to insure the orderly and well-integrated development of the district.
- D) The Select Board shall work with the local business and banking community, state and federal agencies to identify and promote appropriate industrial enterprises for location in the district.

## COMMERCIAL

Derby contains three distinct commercial districts; Port of Entry in and around the I-91 border crossing, Village Corridor on US Route 5 between the villages of Derby Center and Derby Line and the Newport-Derby Commercial Corridor extending from within the Village of Derby Center along US Route 5 to the Newport city limit. These districts provide areas for large-scale retail and commercial operations and the highest density multi-family residential uses. In order to promote the efficient use of commercial land and prevent sprawl, all commercial uses within sewer service districts shall utilize central wastewater disposal services. Through the site plan review process the Planning Commission shall ensure that developers of commercial properties pay their fair share of the costs of infrastructure improvements and that development and redevelopment of commercial property is integrated with the goals of this plan and surrounding development. Multi-family developments within commercial districts shall provide a high quality of life and easy access to commercial services and employment. The specific problems, goals and objectives for each of our commercial districts are:

Port of Entry - The purpose of this district is to provide lands for commercial operations that provide services to Federal agencies that control the border and engage in services that involve international trade. Of special concern is the proposed expansion of the Port of Entry federal facility on I-91 the size of which is still uncertain, the provision of central water and sewer services and the adequacy of the road system to handle increased traffic burdens. Our goal for this district is to develop an integrated international trade services center. Our objectives to achieve this goal are:

- A) Continued engagement in the Federal planning process for the projected expansion of the Port of Entry.
- B) The Planning Commission shall work with the Village of Derby Line Trustees in establishing Sewer Service District boundaries.
- C) Consider a TIF District to include the Port of Entry district to help finance needed infrastructure improvements.
- D) Work with the Village of Derby Line Trustees, local commercial and banking community, state and federal agencies and local business organizations to identify and actively promote targeted business enterprises for location in the district.
- E) The Planning Commission shall work with the Village of Derby Line Trustees to draft a master plan for the Port of Entry commercial district.

Village Corridor - The purpose of this district is to provide locations for commercial and service operations larger than 10,000 square feet that serve local industries, forestry, agriculture, and locations for large scale multi-family housing in an area in close proximity to the village centers. Of special concern is access management onto US Rte. 5, the lack of central sewer and water services. Our goal for this district is for multi-use PUD style development integrating commercial, office and multi-family uses in a pedestrian friendly landscape consistent with the adjacent village centers. Our objectives to achieve this goal are:

- A) Provide incentives for owners and developers of large parcels in the Corridor to use PUD provisions to engage in multi-use projects to reduce the possibilities of sprawl.
- B) The Town encourages the Villages to expand their wastewater systems to service this area.

- C) Work with Vtrans to develop a comprehensive access management plan to reduce access points and rationalize an interior road network.
- D) The Planning Commission shall work with property owners in the Corridor to master plan development in the district.

Newport-Derby Commercial Corridor - The purpose of this district is to provide locations for large-scale automobile served retail and commercial operations that serve the regional area and, to provide for the housing of employees of those operations in close proximity to employment, shopping and services. Of special concern is the capacity of US Route 5 to handle increasing traffic burdens, the capacity of central wastewater disposal and the prevention of sprawl through the efficient use of commercial lands. Our goal for this district is the development of an efficient, pedestrian friendly and pleasant regional retail and commercial center. Our objectives to achieve this goal are:

- A) Cooperate with the Village of Derby Center and the City of Newport to ensure sufficient sewer allocation to sustain planned growth and development.
- B) Work with Vtrans and NVDA to implement the recommendations of the Route 5 Corridor Plan.
- C) Require all commercial development in the sewer service area to utilize central services if allocation is available.
- D) Use TIF District mechanisms when appropriate to finance required infrastructure upgrades.
- E) Encourage develop in depth away from US Rte. 5 through the development of a street grid for the district using site plan conditions and official map provisions.
- F) Develop PUD incentives for the provision of affordable housing for Newport-Derby Commercial Corridor employees.
- G) The Planning Commission shall develop a master plan for the Newport-Derby Commercial Corridor.

## VILLAGE DISTRICTS

Derby contains two incorporated villages; the Village of Derby Center and the Village of Derby Line. Both villages operate municipal water and sewer service systems and Derby Center provides central services outside the Village limits to the Newport-Derby Commercial Corridor, from the interstate to the Newport City limits. The settlement patterns, economic development and planning issues of our villages have diverged significantly over the years and in 2004 separate village district designations were developed for each of them.

## VILLAGE COMMERCIAL-DERBY CENTER

The Village Commercial District in Derby Center has a range of traditional mixed land uses. These include commercial enterprises, such as retail establishments, restaurants, lodging, and business and professional offices. Civic, governmental and residential uses are also present. The voters of Derby Center Village passed a resolution in 1992 stating that zoning on Main Street should remain Village Commercial and village scale commercial operations should be preserved. In 2004 Bylaw provisions were adopted that limited permitted commercial uses to 10,000 square feet. Our goal for this district is the preservation of mixed commercial and residential uses in a traditional village setting and scale. Our objectives to achieve this goal are:

- A) Work with the Village of Derby Center to delineate and draft regulations for a design control district.
- B) The Planning Commission shall use site plan review criteria to closely enforce the 10,000 square foot limit on commercial uses.
- C) Work with the Village of Derby Center to formulate a master plan for the Village.

### **VILLAGE COMMERCIAL-DERBY LINE**

In Derby Line, the Village Commercial District has been declining for a number of years. Many retail establishments have closed, leaving behind empty storefronts and a loss of basic goods and services. Residential land uses have gradually replaced commercial uses and are starting to dominate the Village Commercial District. This trend has been stemmed in part through zoning provisions that prohibit residential uses on street level spaces. The citizens of Derby Line have clearly stated the desire to maintain the urban core and village scale and permitted commercial uses are limited to 5,000 square feet. An urgent issue is the routing of overweight trucking through the village core that damages infrastructure, endangers the foundations of historic buildings and congests narrow village streets. Our goal for this district is the preservation of the historic village downtown; our objectives to achieve this goal are:

- A) The Village of Derby Line Board of Trustees and the Derby Select Board shall continue to work with Vtrans, the federal Department of Transportation and Vermont's congressional delegation to re-route overweight trucking out of the village core.
- B) Work with the Village of Derby Line to delineate and draft regulations for a design control district.
- C) The Planning Commission shall use site plan review criteria to closely apply the 5,000 square foot limit on commercial uses and the prohibition on street level residential uses.
- D) Work with the Village of Derby Line to formulate a master plan for the Village.

### **DERBY CENTER RESIDENTIAL DISTRICTS**

#### **Village Residential-Derby Center**

This area is primarily for one and two family dwellings with public utilities provided or proposed. The residents of Derby Center have made clear the desire to restrict the commercialization of Main Street and only home occupation and residential businesses are to be established in this zone. Our goal for this district is to maintain residential uses and protect the historic village scale and architecture. Our objectives to achieve this goal are:

- A) The Village of Derby Center Board of Trustees shall work with the Planning Commission and Select Board to delineate and draft regulations for a design control district.
- B) The zoning provisions of the Unified Development Bylaw shall be reviewed and closely applied by the Planning Commission to prevent the conversion of residences to commercial uses.
- C) The Village of Derby Center Board of Trustees shall work with the Planning Commission to formulate a master plan for the village.

#### **Village Residential-Multi-Family Derby Center**

The purpose of this district is to provide areas designated for multi-family residential uses in locations that can support higher densities with public or community utilities provided. The bulk of lands in this district are currently undeveloped, held in large parcels, and there are excellent opportunities for planned unit developments. Our goal for this district is the provision of diverse housing at a target density of twenty dwelling units per acre. Our objectives to achieve this goal are:

- A) The Planning Commission shall work with the Select Board to implement official map provisions to plan a future street grid for the district.
- B) The Village of Derby Center Board of Trustees shall work with the Planning Commission to formulate a master plan for the Village.
- C) The Planning Commission shall apply PUD provisions where appropriate to achieve target density.

## **DERBY LINE RESIDENTIAL DISTRICTS**

### **Village Residential-One Derby Line**

The purpose of this district is to preserve one and two family dwellings on lots with public utilities provided and to preserve the historic streetscape and density. As such, only home occupation and residential businesses are to be the only allowed commercial uses. Our goal for the district is to preserve the historic village scale, streetscape and architecture. Our objectives to achieve this goal are:

- A) The Village of Derby Line Board of Trustees shall work with the Planning Commission and Select Board to delineate and draft regulations for a design control district.
- B) The Village of Derby Line Board of Trustees shall work with the Planning Commission to formulate a master plan for the Village.

### **Village Residential-Two Derby Line**

The purpose of this district is to address the problems associated with historically pre-existing small residential village lots with the goal of preserving the village streetscape while protecting the rights of property owners to engage in residential uses. Our objectives to achieve this goal are:

- A) The Planning Commission shall prevent the further shrinking of residential lots through close application of minimum lot sizes.
- B) The Zoning Department shall closely apply maximum lot coverage regulations on all proposed construction.

## **TOWN OF DERBY RESIDENTIAL DISTRICTS**

The goal of the Town of Derby residential districts is to provide a variety of housing options to the residents of Derby at densities appropriate to the character of the neighborhood and the capacity of the land to support those densities, due to state housing provisions requiring the equal treatment of one and two family dwellings densities are specified for both structures and dwelling units. Our specific district zones and target densities are:

### **RESIDENTIAL HIGH DENSITY**

This district is designated for the most intense residential uses including semi-detached one family dwellings and apartment houses. All uses, with the exception of one and two family dwellings, are required to be located on class 1 lots. Dwelling unit densities shall not exceed twenty per acre.

#### **RESIDENTIAL MEDIUM DENSITY**

This district is designated for moderately intense residential uses in areas with proximity to village and commercial growth centers. All uses, with the exception of one and two family dwellings, are required to be located on class 1 lots. Dwelling unit densities shall not exceed ten per acre.

#### **RESIDENTIAL ONE ACRE**

This district is designated for predominantly residential uses in rural settings, which are served by all-season roads. Since public water and sewer services usually will not be available, the lots should be of sufficient size and soil quality to facilitate on site provision of water and sewage disposal. Dwelling unit densities shall not exceed two per acre or one dwelling structure per acre.

#### **RESIDENTIAL TWO ACRE**

This district is land designated for predominantly residential, seasonal dwelling, agricultural and forestry uses in areas of currently low densities and levels of town service but have high potential for future residential development. Since public water and sewer services are not available the lots should be of sufficient size and soil quality to facilitate on site provision of water and sewage disposal. Dwelling unit densities shall not exceed one per acre or one dwelling structure per two acres.

#### **TOWN OF DERBY RURAL DISTRICTS**

The goals of Town of Derby rural districts are to preserve the working landscape and protect areas with fragile ecosystems and low carrying capacity. Our objectives are to allow the lowest densities and require the largest possible parcel sizes to maintain the economic viability of agricultural and forestry uses.

#### **RURAL RESIDENTIAL**

This district is designated for predominately agricultural, forestry and the least intense residential and seasonal uses. Since public water and sewer services are not available, lots shall be of sufficient size and soil quality to provide for on site provision of water and sewage disposal. This district shall provide for major areas of agricultural and forestry uses and dwelling unit densities shall not exceed one per two and one half acres or one dwelling structure per five acres.

#### **SPECIAL LANDS**

This district is designated for lands with the least carrying capacity for development as it is mountainous, extensive wetland, has poor access, shallow soils or located in environmentally sensitive areas. Forestry and outdoor recreation uses are preferred in this district and

dwelling unit densities shall not exceed two per five acres or one dwelling structure per ten acres.

## **Town of Derby Shoreland District**

**(This section needs to be drafted)**

### **PUBLIC LANDS**

Public lands are those lands held in fee by some body of the State, Federal or Municipal governments. Uses of public lands are determined through a combination of State, Federal and Municipal statutes, but the purposes and goals of these lands is to provide for the general health, safety and welfare of the population. These lands include Village and Town Forests with a potential for timber harvest, and non-motorized recreation; State, Town and Village parks and recreation lands and public waters access; Federal border control facilities; State department facilities; and municipal and public school lands and facilities. Our specific objectives for these lands are:

- A) The Town shall engage the Federal planning process for the Port of Entry project to assure local interests are protected and that the project is integrated into the Village of Derby Line with the least impact possible.
- B) The Town shall require any harvest of timber from Town and Village lands respect the recreational potential of the forests and adhere to state mandated sound forestry practice.
- C) The Town of Derby Recreation Committee shall engage the State Departments of Forests, Parks and Recreation and Fish and Wildlife to establish a unified system of outdoor recreational lands and parks.

### **TOWN OF DERBY OVERLAY DISTRICTS**

The purpose of overlay districts is to: impose use regulations and restrictions in areas where the public health, safety and welfare are of special concern; protect sensitive natural areas; preserve the integrity of historic village center scale and architecture; to define sewer service areas; and to provide funding mechanisms for capital infrastructure improvements through Tax Increment Financing. These districts impose regulations and conditions in addition to those imposed by the underlying districts and where one provision is more stringent than another the more stringent requirement shall apply.

### **SOURCE PROTECTION AREA**

To promote the health, safety and welfare of the community by protecting important water resources of the Town from any use of land or buildings which may reduce the quality of such water resources. See Figure 3A, for S.P.A for Derby Center, Figure 3B for Derby Line, Figure 3C for Beebe.

### **FLOOD HAZARD DISTRICT**

The intent of this district is to protect the public health, safety and welfare; insure water quality; protect the property and property rights of downstream individuals and communities; stabilize natural watercourses and seasonal flood areas; mitigate flood affects by providing natural flood absorbing areas, and protect environmentally sensitive areas. Flood hazard

areas are defined by FEMA Flood Insurance Study Maps as zones A1-30, AE and AH. All development in these areas shall conform to development standards imposed by Federal Law and the Town of Derby Unified Development Bylaw. The goal of the Plan is to obtain updated flood area maps as soon as possible.

### **SHORELAND AND RIPARIAN DISTRICT**

The intent of this district is to: control lakeshore densities, protect shorelines, maintain public access to public waters, protect water quality, insure stabilized riverbanks and courses, and protect watershed. The area of this district is defined as lands within 500 to 1000 feet of any body of water exceeding 20 acres and any riparian area draining a watershed exceeding 40 acres. (Please note, this is a proposal under consideration that would cause zoning for the current shoreland district to revert to one acre minimum zoning consistent with class 2 lots, discussion and input is required and desired on this issue.)

### **WETLAND DISTRICT**

The intent of this district is to: protect the environmentally sensitive wetland environment; protect water quality, protect aquifer recharge areas; and to provide stormwater and floodwater control. This area is defined as lands inventoried as class 1 or 2 wetlands, class 3 or 4 wetlands contiguous to class 1 or 2 wetlands and a 50 foot buffer area around protected wetlands.

### **DESIGN CONTROL DISTRICTS**

Upon submission to and approval of the Select Board, delineation mapping and proposed design control regulations the Villages of Derby Line and Derby Center shall activate Design Control Districts. The purpose of these districts is to preserve the traditional scale and historic architecture of our village centers.

### **TAX INCREMENT FINANCE DISTRICT**

The purpose of this district is to promote sustainable industrial and commercial development through property tax reinvestment into capital infrastructure. The Tax Increment Finance (TIF) District is created as authorized under VSA T.24 Subchapter 6 section 4403.

### **SEWER SERVICE DISTRICTS**

The purpose of these districts is to define areas where central sewer and water services are available and to define areas where the Village of Derby Center Water and Sewer Company and the International Water and Sewer Company have approval jurisdiction over on site water and wastewater provision. Regulation of this district is per the 2006 Water and Wastewater Ordinance, Village of Derby Center and an anticipated revised ordinance for the Village of Derby Line.

### **GREENSPACE**

Appropriate design and use of greenspace is critical to the look and feel of the Town and to the success of any development project. Depending upon the site, this may mean protecting existing green space from destruction, enhancing existing greenspace, or creating new

greenspace where none exists. Greenspace shall be provided for its own inherent value, and to soften the effects of the built environment for the residents and visitors alike. This intent is to maximize the qualitative effectiveness of greenspace and landscape design from both aesthetic and ecological perspectives, not just to satisfy quantitative requirements for land coverage, or size or number of plantings.

#### **GOALS AND POLICIES FOR GREENSPACE DESIGN:**

- A) Greenspace shall be in usable, visible locations, and of appropriate size and shape, to provide visual relief, shade, pedestrian comfort, aesthetic beauty, screening, noise reduction, and/or stormwater infiltration as appropriate in each location. The Zoning Ordinance will be revised to address these issues.
- B) As new local roadways are proposed (more specifically in Commercial areas) and any forthcoming street tree management plan, street trees shall be planted wherever possible. Appropriate species will tolerate roadside conditions, relatively disease-resistant, and will grow to be tall, stately specimens providing shade and beauty. A mix of different species and ages of trees shall be planted so that the potential for complete loss of trees is minimized.
- C) Generally speaking, greenspace is more effective in larger, continuous blocks; too often green space is split up into tiny, formalized areas, none of which are large or distinctive enough to satisfy intended goals. However, there may be cases where small greenspace areas are appropriate, such as those required to help break up large expanses of asphalt in parking lots.
- D) Where appropriate, adjacent landowners shall be encouraged to consolidate greenspace area into larger, more functional blocks. This is especially true when a master plan approach is used for development plans on multiple parcels, where greater control over this design element may be available. This also holds true for other types of projects, especially those on vacant land such as residential subdivisions. In these cases, a critical area and natural land analysis shall be conducted, so that the most appropriate areas for both conservation and development are identified up front. This technique, which shall be described in greater detail in the Zoning Bylaws, will help ensure that new development is appropriate for its size, and minimizes adverse impacts upon the land and the community.
- E) Trees are important community resources, and are an important element in attractive, beautiful and livable towns. Existing mature trees, both on-street and on-site, should be protected. Appropriate measures and precautions shall be taken to protect, maintain, and enhance trees, flowers and shrubs.

#### **SPECIAL ISSUES**

##### **NON-CONFORMITIES**

The Zoning Bylaws shall be clarified with respect to pre-existing, non-conforming use and non-complying sites and structures. In many cases, their sites and structures long pre-dated zoning, and may legally remain as they are without regard to current Town bylaws, goals, and design guidelines. In certain cases, it may make sense from building safety, site planning, aesthetic, transportation and/or streetscape perspective to allow these buildings or sites to be substantially altered, or demolished and reconstructed to be more complying, even if not fully complying. This may be appropriate where the Planning Commission and the

Zoning Board determines that significant progress toward the goals in this Plan can be achieved, and where the Zoning Board of Adjustment determines that there will be clear and compelling benefits for the Town. This can potentially serve several municipal goals: keeping commercial development where it belongs, encouraging reinvestment in or rehabilitation of existing sites and structures, bringing older buildings up to current codes, and bringing these parcels into greater conformance with current design standards and principles. In the circumstance of pre-existing non-conforming lots, where such a lot comes under common ownership with one or more contiguous lots the lot shall be deemed merged unless protected by exemptions established under VSA T.24 Section 4412.

## **MOBILE HOME PARKS**

Derby has four mobile home parks varying in size. These parks existed prior to the enactment of zoning. The industry trend over the past thirty years is to construct longer and wider mobile homes. The newer, longer mobile homes cannot be placed on most of the designated lots due to the setback limitations. Regulations such as front, side and rear yard setback requirements may be waived; however, these will be evaluated by the Zoning Board of Adjustment on their individual merits. In an effort to provide affordable housing that preserves and enhances the property tax base, the Planning Commission has zoned mobile home parks as residential high density zones which includes apartment houses and semi-detached single family dwellings as permitted uses and apartment buildings as conditional uses.

# TELECOMMUNICATIONS FACILITIES

Towers and related infrastructure require careful consideration. These structures tend to be located in highly visible locations on mountaintops and ridgelines, and the need for additional facilities is projected to increase ~~dramatically~~ in the next five to ten years. The Zoning Bylaws shall incorporate appropriate guidelines and regulations, governing at least the following areas: aesthetics, integrity of residential zones (that is, intrusion of commercial structures into residential areas), preferred locations (as Nelson Hill), and collocation or clustering of tower facilities. Many towns now realize the potential for adverse impacts caused by the placement of towers and related infrastructure, and seek the cooperation of all parties in resolving these concerns. The Town of Derby is ~~quite~~ concerned about the aesthetic and environmental impacts of tower facilities. When planning new infrastructure or upgrades to existing systems, special consideration shall be given to any primary or secondary impacts that would reduce resource values (including but not limited to aesthetics and streetscape design, agricultural land, timber resources, natural areas, wildlife habitat, and historic sites). In addition, when a new facility is planned, there must be clear evidence that the proposed location is necessary based upon economic considerations, potential impacts on resources, and the resulting public benefits including an increase in available bandwidth for all applications. In all cases, appropriate and suitable techniques shall be used to minimize or prevent any adverse impacts from the placement of towers and related infrastructure.

- A) All such facilities shall be located in appropriate areas, respecting the integrity of residential areas, aesthetic concerns, and natural resources issues. Through the Zoning Bylaws, the Town may specify reasonable areas where these facilities may be located. This is important on a macro scale (general areas in Town) as well as a micro scale (specific desirable placement or location: for example, below ridgelines, tucked into groves of trees and the like).
- B) Wherever possible, facilities shall be co-located at or on existing structures or facilities, unless the Planning Commission and Zoning Board determine that separate facilities will create less visual and aesthetic impact.
- C) Towers and related facilities shall only be as tall as absolutely necessary. Where towers are located within tree lines, they should be made to be extendable, so they can “grow” with the trees, and remain the minimum height needed above the treetops.
- D) Unless required by the FAA, towers shall not be illuminated. Where required, lights shall be shielded in order to minimize aesthetic impacts, so that light is cast only where needed.
- E) Structures shall be designed to minimize aesthetic impacts. ~~Equipment sheds may be hidden in trees; depending on site specific circumstances, tower structures may be screened by lattice of appropriate colors and minimal reflectivity, or even disguised as trees or steeples.~~ Towers and related infrastructure shall be screened from view to the greatest extent possible.
- F) Electric or transmission lines shall be installed so as to minimize aesthetic and ecological impacts; for example, clear-cut swaths, created for power lines or access roads, which go straight up the mountainside, often create far more adverse impacts than the towers they serve, and are not acceptable.
- G) Any permits granted for these facilities shall be for a limited time period. This will allow for periodic review, and new permit conditions reflecting advances in knowledge, experience, and technology. Equipment shall be ~~downsized as technology advances, and~~ removed when no longer used or needed. These requirements can minimize aesthetic

intrusion, while maximizing the potential to serve a greater number of users in the same physical area. A bond may be required to ensure that funds are available to accomplish these purposes.

## **RECREATION AND LEISURE**

Derby is fortunate to have a variety of places for its residents to enjoy their leisure time. A 270 acre Town Forest, 70 acre Village of Derby Center Forest, well kept 16 acre Baxter Park in Derby Line, tennis courts and outdoor ice skating rinks in both Derby and Derby Line, a public beach area, two libraries, a new riverside park, canoe portage campsite facility on the Clyde River and an international opera house are just a few of the opportunities for Derby residents.

Derby's goal is to encourage a wider variety of recreational and cultural opportunities for its local citizens. To accomplish this goal an active permanent recreation committee should organize and develop recreation activities for Town residents. The Salem Beach House with its upgraded facilities, enlarged beach and picnic areas can be a focal point for many activities. Further constructions of bicycle paths and cross-country trails would enhance Derby's recreational opportunities. Demand for a multi-sport facility was partially addressed by the Indoor Recreation of Orleans County facility, which houses a swimming pool, indoor track, indoor tennis courts, and aerobics and exercise rooms.

## **CONSERVATION COMMISSION**

A Conservation Commission will be created to oversee the protection of agriculture, open lands, natural resources and the historic, educational, cultural, scientific, architectural, or archaeological values of Derby. The 3 to 9 member Commission will be created according to Legislative mandate Title 24: Municipal and County Government, Chapter 118, Sections 4501 – 4506, this commission would have no executive power of its own and its proposals would be approved by the Select Board. The Derby Conservation Commission's mission is to conserve the town's natural and cultural resources. The Conservation Commission works with the town's other governmental entities and the public to identify and assess resources, to offer the town and landowners guidance on planning for the conservation of these resources, and to educate the residents of Derby as to why conserving these resources is so important. Updates on the Commission's work appear regularly in the local newspapers.

## DEVELOPMENT TRENDS AND IMPACTS ON ADJACENT TOWNS

Derby, in its planning activities, must consider planning activities of neighboring communities and the State of Vermont. Growth in one part of the state affects growth in all parts of the state, and growth in one segment cannot be considered without looking at growth in other areas. In looking at growth, Derby will consider economic development, housing, transportation, government and education. Derby shall also consider the impact of industrial and commercial growth in surrounding towns.

With an abundance of land available for industrial and commercial growth within the Town, and a lower tax rate than neighboring City of Newport, Derby should recognize the impact industrial and commercial growth would have on its neighbor. Most land within the City of Newport available for development is directly adjacent to the Town of Derby's growth center and commercial/industrial zone off VT-191; there are opportunities for efficiencies but also the danger of redundancies. The Planning Commissions of the municipalities have begun meeting informally on a twice-annual basis but a more formal process for joint master planning of infrastructure and urban design should be established and the possibilities of a joint new town center explored. New business development along the Derby/Newport Road that keeps local residents from traveling to the Burlington area is welcome and will attract residents from all over the surrounding area. Derby recognizes the need for additional commercial business, but also wants to consider that larger chain stores could have a detrimental effect on smaller, locally owned businesses. The location of any discount department store could be beneficial for Derby if located appropriately near the interstate and sized for the area market. Local Newport businesses would prosper from area residents coming to the Derby/Newport area rather than traveling to Burlington or out of state.

Derby should also recognize the impact on other communities in Orleans County, especially, Holland, Morgan, Brownington, Charleston and Coventry which border Derby. These communities have a low tax base, little municipal infrastructure, and minimal development. Growth in Derby could impact these communities if they became bedroom towns for Derby. This could impact roads, schools, and ultimately the tax base of these towns. The Derby Planning Commission currently meets with the City of Newport Planning Commission on a twice-annual basis; this approach should be examined for our other neighbors as well.

Derby Line shares utilities with its Canadian neighbors, as well as its library/opera house, which ~~lays-lies~~ in both the USA and Canada. Derby students from grade seven up, share facilities and class space with students from all over the northern portion of the county. This bonding between youths from different towns will contribute to good relations between communities in the future. The Derby Planning Commission should meet periodically with their counterparts in adjoining communities to discuss their mutual interests and concerns.

## **ECONOMIC DEVELOPMENT**

Derby wants to maintain its “Vermont Character” along with open spaces, residential areas and scenic vistas. It is also vital to commit certain space to industrial/commercial use if Vermonters are to be able to thrive economically. Such industrial/commercial areas will help develop a tax base, provide economic life (jobs) to the community, and must be so located to enhance the community.

Derby can play a positive role in educational, industrial and commercial development in Orleans County due to its location near I-91 and the Canadian border. It is important to plan for continued growth to occur in a controlled manner. If this desired development is to occur, action must be taken to accommodate such economic enrichment to the Town:

- A) Utilize the TIF district mechanisms, which allow certain tax revenues to be set aside to offset the infrastructure cost of new developments.
- B) Support the development of an industrial park to serve as an enticement to economic development. The Scott Industrial Park on Citizens Road would be ideal.
- C) Target development to include utilizing historic workforce skills.
- D) Focus on developing new businesses, or expanding existing businesses that are environmentally friendly and that complement existing and planned infrastructure.
- E) Encourage Workforce Development Center and North Country Career Center to educate and train the area workforce in relevant skill sets.
- F) Sites should be within close proximity to municipal water and sewage services.

### **Rural Economic Action Partnership (R.E.A.P)**

The Derby Town Plan is consistent with the USDA approved Rural Economic Action Partnership strategy and project list. The REAP designation will give all Towns in the Northeast Kingdom special access to USDA Rural Development Programs for business and industrial loan guarantees; business intermediary loan funds; rural waste water treatment grants and loans; rural rental housing loans; and rural housing rehabilitation. REAP designation also gives preference for federal enterprise community and empowerment zone programs. There are economic development issues, which will affect both the tax base in Derby as well as the “lifestyle” of the area. To ensure that appropriate industries locate in Derby, the Town has taken the following steps:

- A) The Town shall continue to be represented on the Newport/Derby Development Committee.
- B) The Town shall aggressively pursue tax/revenue bonding and federal and state grants to support construction of infrastructure to make the proposed industrial zones viable.
- C) The Town shall continue representation on the Northeastern Vermont Development Association board.

# HOUSING

Derby's Zoning Bylaws allows for all types of housing including single family dwellings, mobile homes, four mobile home parks, two family dwellings, multi-family dwellings, condominiums, and seasonal or vacation homes. Adequate public improvements in the form of municipal water and sewer services and utility infrastructure must be available in both quantity and quality near the existing Village Centers in order to encourage construction of additional housing in those areas where the Town can best provide municipal services. The Zoning Bylaws must also provide that a sufficient quantity of land is zoned for residential development with respect to current needs as well as making adequate provisions for the foreseeable future.

Derby must also consider the value of limiting the number of single and two family dwellings that are converted into multiple one and two bedroom family apartments. These modifications drive families with children out of residential neighborhoods and replace them with a more transient single population, which could have an effect on the character of the area.

The Town is presently the site of some forms of affordable housing. Several mobile home parks are located in the Town and a senior citizens' housing project (21 Main) was constructed in Derby Line some years ago. An area non-profit provider of affordable housing, Gilman Housing Trust Inc., has purchased and rehabilitated several properties in the Town. It is highly unlikely that the Town will choose to develop housing on its own. However, the Town has in the past and will continue to work cooperatively with the private sector and non-profit organizations. In addition, the Zoning Bylaws should specify maximum residential densities in different areas of the Town based upon consideration of location, land capabilities, access to utilities, efficient utilization of available land, and neighborhood characteristics. In this regard, it is noted that in those areas of the Town that are not served by municipal water and sewer systems, State subdivision regulations may impose additional restrictions on the density of housing units in particular neighborhoods, based upon the carrying capacity of the land in those neighborhoods.

The Town shall monitor the rate of development of new housing units through review of building permit applications to facilitate planning with respect to upgrading municipal infrastructure. Periodic evaluation of the effect and relevance of the provisions of the Zoning Bylaws will assure that the foregoing goals are addressed in a manner that complies with applicable laws and regulations while avoiding unnecessary imposition upon individual rights and unreasonable financial burdens.

# TRANSPORTATION

The appropriate growth of Derby's commercial, industrial, employment and tax base requires an adequate and integrated transportation system to service the growing population of the Town. Derby is served by regional aviation and freight rail facilities, limited intercity bus transit between Derby Line and Highland Ave. in Newport, limited bus service running up US Route 5, modern Interstate Highway access on I-91, Federal Highway access on US Route 5, state highway access on VT Routes 111 and 105 and the Town's own internal road network. The Town also contains a non-integrated system of legal trails and a bike path running along an abandoned rail right of way.

## Regional Transportation Facilities

Aviation-Derby is served by Newport Airport located in the adjacent town of Coventry. No scheduled passenger flights or charter services are currently offered. The airport does support 24 hour all weather general aviation and business jet traffic. Our goal is to integrate this asset into our general industrial and economic policy and planning.

Rail Transportation-While passenger rail service has been long discontinued, Derby is served by the Newport Freight Yard operated by the Montreal Maine and Atlantic Railway, which links with the Vermont Rail System and the Canadian National Railroad and provides common carrier freight service. Our goal is to integrate this asset into our general industrial and economic development policy and planning.

I-91 Interstate Highway-Derby is served by interstate exits 27, 28 and 29 which are well placed to serve the major commercial activity centers. The interstate provides modern highway access to Canada and to the major population centers of southern New England. A major issue is the federally imposed interstate weight restrictions on trucking which has served to channel this overweight freight traffic through our village centers. Our goal is to reduce overweight trucking in our village centers. Our objectives to achieve this goal:

- A) Continue to work with Vermont's congressional delegation to obtain a waiver of weight limitations between exits 27 and 29.
- B) Work with Vtrans to identify possible alternative truck routes outside of village centers.

Rural Community Transit-Transportation within Derby and to the City of Newport is served by a limited bus service. The limited scheduling and number of stops prevents this service from addressing the needs of commuters.

## Local Transportation Facilities

### FUNCTIONAL CLASSIFICATION

Functional classification is a hierarchical system of classifying roadways based upon the function the roadway performs. These functions range from carrying traffic through a region to collecting traffic from local streets traveling to other land uses in the region or local area. Design standards and access controls are more stringent the higher the function of a roadway. For example, the principal function of an arterial roadway is to accommodate through traffic.

As such, arterial roadways should have fewer access points with more stringent design standards such as turn lanes and larger radii than local roadways whose principal function is to provide local land access. Attached is the proposed functional classification map (see Figure 4). The Town's sole principal arterial is interstate 91. A variety of minor arterial and major/minor collectors are presented. Roadways not shown on the map are considered local roads whose primary function is to provide local land uses access. The functional class system presented is generally consistent with the State of Vermont's functional classification with the exceptions noted below. The exceptions result from both local experiences with the current function of the roads and also the use of this plan as a planning document, which anticipates future use of a roadway as opposed to current use. The differences between State and Town functional class are as follows:

- A) Route 5 Derby Center through Derby Line-The State considers this a major collector. The Town considers this section of Route 5 a minor arterial as significant through truck traffic uses this segment due to weight restrictions on the interstate and it provides a direct route to Canada.
- B) TH1, Holland Road and TH5, Hinman Settler Road- The State shows these to be minor collectors. Given their function of carrying traffic from adjacent communities through the Town, a major collector function is more applicable.
- C) TH7, Shattuck Hill Road and TH35, Derby Pond Road-The State classifies these local roadways, but they perform a collector function by connecting to higher order roadways.
- D) TH32, Schuler Road-This roadway provides direct access to Interstate 91. The State classifies this as a local roadway. While volumes are low at this time, this roadway will carry increased volumes in the future, with much of the traffic destined for interstate 91 or Newport. This is a function, which warrants a collector status.

## ISSUES AND SOLUTIONS

The Town has identified general transportation issues and specific roadways or locations, which will need future improvements. The specific nature and timing of these improvements or changes need refinement as part of the implementation of the plan. The locations and issues are:

- A) Route 5 Corridor, I-91 Exit 28 to Newport. This roadway experiences delays and congestion as a result of excessive access, poor access design, and a lack of controlled intersections and increasing traffic burdens due to the quickening pace of commercial development in the corridor. The entire corridor from Newport to the intersection of US Route 5 and VT Route 105 is the subject of a Corridor Planning Study undertaken by Northeastern Vermont Development Association. Projects already in progress or scheduled include: a connecting boulevard between Shattuck Hill Road and Quarry Road which provides access between the two roads without entering Route 5; upgraded controlled intersection Quarry Road and US Route 5. This project will include the installation of traffic signals, a right hand turn lane and a realignment of the driveway for the Vtrans facility; upgraded controlled intersection Shattuck Hill Road, Crawford Road and Route 5, the first phase of this project is to include installation of left and right hand turn lanes and traffic signals, a realignment of the Crawford Road to form a four way intersection with Route 5 and Shattuck Hill Road is designed and scheduled for summer of 2008; Route 5 and Shaw's Plaza, per an Act 250 condition, signalization of the entrance is to be executed when signal

warrants are met. These projects should be viewed as a down payment toward a future corridor that is efficient and friendly to all types of transportation modes. The Planning Commission shall use site plan review criteria to limit new access, require pedestrian accommodation and encourage the continued development of a commercial street grid in depth away from US Route 5. The Select Board shall examine the resulting report generated by the Route 5 Corridor Study and consider its recommendations in the formulation of a Capital Budget Plan and the acceptance of an updated Official Map.

- B) Intersection of Route 5 and Route 105. This location is likely the busiest and most problematic intersection in Town as it involves two minor arterial roadways, both of which are State roadways requiring Vtrans approval and implementation. The current T intersection is oblique and has no turn lanes on the north/south approaches resulting in delays, congestion, and “shortcutting” through private property. The intersection volumes currently meet Peak Hour Signal Warrants (indicating a signal is warranted). As the area grows, the current problems will be exacerbated. The Town should work closely with Vtrans to ensure that the State performs a detailed professional analysis of this intersection and develops a long-term solution. In the short term the Select Board and the Village of Derby Center Board of Trustees should continue to communicate to the State the present need for on-peak signalization of this intersection.
- C) Route 5 Derby Center through Derby Line. This roadway carries through truck traffic to and from Canada as a result of interstate weight restrictions. This truck traffic is inappropriate for the design of the roadway and results in negative impacts on the Village of Derby Line and Derby Center through which it passes. A solution is to waive the interstate weight restrictions between the border and I-91 exit 27. This will require Federal action and as such The Select Board and the Village Boards of Trustees shall work with the state’s congressional delegation toward a solution of this problem.
- D) The intersection of Caswell Avenue with Main Street in Derby Line is oblique and has substandard sight distance to the north (Canada). This location should be analyzed to determine alternative designs, which might improve sight distance. Land acquisition may be necessary to accomplish any redesign. The Village of Derby Line shall incorporate any resulting solutions into its Village Master Plan.
- E) West Street TR-30 performs a minor collector function and provides a bypass around the Route 105, US Route 5 intersection discussed above. West Street is not paved for the majority of its length and the gravel paving is not of sufficient width or quality for the growing traffic burden; further its terminus onto US Route 5 is too close to the I-91 off ramp. In the short term the Road Department shall continue to extend the hard surface paving and upgrade the road where possible. In the long term: Vtrans should revise and upgrade the Route 105, US Route 5 intersection to make West Street a less attractive bypass, The Village of Derby Center and the Planning Commission shall master plan a village street grid featuring US Route 5 and West Street connections to provide alternate routes for local trips. In this planning cycle alternatives for West Street realignment shall be studied for incorporation into the next planning cycle.
- F) Intersection of US Route 5 and Nelson Hill Road TR-22. This intersection has inadequate sight distance from and to the north on US Route 5. The solution is to re-grade Route 5. Functionally this creates other problems; US Route 5 is a state highway and that portion of the project is a state responsibility. At this time this intersection has a low priority. Nelson Hill Road and Wallace Road would

themselves require extensive re-grading consistent with the revised roadbed height. If in this planning cycle such a road project is programmed by Vtrans the Road Department shall participate in kind.

- G) Schuler Road TR-32. This roadway connects directly to interchange #27 on Interstate 91 and has begun to perform a significant collector function for those who live in south Derby and Brownington. The roadway shall be improved for its entire length with hard surface paving by the Road Department and maintained to provide viable access to the interstate and allow it to function as a collector.
- H) Hinman Settler Road TR-5. This collector highway is unpaved and contains uneven surfaces. It is now an alternate route to I-91 and the City of Newport and will become a major bypass around the Village of Derby Center with the paving of Schuler Road discussed above. The roadway shall be hard paved from the point that hard paving currently ends to a point 100 feet to the south of the intersection with Schuler Road. The roadway to the south of this point should remain unpaved to control traffic speed.
- I) Derby Pond Road TR-35. This collector is unpaved, contains uneven surfaces and has a substandard approach and intersection with VT Route 111. While hard surface paving would be appropriate, that is a project for future planning cycles; for the next five years this road will be upgraded, culverts revised and the intersection with VT Route 111 improved.
- J) Hayward Road Bridge. This bridge spans the channel between Big Lake Salem and Little Lake Salem and has reached the end of its life cycle. Design and construction of a replacement shall be executed in this five-year planning cycle.
- K) Quarry Road TR-27. This collector currently serves a mixture of residential, commercial, and industrial traffic and dead ends approximately 2 miles north of Route 5. The intersection with Route 5 requires upgrading; turn lanes and signalization are in process. Further, as land to the north develops, Quarry Road should be connected with Darling Hill Road to improve safety via alternative access and lessen usage of Route 5, project planning should begin this planning cycle. With this connection, Quarry Road would perform a sufficiently higher order function to be designated a collector. Pedestrian and bicycle use will increase as commercial development continues and the Land Lab programs continue to develop in scope and capacity; the Planning Commission shall impose conditions under site plan review to assure safe pedestrian access along Quarry Road.
- L) While bicycles are typically used for recreational purposes, occasional utilitarian use does occur. The Town should support the development of bike and walking paths and ensure that sufficient consideration is given to bicycles when roadways are improved. This typically takes the form of additional paving width to allow a wider shoulder for bicycles.
- M) Access to both State and local roadways is a critical component to ensuring safe, effective traffic flow. As development occurs, the Town will review requests for new access carefully. Direct access to collector and arterial roadways should be granted only if alternatives such as shared access or access to an existing or new local road is not feasible and if it meets appropriate standard criteria such as alignment with existing roads, provisions of turn lanes, 90-degree approaches, and similar design criteria. Culvert and ditching requirements must address stormwater drainage issues. The Town through the Road Commissioner and the Planning Commission shall rigorously apply the access and culvert specifications appended to this plan.

- N) New industrial development, which is accessed from unpaved roads, must contribute toward upgrading and paving that portion of the roadway leading to the development. Site plan approval conditions shall be applied by the Planning Commission to ensure the implementation of this provision.
- O) There are a number of sites in Town, which likely will redevelop into new or upgraded uses. When these sites redevelop, the design should be consistent with current zoning bylaw requirements to the extent possible. This is particularly important concerning parking and access. Significant effort should be made to ensure that revised access, which meets standard design criteria, be required as sites are redeveloped and/or require additional zoning permits. The Planning Commission shall rigorously apply these standards in consideration of site plans.
- P) Town Forest Road has deteriorated, reducing access to this major recreational asset. The Town shall improve this road and provide an appropriate turnout suitable for vehicular access and parking.
- Q) The lack of access between Hinman Settler Road TR-5 and Salem-Derby Road TR-45 has served to funnel traffic through the Village of Derby Center and an already overburdened US Route 5, Exit 27 is under utilized for traffic entering and exiting I-91 coming from or going to points east. To take full advantage of the paving of Schuler Road TR-32, the Town shall examine the feasibility of re-establishing a direct road connection between Hinman Settler Road and Salem-Derby Road and, if found cost effective, begin project design.
- R) ~~Sidewalks, trails and bicycle paths provide viable pedestrian~~ Pedestrian and cyclist have access to sidewalks, trails and bicycle paths. The Town shall fully support maintenance and extension of the sidewalk system. The Planning Commission shall use site plan approval provisions to require development and redevelopment to include sidewalks and pedestrian access. The Town owns numerous class 4 roads, rights of way and legal trails that shall be mapped along with the sidewalk system by the Recreation Committee, Conservation Commission or Planning Commission. A planning study shall be undertaken by the Planning Commission for an integrated trail system to link the Town's village and commercial centers, lakes and other points of attraction.

## **ROAD DEPARTMENT EQUIPMENT AND FACILITIES**

The effective operation of the road system is dependant on the adequacy of road equipment and supporting facilities. The Road Commissioner has reported that the existing equipment inventory should be adequate for this five-year planning cycle and the general condition of Road Department facilities is good. Some minor issues to be addressed are:

- A) The Beebe pit should be consolidated and gated to reduce unauthorized access and dumping.
- B) The Road Department shall work with NEKWMD to install a solid waste shed for recycling operations in order to free an additional garage stall.
- C) The Road Commissioner and the Select Board shall incorporate vehicle replacement cycles and costs into a Capital Budget.

## **IMPLEMENTATION MECHANISMS**

- A) The Planning Commission/Select Board/Road Commissioner-Shall meet at least annually with the State Agency of Transportation to assess problems, review proposed construction, and update plans for future upgrades.
- B) The Select Board/Road Commissioner-Shall develop five year capital improvement programs for local roads to develop funding, upgrading, and paving priorities, financing and decision making mechanisms, a schedule Appendix for preliminary plan will be included.
- C) The Planning Commission/Road Commissioner-Shall develop a monitoring program for local roadway volumes and problems.
- D) The Planning Commission-Shall amend the Zoning Bylaw to contain specific access design criteria and controls for new development and redevelopment based upon national design standards and roadway functional classification.
- E) The Planning Commission/Select Board-Shall meet periodically with affected adjacent communities to coordinate approach to Vtrans to improve State roadways, e.g., Work with Morgan and Holland to obtain improvements on Route 111; work with Charleston, Brighton and Island Pond to finalize improvements on Route 105.
- F) The Planning Commission/Road Commissioner-Shall as part of the Zoning Bylaw or Subdivision Regulations adopt regulation and criteria for new public and private roadways to ensure effective classification.
- G) The Planning Commission-Shall actively pursue planning grants for financial assistance in the planning and implementation of the above items for the Town and Village.
- H) The Planning Commission/Select Board/Road Commissioner-Shall develop criteria for roadway signage for local roads.
- I) The Select Board/Road Commissioner-Shall continue to monitor speed limits on local roadways and modify, as appropriate, based upon volumes, design and function.
- J) The Planning Commission/Road Commissioner-Shall collaborate on an official map to include current road locations and classifications, proposed improvements, proposed roads, public facilities and all publicly owned rights of way of all types.
- K) Per Act 178, the Select Board shall appoint a citizen committee or charge a Conservation Commission to research and identify ancient roads and corridors. The Road Department, Planning Commission and Recreation Committee shall review the findings and recommend disposition of these corridors for adjudication by the Select Board per the Warned Public Meeting legal procedures.
- L) The Select Board, in cooperation with the Road Department and Recreation Committee shall adopt a road and trail ordinance to insure compatible trail uses, establish access standards and acceptance criteria for road dedication.

# EDUCATION

Derby is a member of the Orleans-Essex North Supervisory Union school district, which includes Brighton, Charleston, Coventry, Derby, Holland, Jay, Westfield, Lowell, Morgan, Newport City, Newport Town, and Troy. Presently public education is provided to the children of Derby through Derby Elementary School located on Elm Street west of Derby Line, North Country Union Junior High School located on Main Street in Derby Center and North Country Union High School in Newport. Vocational education and training is offered through the North Country Career Center located at the high school and the new Land Lab located on Quarry Road. Post secondary education is offered through Community College of Vermont located in Newport and is available to commuting students at Lyndon State College and Johnson State College.

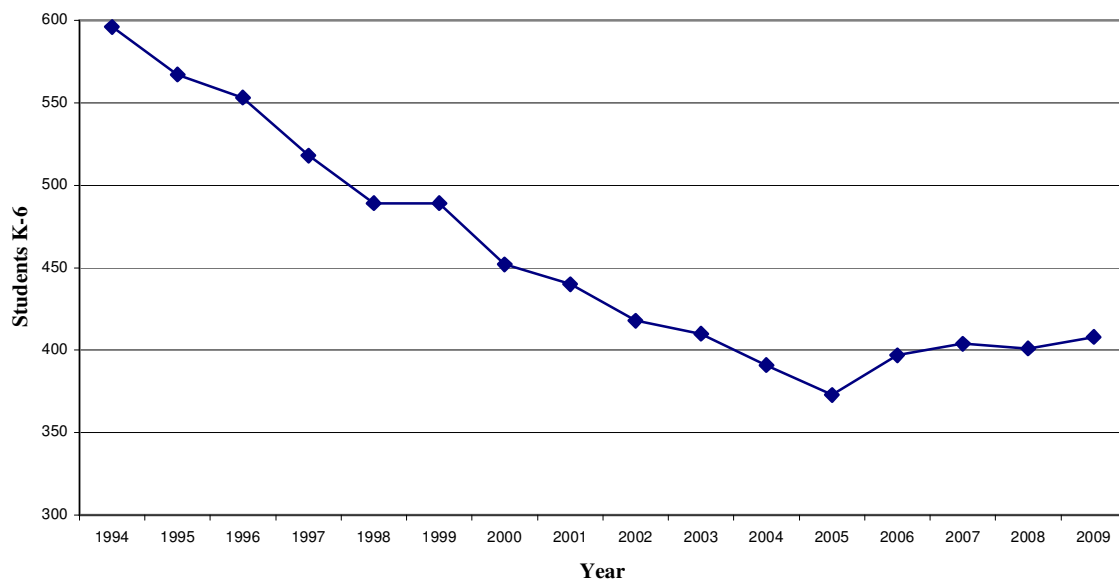
## CHILDCARE

Most childcare needs are served by small, private childcare facilities that are scattered throughout the Town and neighboring communities. Small childcare services that care for six or fewer children are considered home occupations and larger facilities require more extensive permitting review.

## DERBY ELEMENTARY SCHOOL

Derby Elementary School provides education for children in kindergarten through sixth grade. After a decline in enrollment from a peak high of 604 students in 1992 to a historic low of 373 in 2005, enrollment numbers have risen to 408 at the beginning of the 2009 school year. Capacity is reported at approximately 600 students. School facilities should be adequate for the foreseeable future. This assumption should hold true even if school consolidation adds students from Holland and Morgan. No major capital expenditures are planned for the near future. The Derby Elementary School offers after school and summer programs for grades 1 through 6.

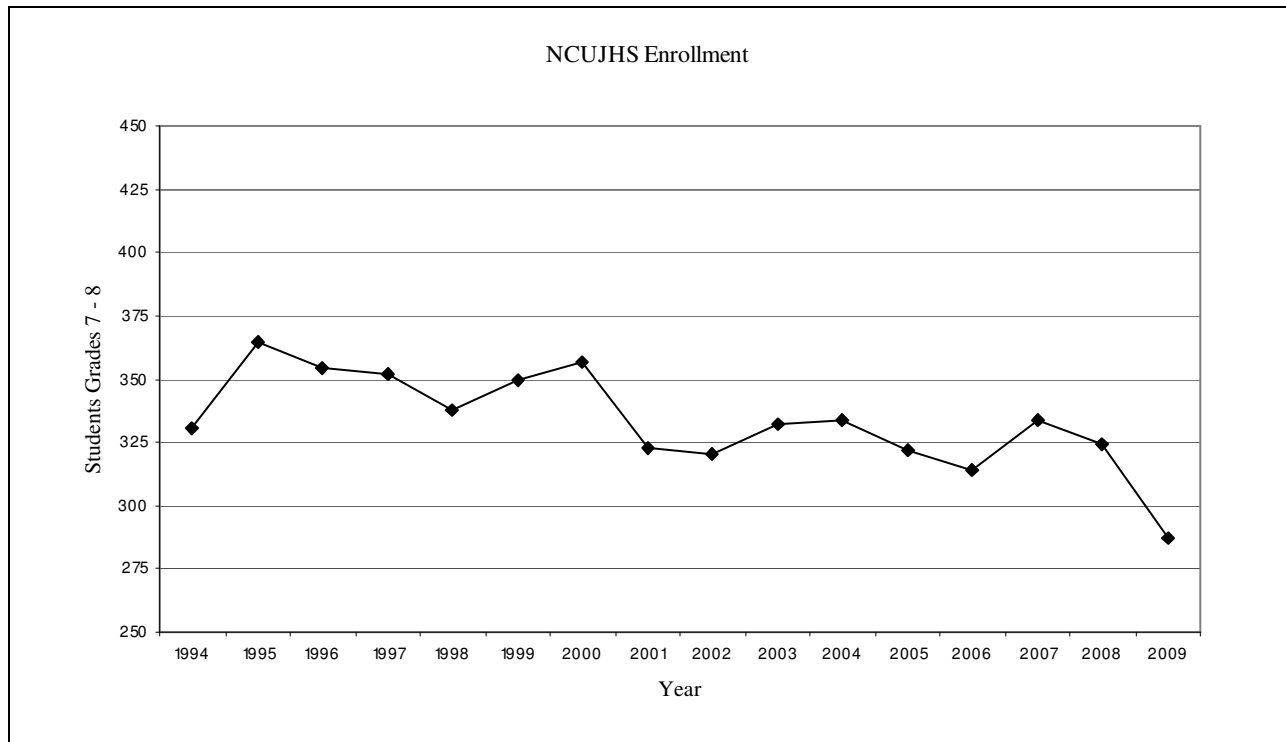
Derby Elementary School Enrollment



The main building was constructed in 1972 and is located on Elm Street just outside of the Village of Derby Line. The building and mechanical systems are reported to be in good condition and no major capital expenditures are expected to be required. The school facility is heavily utilized by various organizations in the community. Gymnasium facilities are available in winter months and civic and youth organizations hold meetings in the library. The elementary school is a critical asset in the civic life of the Town of Derby.

### **NORTH COUNTRY UNION JUNIOR HIGH SCHOOL**

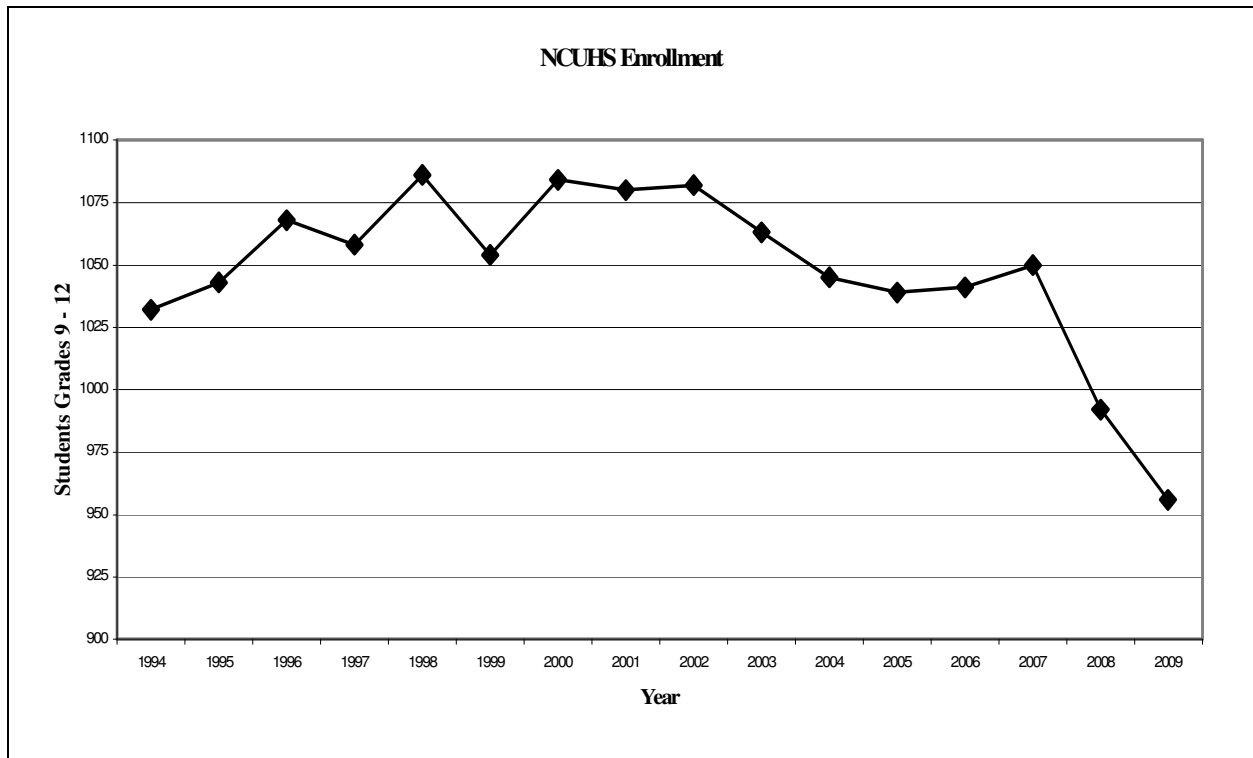
The Junior High School serves the communities of Derby, Holland, Jay, Westfield, Morgan, and Newport City, with Brownington and Newport Town also sending students on a tuition basis. It is located on ten acres in the Village of Derby Center on the east side of Main Street on the former site of Derby Academy. The main portion of the building is forty years old with an addition, which doubled the space in 1989. The Junior High School provides education for grades seven and eight. Enrollment has fluctuated between 287 and 365 students since 1994 with no detectable trend. The current enrollment is 287 and capacity is reported at approximately 450 students. There are no major planned capital expenditures for the near future.



### **NORTH COUNTRY UNION HIGH SCHOOL**

North Country Union High School serves the communities of Brighton, Charleston, Coventry, Derby, Holland, Jay, Westfield, Lowell, Morgan, Newport City, Newport Town, and Troy, with Coventry and Montgomery sending students on a tuition basis. NCUHS participates in a school choice program with Lake Region Union High School. It is located on Veterans Avenue in Newport City. The building was constructed in 1967 and was designed for approximately 1000 students. The course of study at NCUHS has been designed to meet the needs of both the college bound students as well for those who will

enter into a career upon graduation. For those who seek to enter into a career out of high school, the North Country Career Center offers many options. Enrollment for the last two years has dropped below 1,000 students and the recent expansion of the C-wing, which is home to the Career Center, has added much needed space. There are no major capital expenditures planned for the foreseeable future.



The community utilizes the high school for many functions from concerts to car shows. The Community College of Vermont utilizes the building for adult education classes. A local church holds its weekly worship services at the high school. The public uses an interactive TV site, and students tape school board meetings to be replayed on the local cable channel. Finally, local sport teams use the gymnasium and grounds for their games.

### **Community College of Vermont**

Located in the State Office Building at 100 Main Street, Newport, the CCV learning center offers a variety of courses, underclassman and two-year associates and career certification programs. Credit hour tuition and fee costs are low in comparison to those at the state colleges and universities. Programs are designed for distance learning and mesh well with Career Center programs for skills development.

### **Derby's Education Goals**

- A) Create an environment for learning in our schools and community, where staff, parents, teachers and students work together to achieve excellence for all. Every learner can and will succeed in ways that reflect his or her own unique aptitudes and interests.
- B) Support and encourage collaboration with other educational entities.
- C) Enhance the ability of Derby residents to have access to various technologies.

- D) Maximize the availability of community facilities for an increased array of learning and teaching opportunities and natural areas.
- E) Recognize the need to increase outreach to parents and families in order to build relationships of trust and support that are so crucial to student's success. This outreach needs to begin at the earliest possible age and continue throughout the learner's educational experience.
- F) Recognize the need for greater outreach to the community in order to increase and strengthen parent and community involvement in schools.

~~*What are Derby's goals? Should there be more connection between employer workforce needs and programs? Should the CCV program be expanded and improved for the underclass years of four-year college programs to lower college costs? Is there a cultural benefit to continuing adult education in general? Should the libraries be treated in this section?*~~

# ENERGY

Energy is a scarce resource that should be considered in any comprehensive land use planning process. Homes and businesses use a variety of energy sources for heating- fuel oil, gas, wood, electricity, the sun and coal. With a heating season that generally lasts seven months of the year, it is clear that energy consumption is a significant issue for everyone. Substantial economic savings can be realized through energy conservation. Every dollar not spent on energy is available for local investment or savings, and to meet other basic needs. Of course, reducing energy usage also reduces the adverse environmental impacts of energy production, transport, and use. Energy conservation can be facilitated through effective land use planning, building standards and design, and improved transportation efficiency.

Effective land use planning can promote energy conservation. Development densities should be highest toward the center of Town, which is also served by municipal water and sewer, with lower densities in the outlying areas. By directing new development in this manner, we limit the potential for costly and energy-inefficient scattered development. By allowing customary home occupations, the Zoning Bylaws also helps support energy efficiency by reducing the need for some residents to commute to work.

The siting, design, and construction of the buildings strongly influences the amount of energy needed for heating and cooling, as well as the amount of electricity needed for lighting. Proper subdivision design, building orientation, construction, and landscaping provide opportunities for energy conservation through measures such as less vehicular travel, passive solar space and domestic hot water heating, natural lighting, and photovoltaic electricity production. Additional energy savings can be realized by retrofitting existing buildings with insulation, more efficient doors and windows, weather-stripping, compact fluorescent lights, and more efficient appliances.

Renewable energy resources offer long-term advantages over non-renewable sources. Solar, wind, hydro, and wood or wood gasification may become more prominent in the Town's energy mix. The Town supports efforts to research and develop these alternatives, ecologically sound energy sources such as the new woodchip boiler facility at North Country Union Junior High School.

The Town of Derby should make an effort to minimize its own energy consumption by using appropriate conservation and efficiency practices, and should support programs that are designed to increase public awareness of energy issues and encourage homeowners to conserve energy. Major development proposals should fully and effectively address energy conservation and efficiency concerns. Land use planning should be consistent with the objective of encouraging energy efficiency. Renewable energy resources should be protected. Consideration should be given to small-scale, short-term improvements (insulation standards, weatherization projects...) as well as larger-scale, long term projects or improvements such as park-and-walk strategies, pedestrian and bike paths, solar orientation of buildings, re-evaluation of allowable development densities in areas served by water and sewer, subdivision design, and mass transit opportunities (including rail and bus).

## LOCAL GOVERNMENT

Currently the Town of Derby is an urban town governed by a five seat Select Board and contains the two independent villages of Derby Line and Derby Center. The Town is governed by an elected Select Board, Town Clerk, Treasurer, Auditors, Listers, Constable and Board of Civil Authority; and by Select Board appointed Zoning Board of Adjustment, Planning Commission, Road Commissioner, Zoning Administrator, Health Officer and Animal Control Officer. The Villages of Derby Line and Derby Center each elect a three seat Board of Trustees, Village Clerks, Treasurers, Auditors and, in Derby Line, a Water Commissioner who serves with the Board of Trustees as the Water and Sewer Commission.

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

Recent development trends have put pressure on the ability of Derby's three units of local government, Town of Derby, Village of Derby Line and Village of Derby Center, to provide adequate services and strategic infrastructure planning. Services that have been traditionally considered village centered are now in demand outside the village cores. The possibility of merging one or both villages with the town should be examined. The Select Board shall create a merger committee for each village to present proposals to educate and inform the voters and provide a basis for the proposal of merger articles for one or both of the villages.

# EMERGENCY SERVICES

Public safety services are the most vital of local government functions, some of the most difficult to plan and the first to show signs of stress as towns grow. The forecasted growth of the New Town Center commercial district is expected to generate additional demand for EMS services of all kinds. Residential growth is increasing demand for uniform police services and placing stress on water supplies for fire fighting. As Derby makes the transition from rural to urban town great care will be needed in planning emergency service capabilities and capacities. The events of 9/11 have heightened awareness of the pressing need for disaster preparedness planning. The Select Board has engaged an effort by the Northeastern Vermont Development Association (NVDA) for disaster planning.

## Disaster Preparedness

Government continuity and service provision are prerequisites to disaster recovery and Derby should have action plans in place to deal with the possibility of natural or manmade disaster events. Such planning is complicated by Derby's border location and the involvement of Department of Home Land Security agencies and workable planning by necessity will require cooperation with federal authorities. Our goal is to have a comprehensive and workable disaster action plan in place by the end of this five-year planning cycle; our objectives in achieving this goal are:

- A) The Select Board shall continue to work with the NVDA in the continuity of government initiative and engage FEMA programs for local disaster planning management;
- B) The Fire Chief will continue cooperation with Department of Homeland Security agencies for HAZMAT planning and funding.

## Emergency Medical Services

North Country Hospital operated by non-profit North Country Health Systems and located off Prouty Dr. directly adjacent to the Town of Derby in the City of Newport provides regional emergency medical services. North Country Hospital operates a 24-hour physician staffed emergency room and offers full primary and secondary medical services. This facility should provide adequate services for the five-year period of this plan.

## Fire Department

In public hearings the Fire Chief has raised several concerns about water supply availability for firefighting in many areas of Town. The need is imminent and will begin affecting community fire insurance ratings with an increase in homeowner insurance rates. Further the Fire Chief states that many pieces of equipment are reaching the end of their 25-year life cycle and several are in urgent need of replacement. The current HAZMAT unit is not considered to be adequate for the increased freight traffic anticipated at the new Port of Entry facility. The Fire Chief also has raised concerns about available manpower for the volunteer department. Preferred staffing is 30 firefighters and the department is currently staffed with 22 volunteers. Daytime calls generate only four to five responses from volunteers and he stated that the problem is generated by a lack of in-town employment and reluctance on the part of employers to allow members to leave work to respond. Our goals are to ensure the

public safety, the adequacy of fire protection and HAZMAT response and maintain the community fire insurance rating. Our objectives in achieving these goals are:

- A) The Select Board and Fire Chief shall continue to work with the Congressional Delegation to obtain federal funding for an upgraded HAZMAT unit and capability.
- B) The Fire Chief shall undertake a capacity and infrastructure study to develop options to address the water supply issues and recommend action for capital budget programming.
- C) The Select Board shall undertake capital budget programming to implement a water supply project, establish an equipment life cycle replacement program and identify new equipment needs generated by development.
- D) The Select Board and Fire Chief shall plan and implement a campaign for department recruitment and retention and employer education, if such effort fails the Board and Chief will examine alternative options.

### **Ambulance Services**

In public hearings the Director of Derby Line Ambulance Service, which is a volunteer service mainly funded by insurance reimbursements, has detailed issues concerning maintaining service levels in a high growth environment. Full time staff now operates the service during the day with volunteers responding during night hours. The same response problems as with the Fire Department have driven the trend. Retention is an increasing problem with increased certification requirements and more remunerative employment for EMTs in other services. If service demand increases, driven by commercial development, a unit will be required in the area. The director states that he has difficulty staffing the units he has now. Our goal is to ensure the community has high quality medical emergency services. Our objectives in achieving this goal are:

- A) The Director shall keep the Select Board apprised of service levels and response times.
- B) The Select Board and Director shall develop an action plan to deal with increased service demands.

### **Law Enforcement Services**

Currently Town of Derby and the Village of Derby Line leases patrol services from the Orleans County Sheriff Department. In public hearings Orleans County Sheriff Lance Bowen has stated that in his opinion the time for a town police department has not yet arrived but the coming commercial development and population growth in Derby will increase the need for leased services. In public statements Lt. Hanlon of the State Police has disagreed stating that the time for a town police department has arrived. The primary citizen concern expressed to the Select Board has been the issue of speed and traffic enforcement. It should be understood that the creation of a Town of Derby Police Department would be a major and expensive capital and operational undertaking which can not taken lightly. Implementation without proper need assessment could result in burdensome tax expenditures before needed revenue sources have been established. The Town of Derby Select Board has undertaken an initiative to investigate the possibility of establishing a police outpost with leased services from either Orleans County Sheriff Department or City of Newport Police Department. There is a possibility that some combination of leased services from both departments may be most cost effective in the near term. Long term planning is problematic and there is a serious lack of quantifiable data and templates for establishing thresholds for enhanced services.

Our goal is to ensure the public safety through the provision of appropriately scaled local law enforcement. Our objectives in achieving this goal are:

- A) The Select Board shall continue its efforts for the establishment of a County/City law enforcement outpost with increased lease services.
- B) The Planning Commission shall seek grant funding for a professional capacity and need assessment to establish thresholds requiring further service enhancements.
- C) The Select Board shall use the quantified data, defined thresholds and growth projections to establish an action plan for service enhancement.
- D) The Select Board and Planning Commission shall use the law enforcement action plan as a basis for a capital program item and establish possible TIF and impact fee funding streams.

*This section on really requires updates and new language. It also requires some clear policy statements on infrastructure and growth.*

## UTILITIES AND FACILITIES

### MUNICIPAL SEWER

There are two providers of public sewer service within the Town of Derby; the Village of Derby Center and the Village of Derby Line. However, neither Village has any treatment facilities of its own. The Village of Derby Center Sewer Operations and Maintenance owns and maintains the lines and pump stations within the Village and Town, and has an allocation in the wastewater treatment plant in Newport City, Vermont. The Village of Derby Line owns and maintains lines and pump stations in Derby Line and pumps its wastewater to be treated at the wastewater treatment plant in neighboring Stanstead, Quebec.

### VILLAGE OF DERBY CENTER SEWER OPERATIONS AND MAINTENANCE

The Village of Derby Center Sewer Operations and Maintenance owns and maintains lines and *seven* pump stations in Derby and has an allocation it has purchased of 150,000 gallons per day in the wastewater treatment plant in Newport City, Vermont (see Figure 6). The Village of Derby Center presently produces an average of 69,000 gallons per day. There are about 67,000 gallons of committed reserves leaving only 20,800 of uncommitted sewerage allotment. The Village intends to pursue obtaining an increase in its sewerage allocation as provided for in their agreement with the city of Newport.

The capacity in Newport City's plant was purchased in 1980, in anticipation of the construction of the present wastewater treatment plant, largely with a loan from Farmer's Home Administration. The sewer lines are almost entirely within the Village of Derby Center and between it and Newport City. The sewer lines are mapped. An inter-local agreement between Derby Village and the Town was completed in 1993. This agreement allows service to people outside the Village.

### NEWPORT CITY WASTEWATER TREATMENT PLANT

Newport and Derby's wastewater is processed at the treatment plant, located on T.P Lane off of Western Avenue. The Newport City Wastewater treatment plant upgrades were completed in 1984 with a 1.2 million-gallon per day capacity and a 20-year design and review. Currently it is treating an average of about 800,000 gallons per day of which approximately 62,2000 gallons comes from Derby. Due to the wastewater treatment plant's excellent operation record, and the composition of the wastewater it receives, its permitted capacity might be able to be increased another 100,000 gpd without additional construction.

### VILLAGE OF DERBY LINE

The Village of Derby Line and Stanstead Quebec have an interlocking agreement for wastewater treatment. Derby Line's wastewater is treated at the wastewater treatment plant in Stanstead, and Derby Line pays half the cost of the operations of this plant. The plant in Stanstead was built in 1965 to handle Stanstead's wastewater. The plant was upgraded and expanded in 1981 when Derby Line signed on and was officially opened on May 25, 1982. It now has a 400,000-gallon per day capacity, of which it presently uses 300,000 gallons on

average. The plant provides primary and secondary treatment. Prior to 1990 the liquid sludge was taken to the Magog treatment plant for dewatering and disposal. In 1990 a new building to house a dewatering belt press and special trailer was added for approximately \$600,000. The dewatered sludge is transported to a landfill in Canada. Operation costs are shared between Stanstead and Derby Line on a pro rated basis according to usage. There is adequate capacity for the future.

## **MUNICIPAL WATER**

There are three Public Water Systems that provide some citizens in Derby with water: the Derby Center Water Company, the International Water Company, and the Beebe Quebec Water System. Residents who do not have access to municipal water utilize private wells. The Derby Center Water Company serves the Village of Derby Center but also has some hookups in the Town outside of the Village (see Figure 7). The International Water Company serves the Village of Derby Line, the Town of Derby, as well as the Canadian Towns of Stanstead. The Beebe Quebec Water System serves Beebe, Quebec and a few homes in the Town of Derby, formerly the Village of Beebe.

### **DERBY CENTER WATER COMPANY (CWC)**

The Derby Center Water Company serves many residents within the Village limits, as well as residential and commercial entities outside the Village boundaries. As of January 1, 1997 the primary water service for the DCWC is Lake Derby. Secondary source is a drilled well which has a 500 gallon per minute capacity approved for 350 gallons per minute with a 350 gallons per minute pump. Both water services are chlorinated. Water is pumped into two reservoirs, each with a 285,000-gallon capacity and fed to users via a gravity system. Average daily demand is 160,000 gallons with a peak capacity of 750,000 gallons. There are 68 fire hydrants on the system. Roughly 1/3 of hook ups are outside the Village and account for 50 percent of the water used. An inter-local agreement for water was approved by the Town and Village in 1992 and remains in effect. A water ordinance is in effect. The Village has an interlocal agreement with Newport City to provide up to 10,000 gallons per day to the proposed Industrial Park, with back up capabilities for the Newport Water System. The DCWC is supplying high quality water and has ample capacity for the foreseeable future.

### **INTERNATIONAL WATER COMPANY (IWC)**

The International Water Company (IWC) serves the Town of Stanstead, Quebec, and the Village of Derby Line. A Board of Trustees, seven members from Stanstead and four from Derby Line administers it. The primary water source for IWC is two drilled wells in Stanstead, one at 240 gallons per minute capacity and one at 2,220 gallons per minute capacity. Holland Pond, located in the Town of Holland, is now a back up source for use only in an emergency. Water is pumped from the wells (and/or Holland Pond) into a 950,000 gallons reservoir in Derby Line. Water is treated with chlorine at its source. Average usage of IWC water is between 14 million and 16 million gallons per month, which is well below the system's capacity.

### **BEEBE QUEBEC WATER SYSTEM (QWS)**

This system services Beebe, Quebec, and several residences in the former Village of Beebe in the Town of Derby. The water source is six wells, four located in the Town of Derby, and

two in Beebe, Quebec. The water is treated with liquid chlorine. Distribution lines are gravity fed. The only capital improvement currently being considered is a new chlorination building.

**CONCLUSIONS:** Recent improvements by DCWC, IWS and BQWS assure the residents in their service area of reliable source of quality water. The present capacities should easily handle any increase in demand, which might take place within the time frame of Town Plan 2002.

# **IMPLEMENTATION OF THE DERBY TOWN PLAN**

This Plan sets forth the goals of the Town wishes to achieve, and the policies by which the Town will manage its affairs. As with most significant endeavors, implementing these goals and policies will generally happen through a multi-pronged approach. It can occur through the adoption and application of companion documents and tools; these may include but are not limited to, the Zoning Bylaws, Sign Ordinance, and Capital Improvement Plan. It is important that purposed documents and proposed changes to current documents are consistent with this Plan, to help to achieve the goals stated herein.

Implementation of this Plan can occur through the process of Act 250 review, where development projects are reviewed for conformance with this Plan (by explicit intent and direct reference throughout applicable sections of other Town documents and programs adopted under specific statutory authority, such as Town Ordinances and Capital Improvement Plan). This is a comprehensive, thoughtful Plan, which should be considered as a whole when questions of interpretation arise.

## **ZONING REGULATIONS**

Currently the Town of Derby has enacted a set of Zoning Bylaws. These bylaws will be updated to reflect the intent of this Plan and the sociopolitical climate in Derby

## **SITE PLAN REVIEWS**

Review of all uses including planned residential developments according to criteria established in the Zoning regulations and by the Planning Commission to ensure that all development will be done according to the Town Plan. The review should be conducted in a way that considers the best interests of the community.

## **SUBDIVISION REGULATIONS**

Subdivision regulations are designed to assure orderly community development and to assure that any of this development that may ultimately become a public responsibility will be done in such a manner that it will not place an undue burden upon the community and in turn, upon present taxpayers. By adopting adequate subdivision regulations, and properly implementing them, a community can help ensure that its physical plan, that is its streets, sewers, water lines, and similar infrastructure will gradually improve and any available public funds can be used to upgrade the existing street network instead of having to be diverted to newly accepted streets.

## **PUBLIC EDUCATION**

An aggressive education program to help people understand how to make our community work better will do far more than excessive rules and regulations. A great deal of cooperation in a community depends on residents understanding how one operation affects another, and how things an individual can do will affect the Town and its environment.

Some ways to accomplish the education process are distributing pamphlets with guidelines for homeowners or those obtaining permits, at Town meetings, and at schools.

### **CAPITAL IMPROVEMENT PROGRAM**

No Capital Budget exists at this time in Derby. However 24VSA section 4756 requires such in order for a municipality to use the Vermont Bond Bank. The Planning Commission shall produce a Capital Improvement Program. Such a program will help the Town determine when major funds will have to be expended and how these funds could be obtained.

### **PLANNING AS A CONTINUOUS PROCESS**

It cannot be emphasized too strongly that planning is a continuous process, and the Planning Commission must be flexible enough to update a community development plan when necessary. The Planning Commission, therefore, must periodically review and revise the Town Plan.

### **ADVISORY ROLE**

Lastly, and probably most importantly, if the development Plan is going to get proper implementation it is important that all local bodies work together to solve emerging problems. This will help assure that these special problems will be considered in light of the community development plan, and the various bodies can work to be sure their individual projects work together with all other in Town. The Derby Planning Commission wants to thank all members of the Derby Selectboard and Zoning Board that gave many many hours and weeks of their time to help write this plan.