

# **TOWN OF DERBY MUNICIPAL PLAN 2014**

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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, and a combination of 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 is 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, the 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 a 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 today there are 12 active dairy farms. Other types of diversified farming have begun to gain prominence such as beef, sheep, honey, 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 for 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 is 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 Bylaw or considering development projects. A well considered plan puts 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 continue planning and implementing investments in infrastructure essential to orderly responsible development. We must utilize 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. 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 intended to promote sound financial planning, recognized land use planning practices and a diversified economic base through quality development. Town residents are an integral part of this Plan and can 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>
Total Population, 2010	4,621	27,231	625,741
...that is Under 18 Years of Age	1,023	5,796	129,156
...that is 65 Years of Age and Over	916	4,824	91,078
...that is Female	2,387	13,620	317,523
...that is Male	2,234	13,611	308,206
Median Age, 2000	45.0	43.7	41.5
Population Density (Persons per Sq. Mi.), 2010	93.1	39.3	67.9
Absolute Population Change, 2000-2010	17	954	16,917
Percent Population Change, 2000-2010	0.4%	3.6%	2.8%
Annual Births, 2010	46	261	6,224
Annual Deaths, 2010	47	281	5,381
Population One Year and over, 2010	4,391	25,818	609,405
...Lived in the same house one year ago	4,234	24,019	533,484
...Lived in a different house one year ago	330	2,865	82,913
...Lived in Different County one year ago	68	1,045	36,022
...Lived in Different State one year ago	42	386	22,227
...Lived Outside U.S. one year ago	0	50	2,54242

Derby's population grew by 17 persons between 2000 and 2010 for an average yearly growth rate of 0.4%. Seasonal residents add approximately 800 persons during the summer season.

Information per American Community Survey and Vermont Indicators Online

## ECONOMY

	<b>Derby</b>	<b>Orleans County</b>	<b>Vermont</b>
Median Household Income, 2011	43,904	40,929	53,422
Median Family Income, 2011	57,102	49,966	66,340
Per Capita Income, 2011	24,348	21,000	28,376
Median Earnings, 2011			
...Male, full-time year- round	40,059	35,202	44,591
...Female, full-time year-round	34,571	29,859	37,024
Total Retail Receipts (Taxable), Fiscal Year 2007		324,145	9,310,119
Civilian Labor Force, 2011	2,364	13,338	350,506
...Employed	2,221	12,326	328,365
...Unemployed	143	1,012	22,141
...Unemployment Rate	6.0%	7.6%	6.3%
Percent of people below poverty level, 2011			
...all people	11.5%	16.0%	11.3%
...under 5 years old	11.4%	25.7%	19.1%
...5 to 17 years old	7.8%	16.8%	11.2%
...18 to 64 years old	11.4%	15.4%	11.3%
...65 Years and Over	15.6%	13.7%	7.5%
Percent of families below poverty level, 2011			
...all families	6.1%	11.9%	7.5%
...families with Related Children Under 18	5.2%	16.2%	12.3%
...families with Related Children Under 5 only		29.0%	17.9%
Households Receiving Food Stamps, 2011	7.0%	12.1%	11.0%
Households Receiving cash public assistance income, 2011	2.3%	2.7%	3.6%
Households Receiving Supplemental Security Income, 2011	7.3%	6.9%	4.5%

As of 2011 median family income for the Town of Derby was 86.1% of the state median family income. Derby's median family income for the same period was 114.3% of county median income. The poverty rate for Derby in 2011 was 11.5%, which compares to 11.3% for the state and 16.0% for Orleans County.

Information per American Community Survey and Vermont Indicators Online

## **GENERAL GOALS AND OBJECTIVES**

These goals are designed to create a balance among the desire to allow for reasonable 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 with 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) Consider creating a Conservation Commission (more fully explained on page 24).
- 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.
- C) Ensure the lifelong education and enhancement of job skills of both children and adults.
  - 1) Continue to 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 to support 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 to support the local library system.
  - 6) Continue to support increased Internet access and broadband 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 a 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, 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 current police services.
  - 3) Monitor the effectiveness of current 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, cycling 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, 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 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 have the opportunity to 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. Protecting clean drinking water is a priority natural resource worth prioritizing.

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 should 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 Natural Resources Constraints, Land Use/Land Cover and Soils Constraints maps in Appendix A depict the location of wetlands, threatened and endangered species habitat, forested areas, open/agricultural areas, and areas with prime agricultural soils.

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 should be struck between the preservation of the village qualities while allowing new housing and appropriate scale commercial development within the villages.

## **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. 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.
- 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 evaluated and assessed.
  - 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. The small traditional scale of the village commercial districts and pedestrian friendly streetscapes are difficult to maintain but are well worth the effort.
- 1) The Planning Commission shall continue to regulate uses and scale within the village districts 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 including 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. Municipal water and sewer services allow for the efficient use of commercial and high-density residential lands, providing compact land use patterns and avoiding sprawl.

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 and zoning administrator 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 and zoning administrator 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 and report on 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 access is well developed, central sewer and water services do not currently extend into the area. A mix of contractor facilities, utility operations, light manufacturing, a 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, zoning administrator 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 a 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) Encourage 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 development 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 work with Newport City to 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. In the past the Village of Derby Center has expressed the desire to maintain the quaint village look along Main Street. While most of Main Street is zoned residential, the northern and southern ends are zoned Village Commercial. 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 indicated the desire to maintain the urban core and village scale. The bylaws allow for permitted commercial uses with a 5,000 square foot limit. 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. The Village of Derby Line has been granted Village Center designation (see map in Appendix A). It is hoped that this designation will help in revitalizing the district. 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. The bylaws allow for only home occupations and residential businesses 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) Work with the Village of Derby Center Board of Trustees to delineate and draft regulations for a design control district.
- B) The zoning provisions of the Bylaw shall be reviewed and closely applied by the Planning Commission to prevent the conversion of residences to commercial uses.
- C) Work with the Village of Derby Center 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) Work with the Village of Derby Center to formulate a master plan for the Village.
- C) The Planning Commission shall encourage 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 occupations, residential businesses, village inns, and community centers are 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) Work with the Village of Derby Line to delineate and draft regulations for a design control district.
- B) Work with the Village of Derby Line 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 while preserving the village streetscape and 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 with off-site water and sewer. 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

dwelling, are required to be located on class 1 lots with off-site water and sewer. 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. Planned Residential Developments (PRD) are encouraged in this district. The PRD provisions in the bylaw should be amended to allow for houses on smaller lots (cluster development) while preserving large contiguous blocks of forestland or farmland.

### **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 onsite 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**

Land classified as the shoreland district is land so designated to provide for the protection of public waters, control of water pollution, preservation of shore cover and natural beauty, and for the maintenance of safe and healthful conditions which will provide for multiple uses of waters in a manner that provides for the best interests of the citizens of the state. The minimum lot size needs to be increased to better protect public waters of the Town

## **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. Existing overlay districts include a Source Protection Area, a Tax Increment Finance District and a Flood Hazard Area. Other overlay districts under consideration are; Riparian Districts, Wetlands Districts, Design Control Districts, and Sewer Service Districts.

### **SOURCE PROTECTION AREA**

The purpose of this district is 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 18, for S.P.A for Derby Center, Figure 19 for S.P.A. for Derby Line, Figures 20, 21, & 22 for S.P.A. for Beebe, and Figure 23 for S.P.A. for Vermont Heritage Spring Water.

### **TAX INCREMENT FINANCE DISTRICT**

The intent is to create a district to promote sustainable industrial and commercial development through property tax reinvestment into capital infrastructure.

### **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 Flood Hazard Area Regulations. The goal of the Plan is to obtain updated flood area maps as soon as possible.

### **RIPARIAN DISTRICT**

The intent is to create a district 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 to include lands within 500 to 1000 feet of

any body of water exceeding 20 acres and a buffer along all appropriate rivers and streams. (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 is to create a district to: protect the environmentally sensitive wetland environment; protect water quality, protect aquifer recharge areas; and to provide stormwater and floodwater control. This area will include 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**

The intent is to create design control districts for the villages of Derby Line and Derby Center. The purpose of these districts will be to preserve the traditional scale and historic architecture of our village centers.

## **SEWER SERVICE DISTRICTS**

The purpose of these districts is to define areas where municipal 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 onsite water and wastewater provision. Regulations of these districts are per the Village of Derby Center and Village of Derby Line water/sewer ordinances.

## **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. The 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 large residential subdivisions. In these cases a critical area and natural land analysis may be beneficial 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 onsite, 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. This may be appropriate where significant progress toward the goals in this Plan can be achieved, and where 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 Title 24 §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 larger mobile homes cannot be placed on most of the designated lots due to the setback limitations. Regulations allowing waivers to front, side and rear yard setbacks may be considered. 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 include 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 in the next five to ten years. The Town of Derby is aware of aesthetic concerns and environmental impacts of tower facilities. In all cases, appropriate and suitable techniques shall be used to minimize or prevent adverse impacts from the placement of towers and related infrastructure while upholding the town's commitment to increasing access to broadband.

- A) All such facilities shall be located in appropriate areas, respecting aesthetic concerns, and natural resources issues. The Town may specify preferred areas where these facilities may be located.
- B) Wherever possible, facilities shall be co-located at or on existing structures or facilities, unless it is determined that separate facilities will create less visual, aesthetic, or environmental impact.
- C) Towers and related facilities shall only be as tall as necessary and should include provisions for co-location.
- D) Structures shall be designed to minimize aesthetic impacts. Towers and related infrastructure shall be screened from view to the greatest extent possible.
- E) Electric lines and access roads shall be installed so as to minimize aesthetic and ecological impacts.
- F) Equipment shall be removed when no longer used or needed.

## **RECREATION AND LEISURE**

Derby is fortunate to have a variety of places for its residents to enjoy their leisure time. There is a 270 acre Town Forest and 70 acre Village of Derby Center Forest available for hiking, etc.; Derby Line's 16 acre Baxter Park has a playground, baseball fields, basketball court and tennis courts; Behind the Municipal Building are basketball and tennis courts; Derby Elementary School has a playground, track, and soccer and baseball fields; at North Country Union Junior High School are soccer fields and the Town skating rink; the Town maintains a public beach and beach house on Salem Lake, the Clyde River Park on Bridge Street, and the new PetSafe Kingdom Dog Park on 4-H Road; straddling the Canadian border in Derby Line is the historic Haskell Free Library and Opera House; Derby Center is the home for the Dailey Memorial Library and the Derby Historical Society Museum; there is a bike path from the Canadian Border to Newport City; Lake Memphremagog, Lake Salem, Derby Pond, Brownington Pond, and the Clyde River offer a multitude of recreational activities from swimming, boating, and fishing in the summer to snowmobiling, skating and ice fishing in the winter; the Memphremagog Ski Touring Foundation maintains a network of groomed cross country ski trails in Derby; there are two ski areas, Jay Peak and Burke Mountain, within a half hours drive that offer both alpine and cross country skiing in the winter and have great hiking trails for the summer; the Drift Dusters Snowmobile Club maintains miles of groomed trails; and overlooking Lake Memphremagog is the 18-hole Newport Country Club.

Derby has become a significant venue for running, biking swimming, triathlon, and kayaking events. They involve residents of all ages in healthy, fun, and challenging activities and also draw participants from all over North America and the world. The Derby Beach House is the site for several of these events. Derby's roads are used for running and cycling events. Lake Memphremagog is the venue for 5 of 13 days of open water swimming hosted by the Northeast Kingdom Open Water Swimming Association and Kingdom Games. Lake Memphremagog has been selected as one of 50 great venues for open water swimming in all of the Americas (north and south). Kingdom Swim has been selected as one of the top 100 swims in the world (only 12 of which are in the United States). These recreational athletic activities are challenging to the best of athletes but are generally accessible to all ages and all abilities.

Derby's goal is to encourage an even wider variety of recreational and cultural opportunities for its local citizens. To accomplish this goal the Derby Selectboard should develop an active permanent recreation committee or contract with others to organize and develop recreation activities for Town residents, particularly Derby youth. 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 also enhance Derby's recreational opportunities.

## CONSERVATION COMMISSION

The Town may want to consider creating a Conservation Commission. Below is a list of duties that a Conservation Commission created under State Statute may undertake:

- A) Make an inventory and conduct continuing studies of the natural resources of the municipality including but not limited to:
  - 1) air, surface and ground waters, and pollution thereof;
  - 2) soils and their capabilities;
  - 3) mineral and other earth resources;
  - 4) streams, lakes, ponds, wetlands, and floodplains;
  - 5) unique or fragile biologic sites;
  - 6) scenic and recreational resources;
  - 7) plant and animal life, especially the rare and endangered species;
  - 8) prime agricultural and forest land, and other open lands;
- B) Make and maintain an inventory of lands within the municipality which have historic, educational, cultural, scientific, architectural, or archaeological values in which the public has an interest;
- C) Recommend to the legislative body of the municipality the purchase or the receipt of gifts of land or rights thereto, or other property, for the purposes of this chapter;
- D) Receive appropriations for operating expenses including clerical help by appropriation through the budget of the legislative body;
- E) Receive money, grants or private gifts from any source, for the purposes of this chapter. Grants and gifts received by the trustee of public funds shall be carried in a conservation fund from year to year to be expended only for purposes of this chapter;
- F) Receive gifts of land or other property for the purposes of this chapter, by consent of the legislative body or by the affirmative vote of the municipality;
- G) Administer the lands, properties and other rights which have been acquired by the municipality for the purposes of this chapter;
- H) Assist the local planning commission or zoning board of adjustment or the district environmental commission, by providing advisory environmental evaluations where pertinent to applications made to those bodies, for permits for development;
- I) Cooperate with the local legislative body, planning commission, zoning board of adjustment, road committee, or other municipal or private organizations on matters affecting the local environment or the natural resources of the municipality;
- J) Prepare, collect, publish, advertise and distribute relevant books, maps and other documents and maintain communication with similar organizations; and encourage through educational activities the public understanding of local natural resources and conservation needs;
- K) Make a brief annual report to the municipality of its finances and transactions for the year just passed, and its plans and prospects for the ensuing year.

## **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 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. The City of Newport has land available for development that is similarly zoned and directly adjacent to the Town of Derby's commercial district off Route 5 and commercial/industrial district off of the I-91 Access Road; there are opportunities for efficiencies but also the danger of redundancies. The commercial corridor along Route 5 between Derby and Newport has the highest potential for future growth because of its access and the availability of municipal water and sewer. Because public water and sewer are not available to the I-91 Access Road area future development of this area will have the additional hurdle of having to either design onsite systems or extending municipal systems to service this area. 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 residents shopping locally is welcome and will attract shoppers from all over the surrounding area. Derby recognizes the need for additional commercial business. In a 2010 vote, 1,536 voted in favor of a discount store super center (Wal-Mart) located adjacent to the Newport-Derby Road in the Town of Derby, with only 224 voting against. The City of Newport also voted overwhelmingly in favor of a discount super center locating in Derby. Local businesses would prosper from area residents coming to the Derby/Newport area rather than traveling to Burlington or out of state.

Derby recognizes 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 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 preserve our industrial and commercial uses 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.

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 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 (REAP) strategy and project list. The REAP designation which has been extended to 2013 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 all 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, Rural Edge 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 has two 4,000 ft paved runways capable of handling small business jet traffic. The FAA has approved a 1,000 ft extension to the main runway. 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. A 20-year pilot program is in place that has increased the Interstate Weight Limits to match the State Weights Limits. 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 make the 20-year pilot program permanent.
- B) Work with VTrans to identify possible alternative truck routes outside of village centers.

#### **BUS SERVICE**

Rural Community Transportation, Inc (RCT) offers free bus service between Highland Ave in Newport City and Main St in Derby Line with various stops in between. The limited

scheduling and number of stops prevents this service from addressing the needs of commuters.

## **SNOWMOBILE TRAILS**

Snowmobiling is very popular in the Northeast Kingdom and the Drift Dusters snowmobile club maintains miles of groomed trails in Derby that are part of the VAST trail system. Trails are open from mid December to mid April, weather permitting. Membership in VAST and a local club is required to use their trails. Most of the trails are on private land and are permitted only through the generosity of the property owners.

## **BICYCLE PATH**

The State of Vermont maintains a bicycle path along the east side of Lake Memphremagog. The path follows a former railroad bed from the Canadian border to Prouty Drive in Newport City and Newport has extended the path to the Gateway Center in downtown Newport. This path is open to all non-motorized modes of transportation.

## **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 16). 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 (NVDA). Projects already in progress or scheduled include: 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 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 and Village of Derby Center should work closely with VTrans to implement recommendations from NVDA's study 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 20-year pilot program was implemented in 2012 to increase the weight restrictions on Vermont interstates. The Select Board and the Village Boards of Trustees shall work with the state's congressional delegation to make this pilot program permanent.
- 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 TH-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 TH-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) Hinman Settler Road TH-5. This collector highway is paved to Schuler Road and is an alternate route to I-91 and the City of Newport, bypassing the Village of Derby Center.
- H) Derby Pond Road TH-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.
- I) Quarry Road TH-27. This collector currently serves a mixture of residential, commercial, and industrial traffic and dead ends approximately 2 miles north of Route 5. Pedestrian and bicycle use will increase as commercial development continues and the North County Career Center 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.
- J) While bicycles are typically used for recreational purposes, 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.
- K) 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 are 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. All new access drives should be required to pave an apron where they access onto a paved road. The Town should develop a program to pave the aprons at all gravel to paved road intersections. The Town through the Road Commissioner and the Planning Commission shall rigorously apply the access and culvert specifications.
- L) 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.

- M) 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.
- N) 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.
- O) The lack of access between Hinman Settler Road TH-5 and Salem-Derby Road TH-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 TH-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.
- P) 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 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.
- Q) As development continues along the Newport-Derby corridor the upgrading of Crawford Farm Road should be considered.

## **ROAD DEPARTMENT EQUIPMENT AND FACILITIES**

The effective operation of the road system is dependent on the adequacy of road equipment and supporting facilities. The general condition of Road Department equipment and facilities is good the 5-year Capital Improvement Program outlines anticipated needs. The Road Commissioner and Select Board should incorporate vehicle replacement cycles to assist in anticipating future capital needs.

## **IMPLEMENTATION MECHANISMS**

- A) Meet at least annually with the State Agency of Transportation to assess problems, review proposed construction, and update plans for future upgrades.
- B) Increase participation in the regional Transportation Advisory Committee (TAC). TAC prioritizes regional transportation project and submits them to VTrans for future funding.
- C) Develop a monitoring program for local roadway volumes and problems.
- D) Develop access design criteria and controls for new development and redevelopment based upon national design standards and roadway functional classification.

- E) 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) Develop criteria for new public and private roadways to ensure effective classification.
- G) Actively pursue planning grants for financial assistance in the planning and implementation of the above items for the Town and Village.
- H) Develop criteria for roadway signage for local roads
- I) Continue to monitor speed limits on local roadways and modify, as appropriate, based upon volumes, design and function.
- J) Adopt 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) Adopt a road and trail ordinance to insure compatible trail uses, establish access standards and acceptance criteria for road dedication.

## EDUCATION

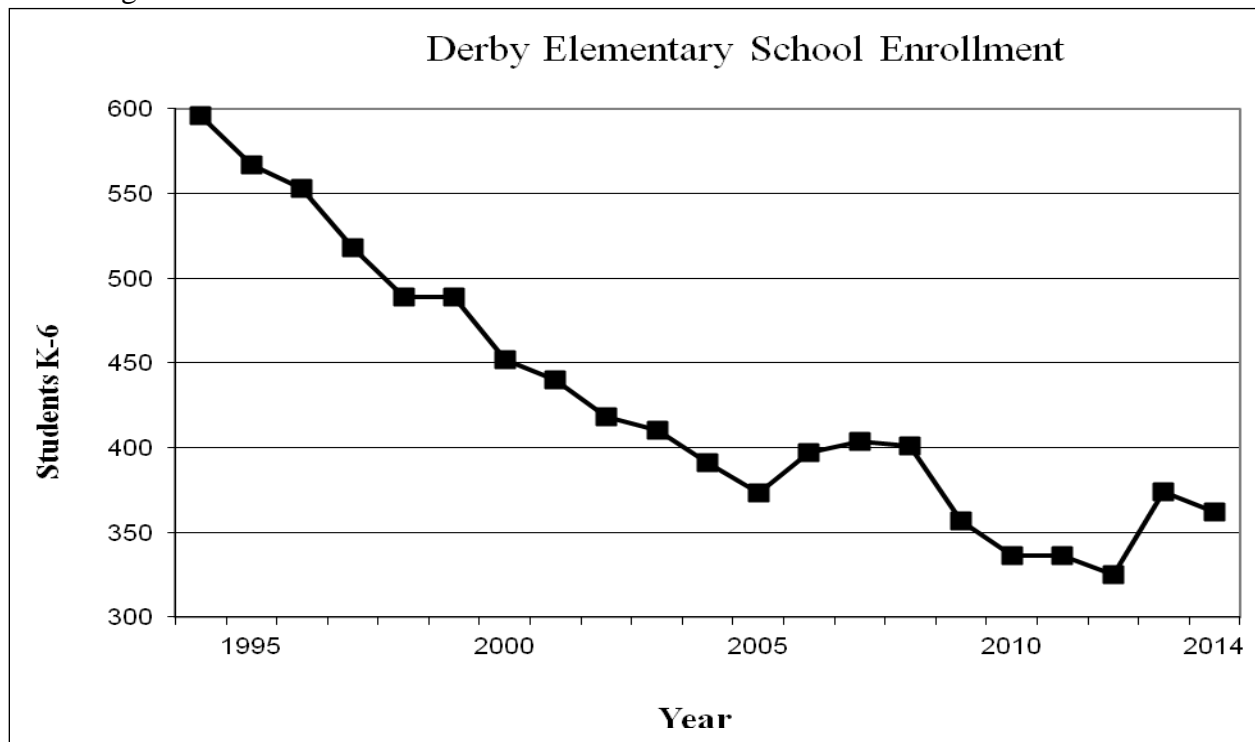
Derby is a member of the Orleans-Essex North Supervisory Union school district, which includes Brighton, Charleston, Coventry, Derby, Holland, Jay, Westfield, Lowell, Morgan, Newport City, Newport Town, and Troy. Presently public education is provided to the children of Derby through Derby Elementary 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 325 in 2012, enrollment numbers have risen to 362 at the beginning of the 2013 school year. Capacity is reported at approximately 600 students. School facilities should be adequate for the foreseeable future. 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.

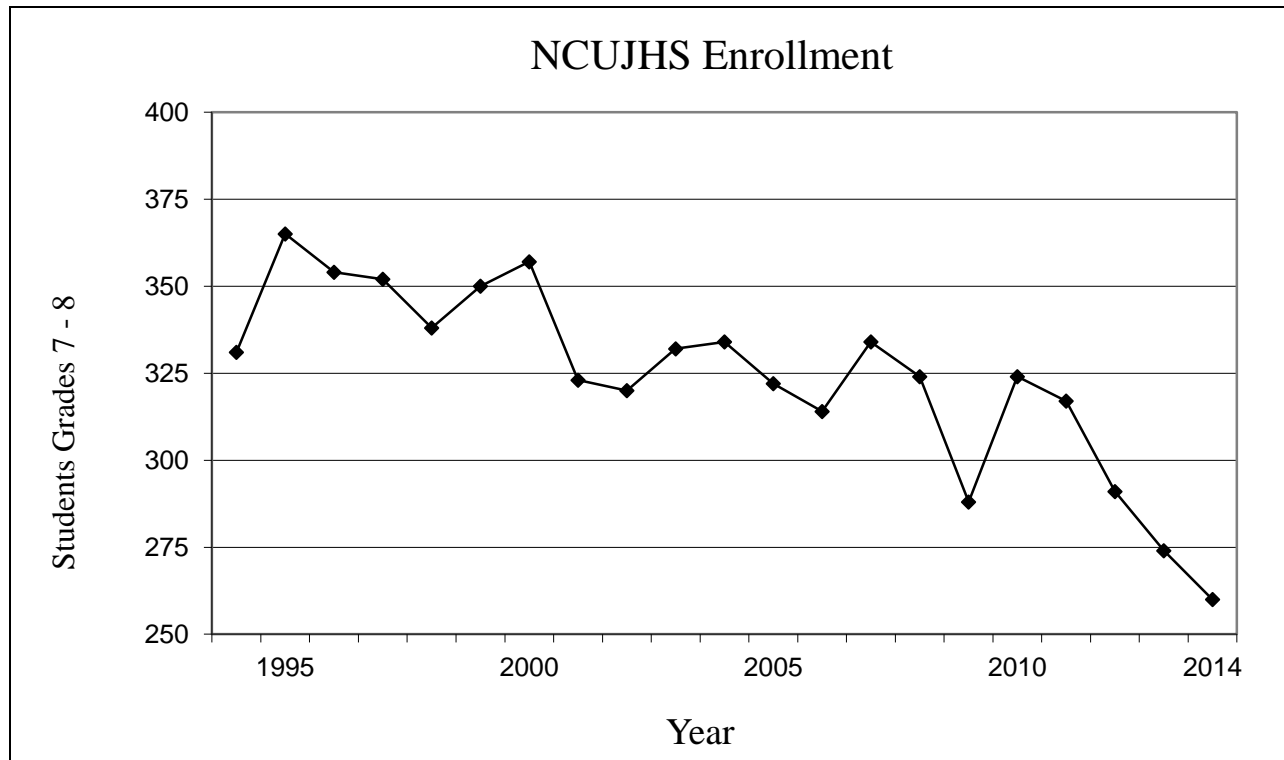




The main building was constructed in 1972 and is located on Elm Street just outside of the Village of Derby Line. The building and mechanical systems are reported to be in good condition and no major capital expenditures are expected to be required. The school facility is heavily utilized by various 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**

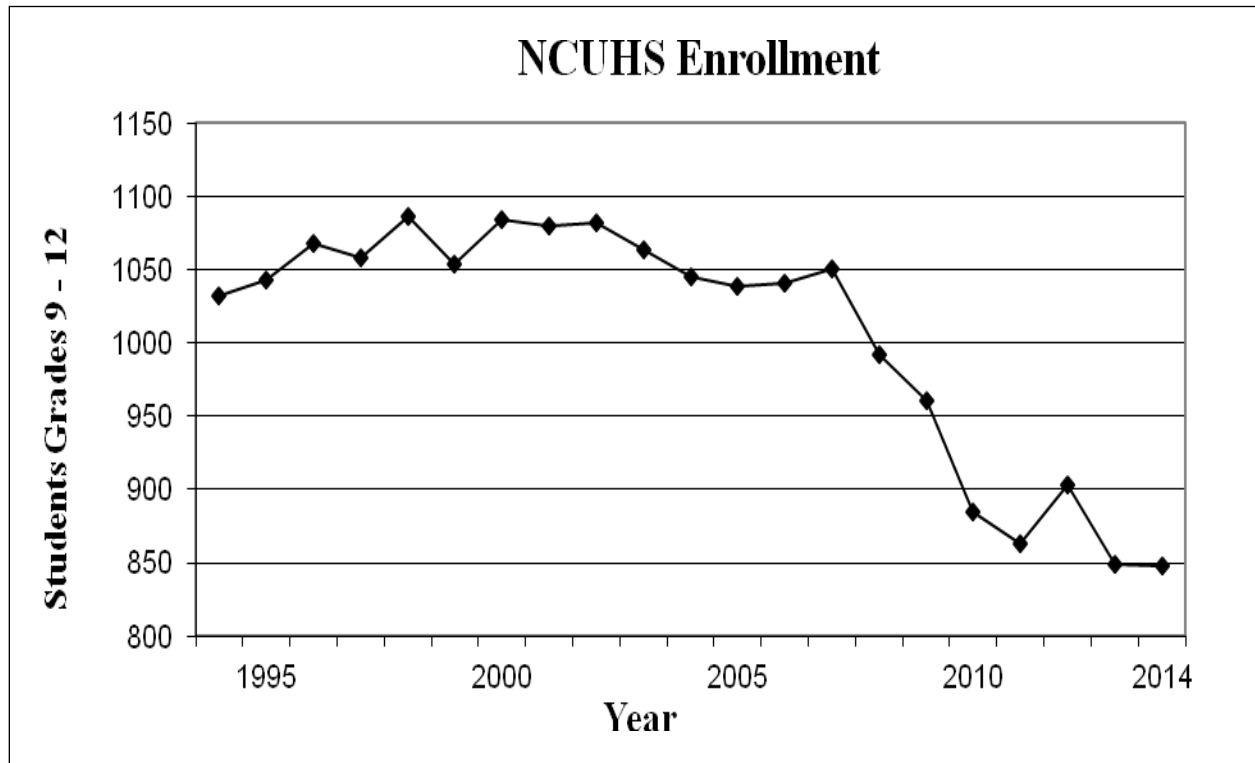
North Country Union Junior High School (NCUJHS) serves the communities of Derby, Holland, Jay, Westfield, Morgan, and Newport City, with Newport Town also sending students on a tuition basis. It is located on ten acres in the Village of Derby Center on the east side of Main Street, which used to be Derby Academy. The main portion of the building is forty years old with an addition, which doubled the space in 1989. NCUJHS provides education for grades seven and eight. Enrollment has fluctuated between 260 and 364 students since 1994 with decreasing trend the last 5 years. The current enrollment is 260 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 (NCUHS) 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 since 2008 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 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.

#### **NORTH COUNTRY CAREER CENTER**

The North Country Career Center provides quality technical education opportunities for juniors and seniors at North Country Union High School, Lake Region Union High School, Canaan Memorial High School and the adult community. Their mission is to provide an educational environment for all students to become productive and responsible members of society through the development of technical, academic, and social skills. They operate out of the C-Wing of NCUHS on Veterans Ave in Newport and they have a Land Lab facility on the Quarry Road in Derby. They also offer satellite programs at Lake Region and Canaan. Courses are offered in Hospitality, Information Technology, Allied Health & Human Services, Diversified Agriculture, and Skilled & Technical Trades.

#### **COMMUNITY COLLEGE OF VERMONT**

The Community College of Vermont's open admission policy welcomes students of all backgrounds and ages, creating a vibrant learning environment. Each year 10,000 students attend full- or part-time and choose from 16 degree programs or 10 certificate options.

CCV's flexible schedules provide students with a wide range of day, evening and weekend classes they can work into their busy lives.

CCV is the second largest college in the state and maintains the state's lowest tuition. They operate in 13 communities including neighboring Newport City. Every student receives academic advising and financial aid is available for eligible students. CCV is the number one feeder of transfer students to the University of Vermont and the Vermont State Colleges.

### **LYNDON STATE COLLEGE**

Lyndon State College is a small public school located about 30 miles south of Derby. Enrollment is about 1,400 students, with a mix of 60% Vermonters and 40% from out-of-state. Students choose from 24 undergraduate majors, from Music Business and Industry to award-winning Meteorology and Television Studies programs, eight associate degrees and two master's degrees.

### **JOHNSON STATE COLLEGE**

Johnson State College is a small public school located about 40 miles southwest of Derby. Enrollment is about 1,900 students, with a mix of about 70% Vermonters and 30% from out-of-state. The college offers 25 undergraduate majors, from behavioral sciences, business & economics, education, environmental & health sciences, fine & performing arts, humanities, interdepartmental programs, mathematics, and writing & literature.

### **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.

## ENERGY

Energy use, availability, reliability, affordability, power supply, and electric grid are areas of consideration in making land use or development decisions. All forms of energy are available in Derby with supply and demand in balance. Energy costs, while in line with costs thru out Vermont and New England, are high and conservation should be encouraged.

Electricity is supplied by Vermont Electric Cooperative. Several local companies supply heating oil and LP gas, and there are about 10 gas stations/minimarts that offer gasoline and diesel fuel. Renewable energy sources include firewood, which is abundant and harvested locally, Great Bay Hydro operates a hydroelectric plant and there is a scattering of privately owned solar systems and windmills.

With a heating season that generally lasts several months of the year, energy consumption and costs are a significant issue for everyone. Economic savings can be realized through energy conservation and reducing energy usage also reduces the adverse environmental impacts of energy production, transport, and use.

Effective land use planning can promote energy conservation. The siting, design, and construction of the buildings influences the amount of energy needed for heating and cooling, as well as the amount of electricity needed for lighting. Major development proposals should fully and effectively address energy efficiency concerns. The growing trend of working from home also helps support energy efficiency by reducing the need for some residents to commute to work. 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. Solar, wind, and wood are becoming more prominent in the Town's energy mix. Land use planning should be consistent with the objective of encouraging energy efficiency.

The Town of Derby has made an effort to minimize its own energy consumption by using appropriate conservation and efficiency practices. In 2008 the Town Offices switched to a 4-day workweek in an effort to conserve energy. Our goal is to ensure the community has a reliable and affordable supply of energy. Our objectives in achieving this goal are:

- A) To support all forms of environmentally sound energy conservation measures.
- B) To support programs that are designed to increase public awareness of energy issues and encourage homeowners and businesses to conserve energy.
- C) To support properly sited and permitted renewable energy projects, including but not limited to wind, solar, and hydro.

## **LOCAL GOVERNMENT**

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

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.

Inter-governmental cooperation (among towns, villages, and the local region) is an important option to explore as a way to share costs, save resources, and maximize the effort or impact of any initiative. NVDA has explored regional purchasing agreements for some towns in Caledonia County and is available to do the same for communities in Orleans County.

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.

## **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 along the Newport-Derby commercial corridor is expected to generate additional demand for emergency 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 has Emergency Operations and Hazard Mitigation 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 update our disaster action plan every 5 years. The plan is due to be updated in 2014. 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 is 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. It is an acute care community hospital serving twenty-two communities. Included in the system is the hospital, outpatient services, physician practices and Derby Green, a skilled care facility. Care is provided to all people regardless of race, color, creed, national origin, and ability to pay. The hospital has a further commitment to community partnerships and to encourage, educate, and assist members of the community in the maintenance and improvement of their own health. North Country Health System is a member of the American Hospital Association and the Vermont Association of Hospitals and Health Systems and is licensed by the State of Vermont Department of Health and is certified by the Department of Health and Human Services as a provider under the Medicare program. It is also accredited by the Center for Medicare Services (CMS), which assures that the hospital meets the highest standards of medical care.

### **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 some pieces of equipment are reaching the end of their 25-year life

cycle. 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 27 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 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.
- B) 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.
- C) 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 Select Board and Chief will examine alternative options.

### **AMBULANCE SERVICES**

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. Paid staff now operates the service. 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, additional units may be required in the area. 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 Director shall develop an action plan to deal with increased service demands and consult and inform the town of this strategic plan.

### **LAW ENFORCEMENT SERVICES**

Currently Town of Derby leases patrol services from the Orleans County Sheriff Department. Also, the State Police and Border Patrol barracks are located in Derby which provides a high law enforcement visibility with the Town. The need for a town police department will increase as commercial development and population continue to grow. 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 cannot be taken lightly. Implementation without proper needs assessment could result in burdensome tax expenditures before needed revenue sources have been established. 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 Planning Commission shall seek grant funding for a professional capacity and needs assessment to establish thresholds requiring further service enhancements.

- B) The Select Board shall use the quantified data, defined thresholds and growth projections to establish an action plan for service enhancement.
- C) The Select Board and Planning Commission shall use the law enforcement action plan as a basis for a capital program item and explore funding streams.



## **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 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 owns and maintains lines and 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.

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. A water/sewer ordinance is in effect.

#### **Newport City Wastewater Treatment Plant**

Newport and Derby Center's wastewater is processed at the treatment plant, located on T.P Lane off of Western Avenue. The Newport City Wastewater treatment plant completed upgrades in 2008 and now has a 1.3 million-gallon per day capacity. Currently it is treating an average of about 750,000 gallons per day.

#### **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. The plant provides primary and secondary treatment. 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 two Public Water Systems that provide some citizens in Derby with water: the Derby Center Water Company and the International Water Company. 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 17). The International Water Company serves the Village of Derby Line, the Town of Derby, as well as the Canadian Towns.

### **Derby Center Water Company (DCWC)**

The Village of Derby Center owns and operates the Derby Center Water Company which 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 Derby Pond. 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 over 300,000-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 75 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/sewer ordinance is in effect. The Village has an inter-local agreement with Newport City to provide up to 10,000 gallons per day to the City Center 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.

This system also 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 and IWC assure the residents in their service area of reliable source of quality water. The present capacities should easily handle increases in demand for the foreseeable future.

## **IMPLEMENTATION OF THE TOWN PLAN**

This Plan sets forth the goals the Town wishes to achieve, and the policies by which the Town will manage its affairs. In addition to the “General Goals and Objectives” that are articulated at the beginning of this Plan, each of the Plan sections (e.g. land use, economic development) contain goals and objectives specific to that section. 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 proposed 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). Act 250 review is required for all commercial projects of 1-acre in size or greater and for subdivisions of 5 or more lots. This is a comprehensive, thoughtful Plan, which should be considered as a whole when questions of interpretation arise.

### **ZONING REGULATIONS**

Zoning is the primary regulatory tool used to implement the Town Plan. The following objectives of the Town Plan may be accomplished through revision of the Town Zoning bylaw:

- Develop land use policies and zoning regulations that decrease per unit land costs of affordable housing.
- Adopt Village design control regulations and districts
- Accurately map flood hazard areas and create a flood hazard overlay zone.
- The Source Protection Area Overlay should be examined for effectiveness and expanded if necessary.
- 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.
- Zoning regulations shall be reviewed and updated to require delineation and protection of wetlands and wildlife habitat areas as a part of plat and site plan review.
- The Town shall work with the villages to investigate the formation of design control and historic preservation districts.
- 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 in Derby Center.

### **SITE PLAN REVIEWS**

Review of all uses, except one- or two-family dwellings, 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**

A Capital Budget exists at this time in Derby. 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. Goals and objectives that are articulated in this Town Plan that can be implemented through the development of the Capital Improvement Program include the following:

- Support policies and plans to continue high levels of public school quality and to expand capacity when and if the need arises.
- Provide incentives for institutions of higher learning, research facilities and research and development firms to locate in Derby's industrial and commercial industrial zones.
- Develop a plan for increasing available sewer capacity
- Assure the adequacy and quality of fire protection
- 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.
- All options for the purchase and transfer of development rights in order to conserve riparian and lakeshore lands need to be explored.
- The Planning Commission shall examine options for the industrial redevelopment of the Quarry Road district should the need arise.
- The Planning Commission shall work with the Village of Derby Line and Village of Derby Center Trustees to expand /establish Sewer Service District boundaries.
- Work with VTrans to develop a comprehensive access management plan to reduce access points and rationalize and interior road network.
- Cooperate with the Village of Derby Center and the City of Newport to ensure sufficient sewer allocation to sustain planned growth and development.
- Work with VTrans and NVDA to implement the recommendations of the Route 5 Corridor Plan.

## **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.

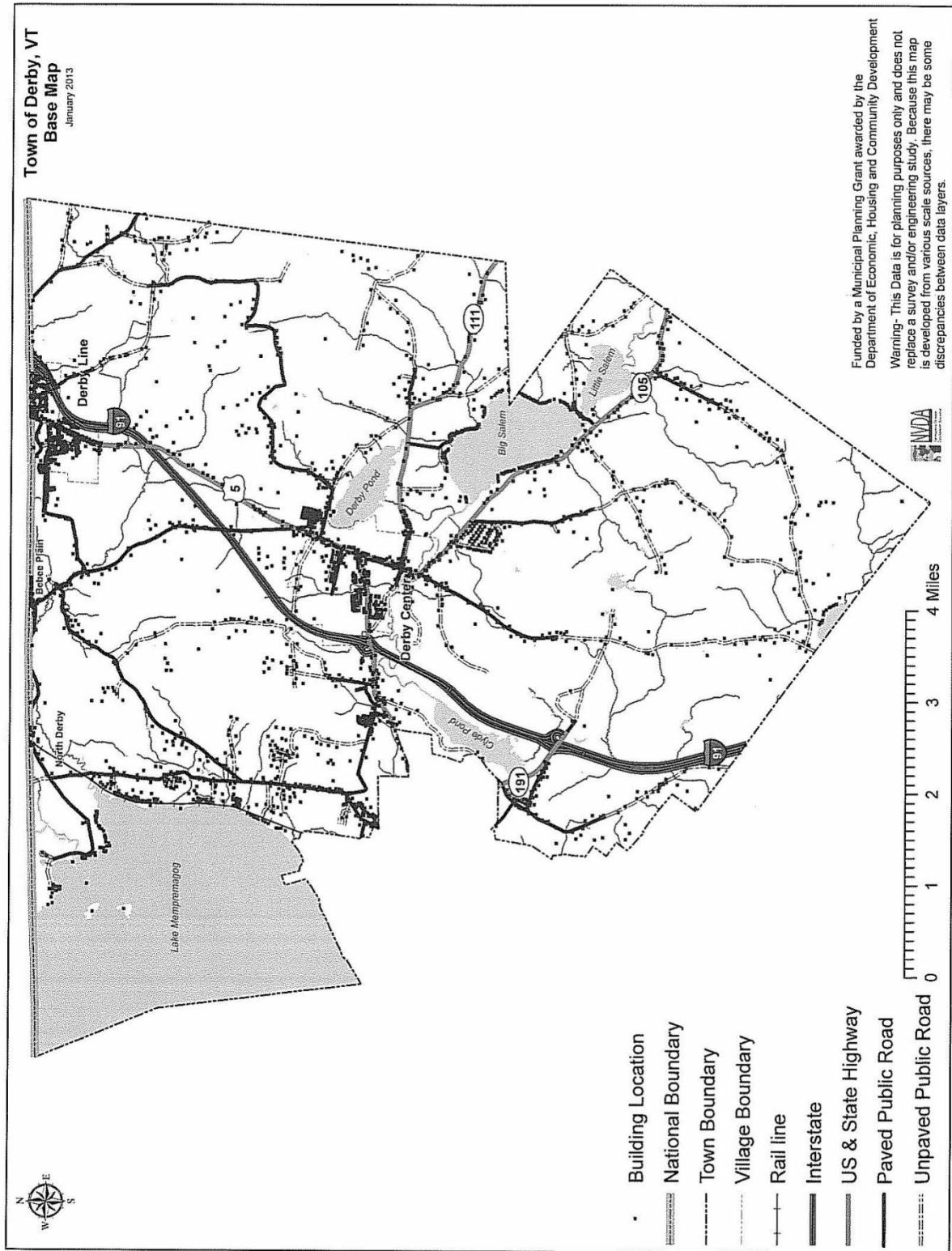
## **ADVISORY ROLE**

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.

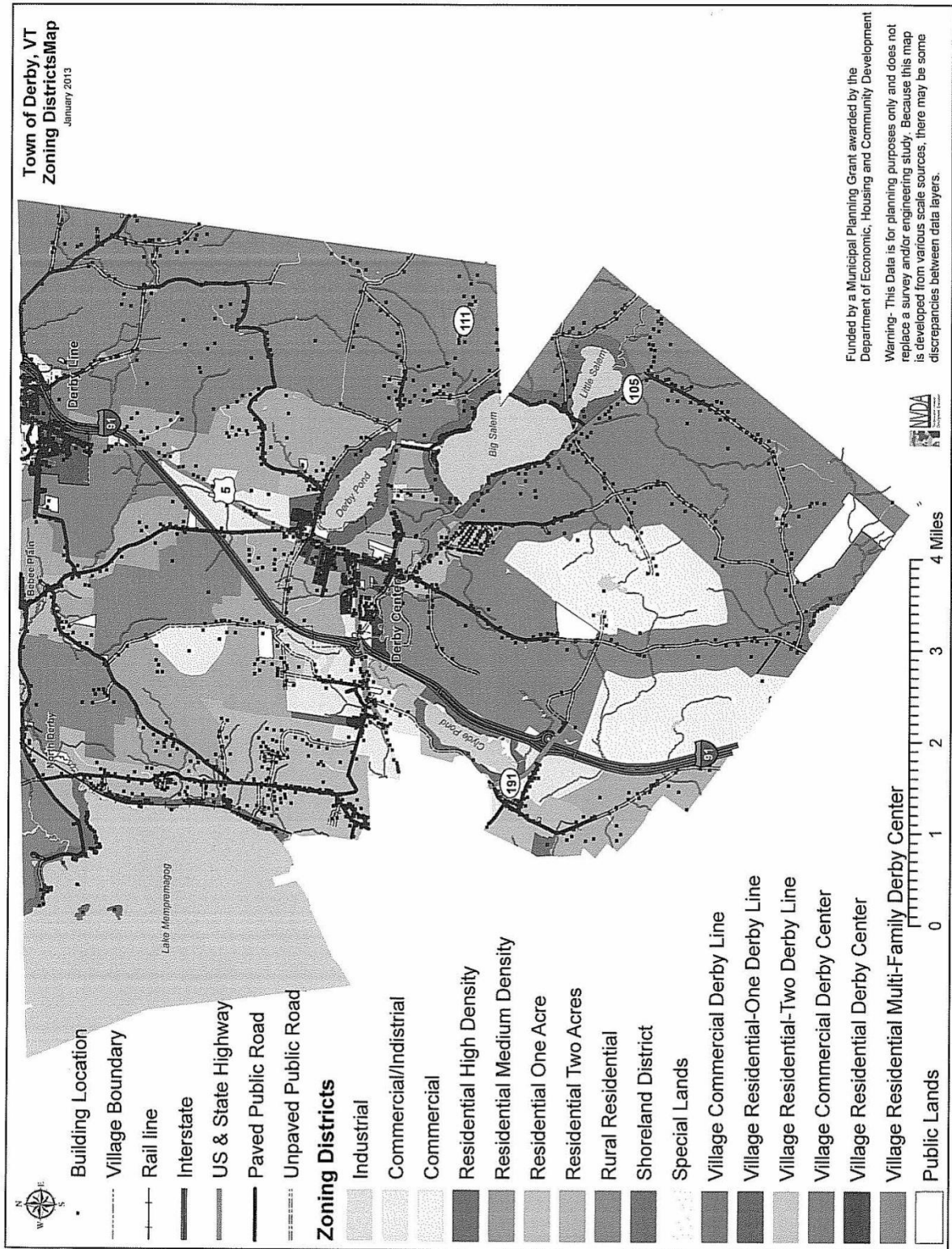
## **MAPS - APENDIX A**

- Figure 1 – Town of Derby Base Map
- Figure 2 – Town of Derby Zoning District Map
- Figure 3 – Town of Derby Land Use/Cover Map
- Figure 4 – Town of Derby Natural Resources Constraints Map
- Figure 5 – Town of Derby Soils Constraints Map
- Figure 6 – Village of Derby Center Base Map
- Figure 7 – Village of Derby Center Zoning District Map
- Figure 8 – Village of Derby Center Land Use/Cover Map
- Figure 9 – Village of Derby Center Natural Resources Constraints Map
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- Figure 12 – Village of Derby Line Zoning District Map
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- Figure 14 – Village of Derby Line Natural Resources Constraints Map
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- Figure 16 – Town of Derby Proposed Road Functional Classification
- Figure 17 – Derby Center Wastewater Service Area
- Figure 18 – Derby Center Source Protection Area
- Figure 19 – Derby Line Source Protection Area
- Figure 20 – Beebe Source Protection Area WL001 & WL002
- Figure 21 – Beebe Source Protection Area WL003 & WL004
- Figure 22 – Beebe Source Protection Area WL007 & WL009
- Figure 23 – Vermont Heritage Spring Water Source Protection Area
- Figure 24 – Derby Line Designated “Village Center”

**FIGURE 1 – TOWN OF DERBY BASE MAP**

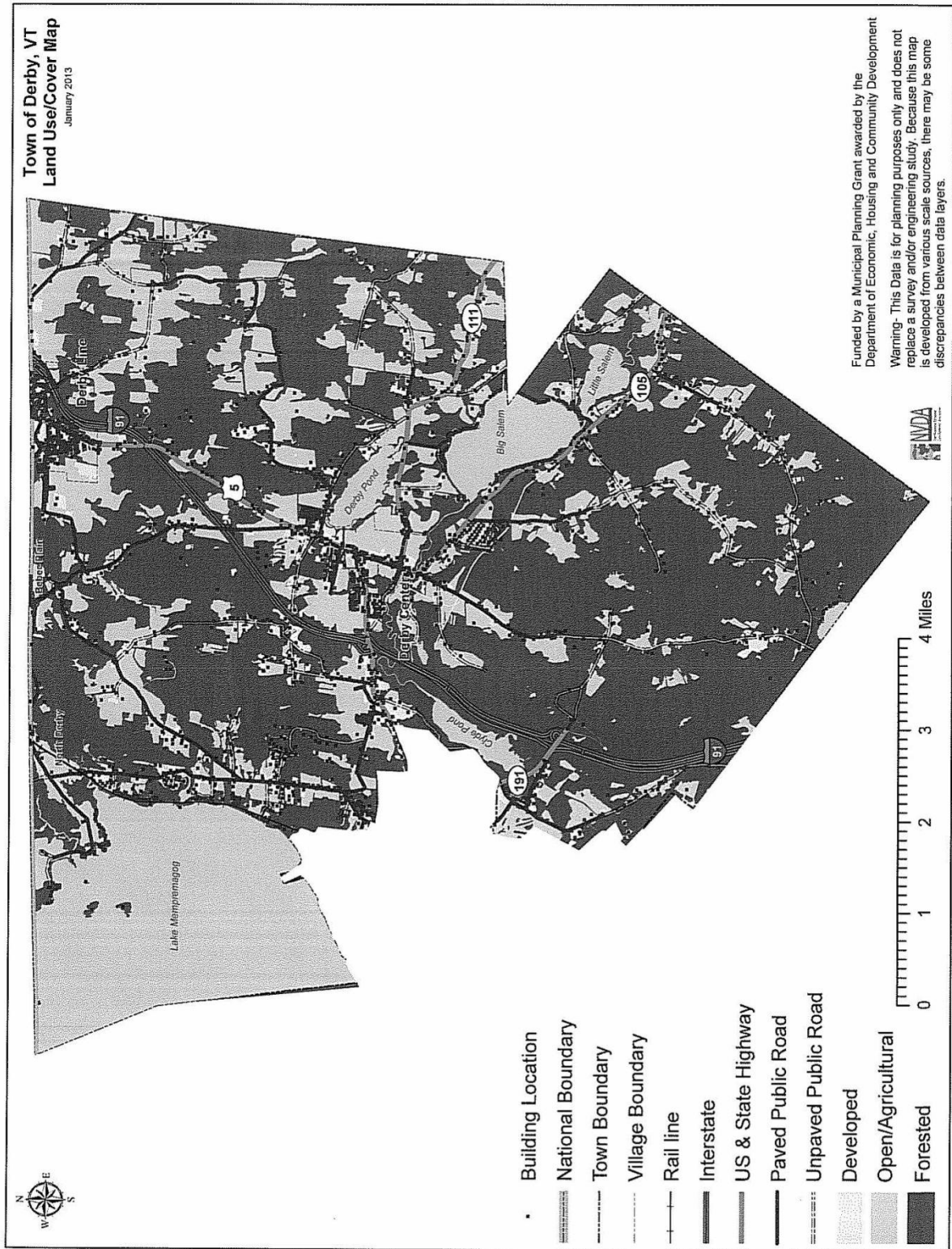


**FIGURE 2 – TOWN OF DERBY ZONING DISTRICT MAP**



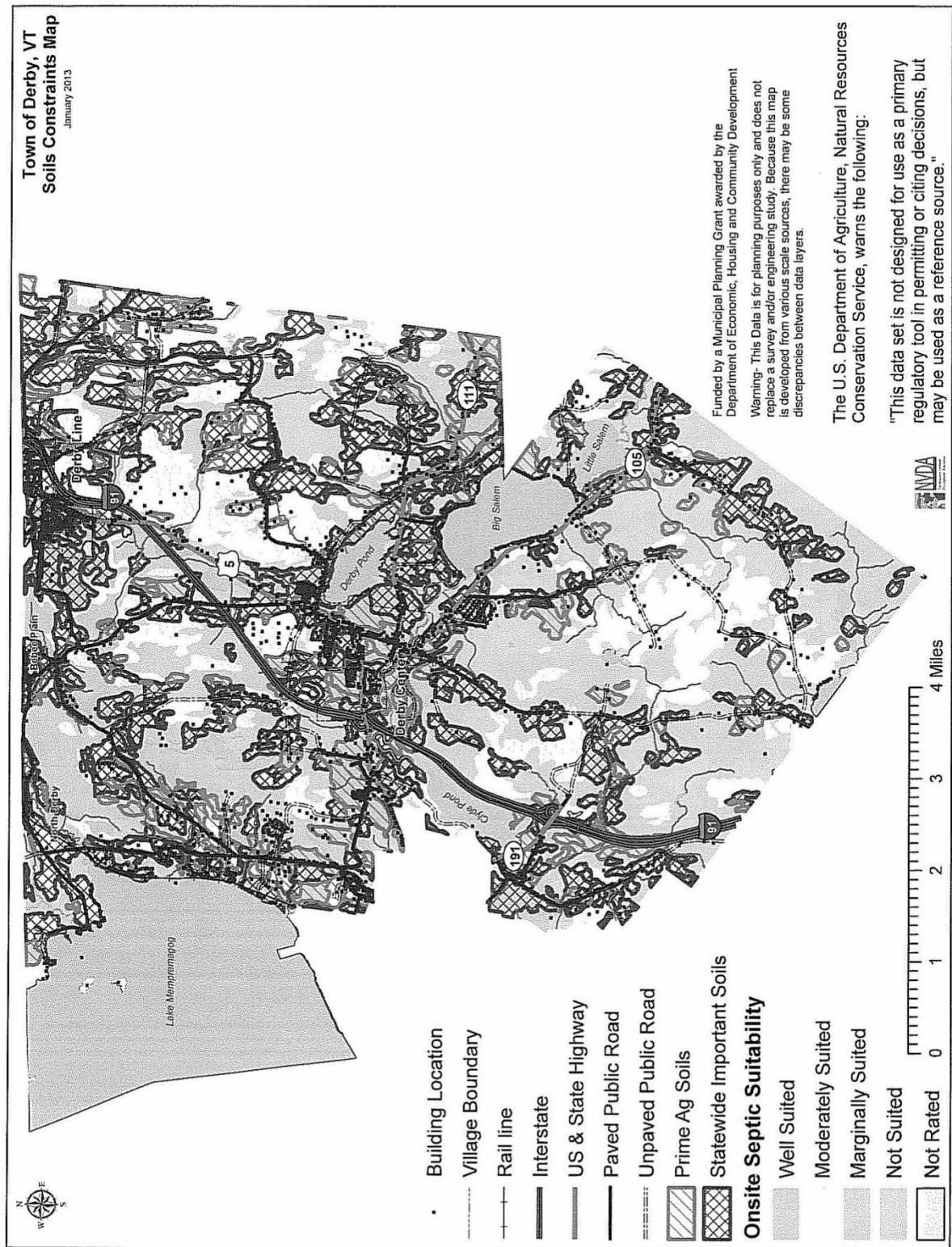


**FIGURE 3 – TOWN OF DERBY LAND USE/COVER MAP**

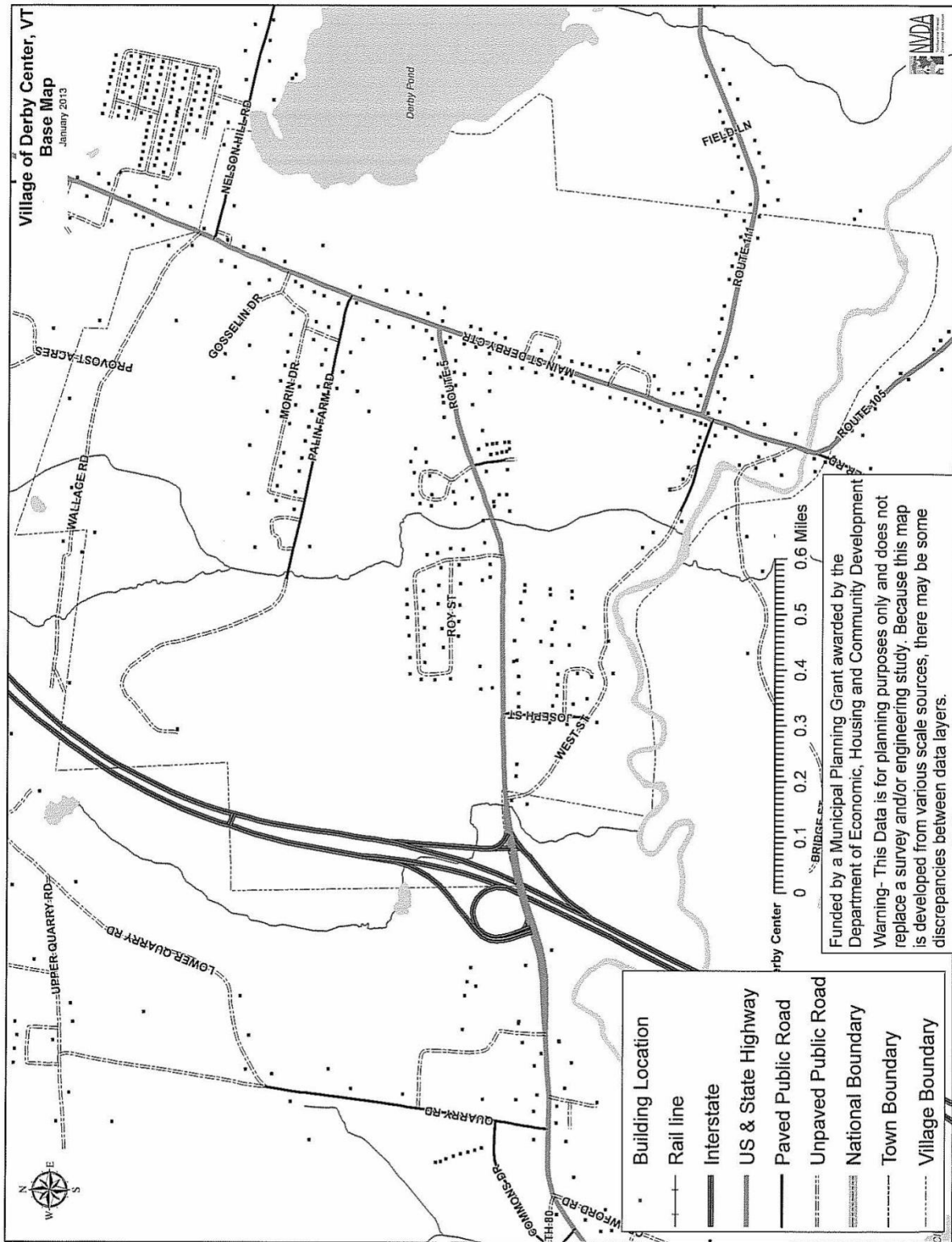




**FIGURE 5 – TOWN OF DERBY SOILS CONSTRAINTS MAP**



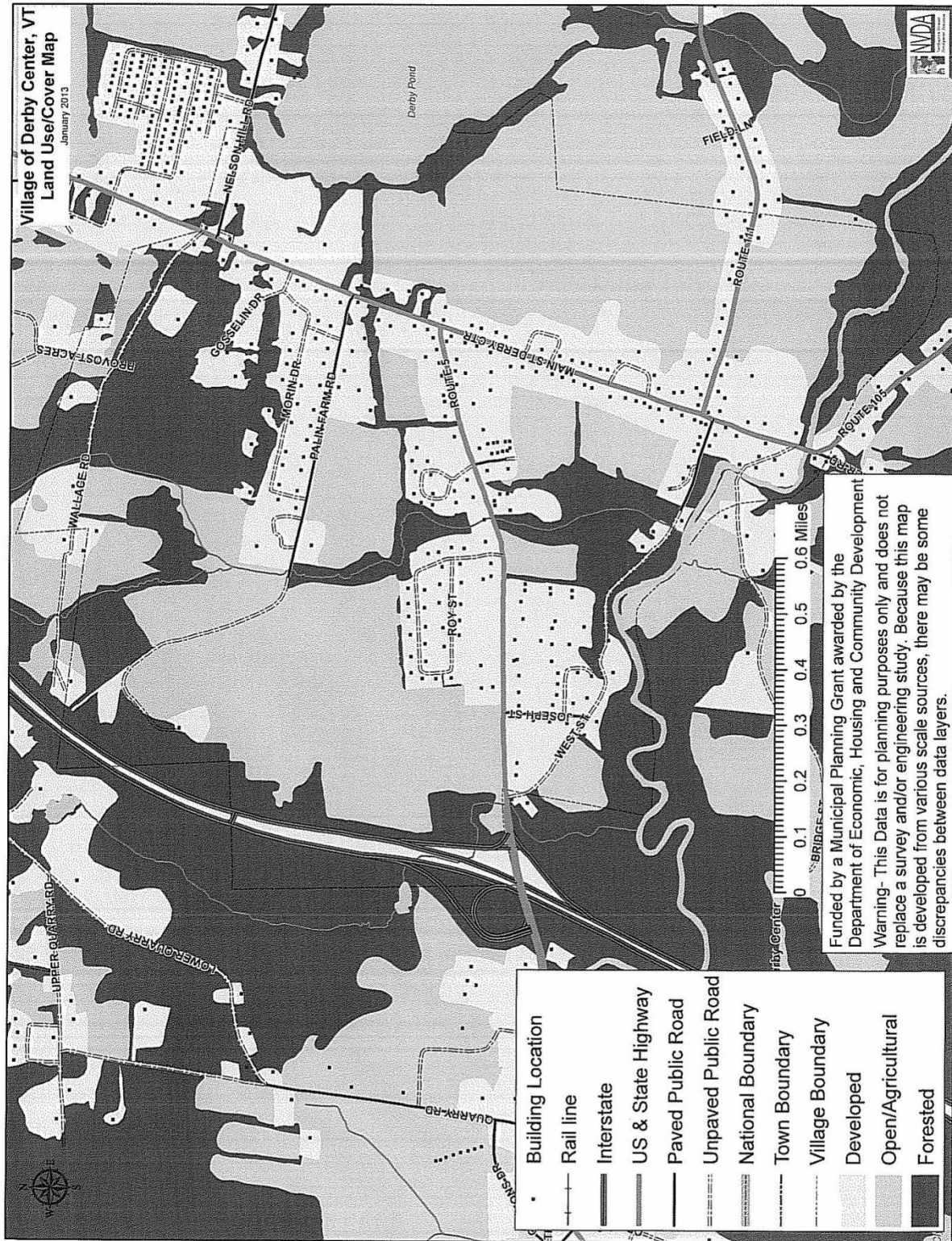
**FIGURE 6 – VILLAGE OF DERBY CENTER BASE MAP**



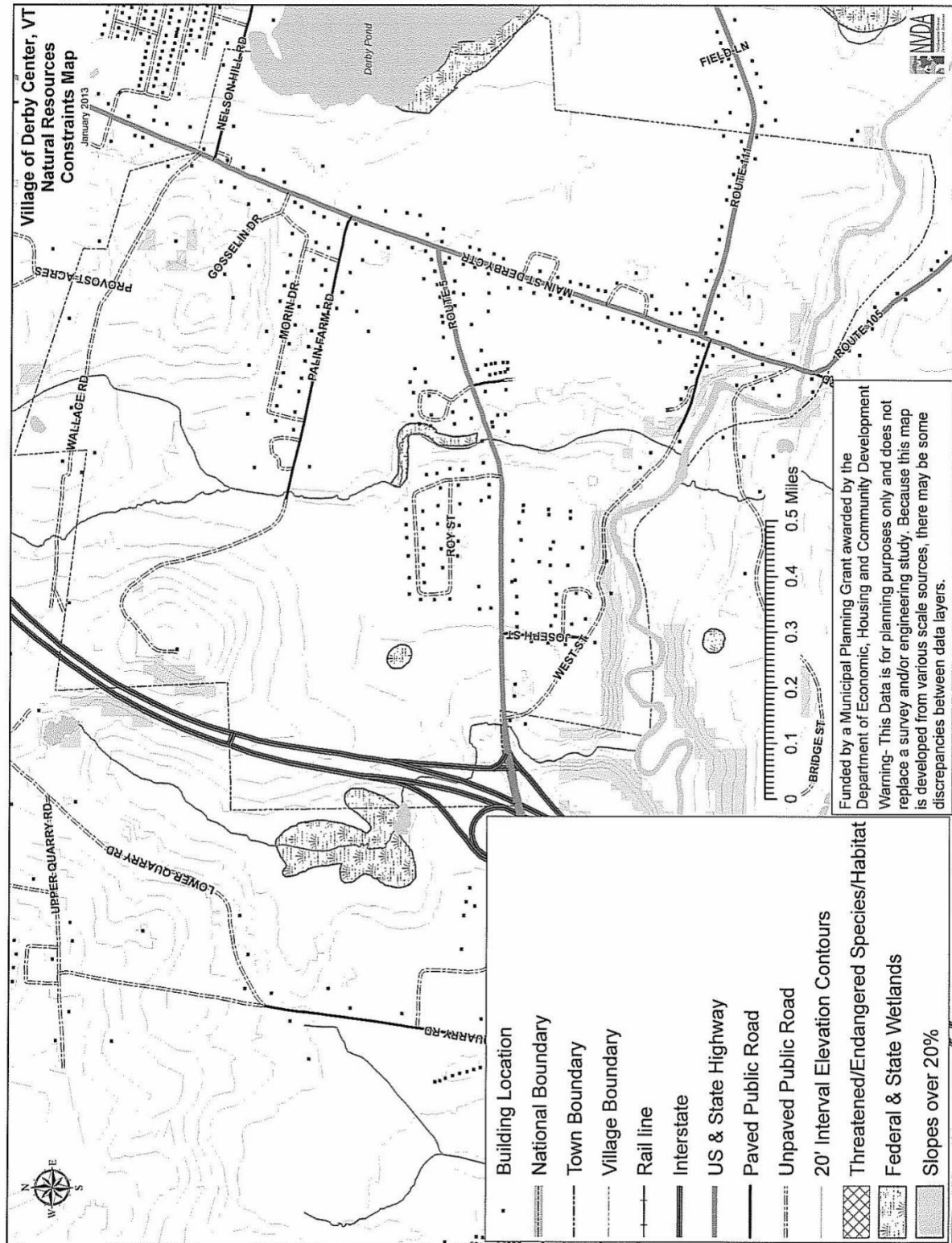




**FIGURE 8 – VILLAGE OF DERBY CENTER LAND USE/COVER MAP**

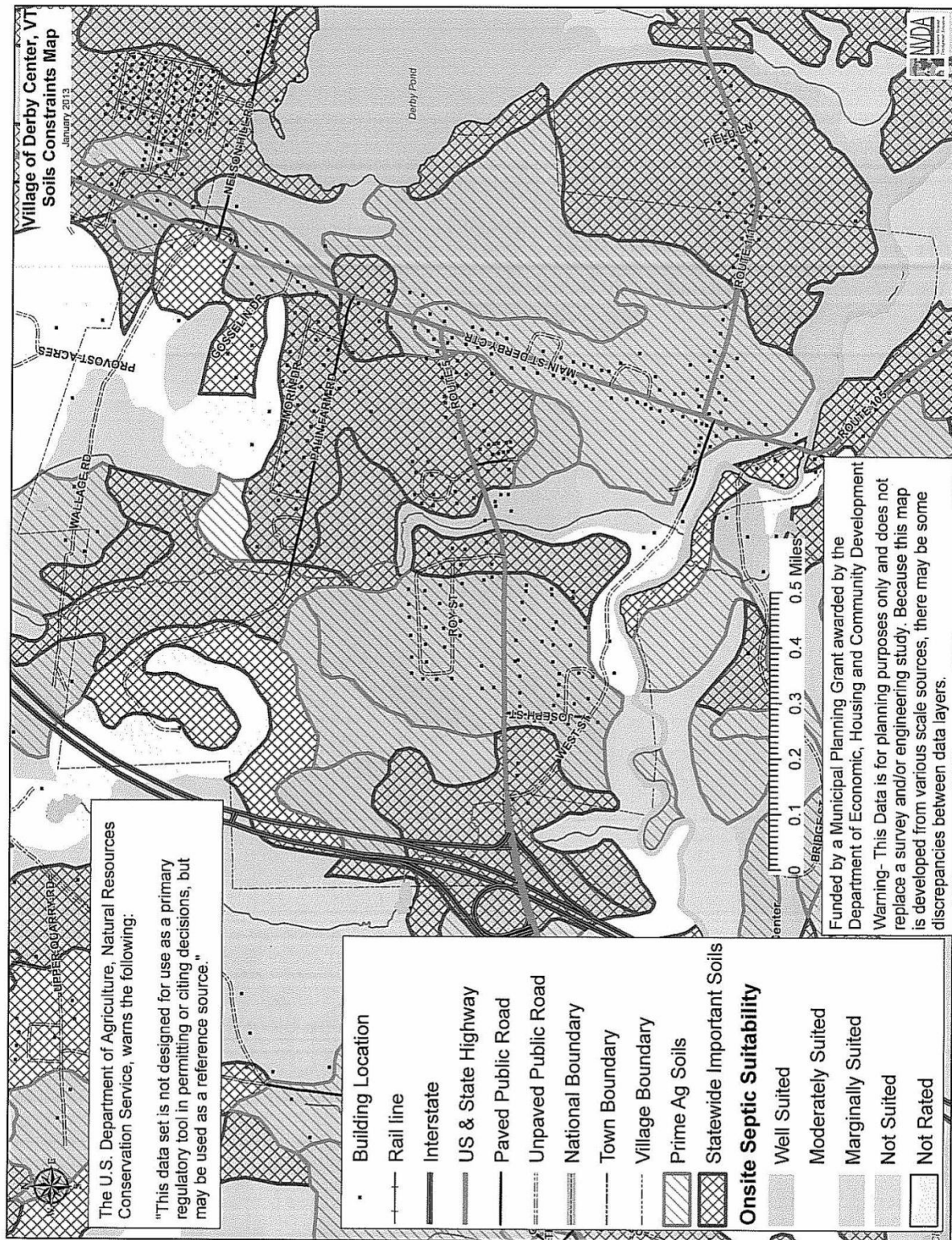


**FIGURE 9 – VILLAGE OF DERBY CENTER NATURAL RESOURCES CONSTRAINTS MAP**





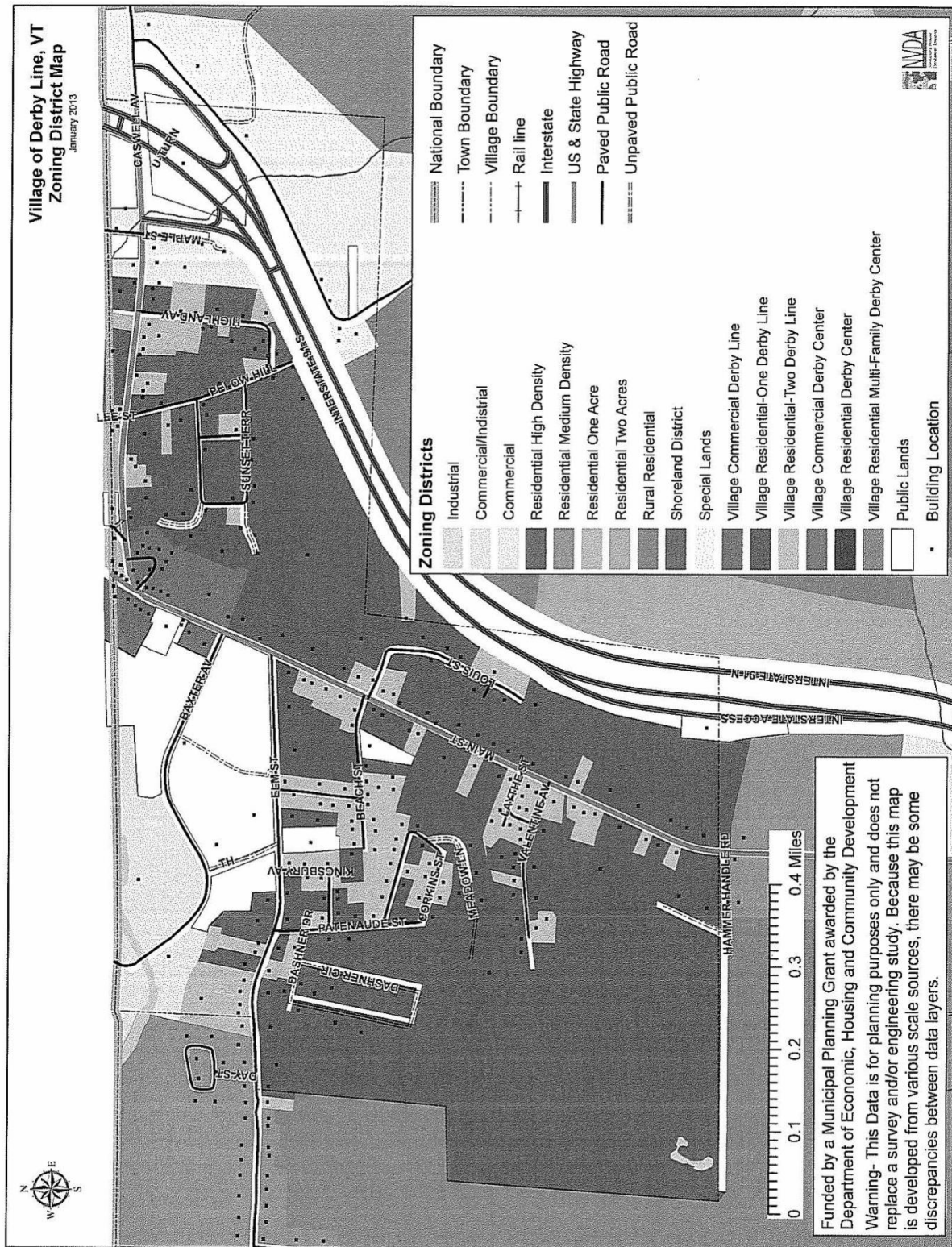
**FIGURE 10 – VILLAGE OF DERBY CENTER SOILS CONSTRAINTS MAP**



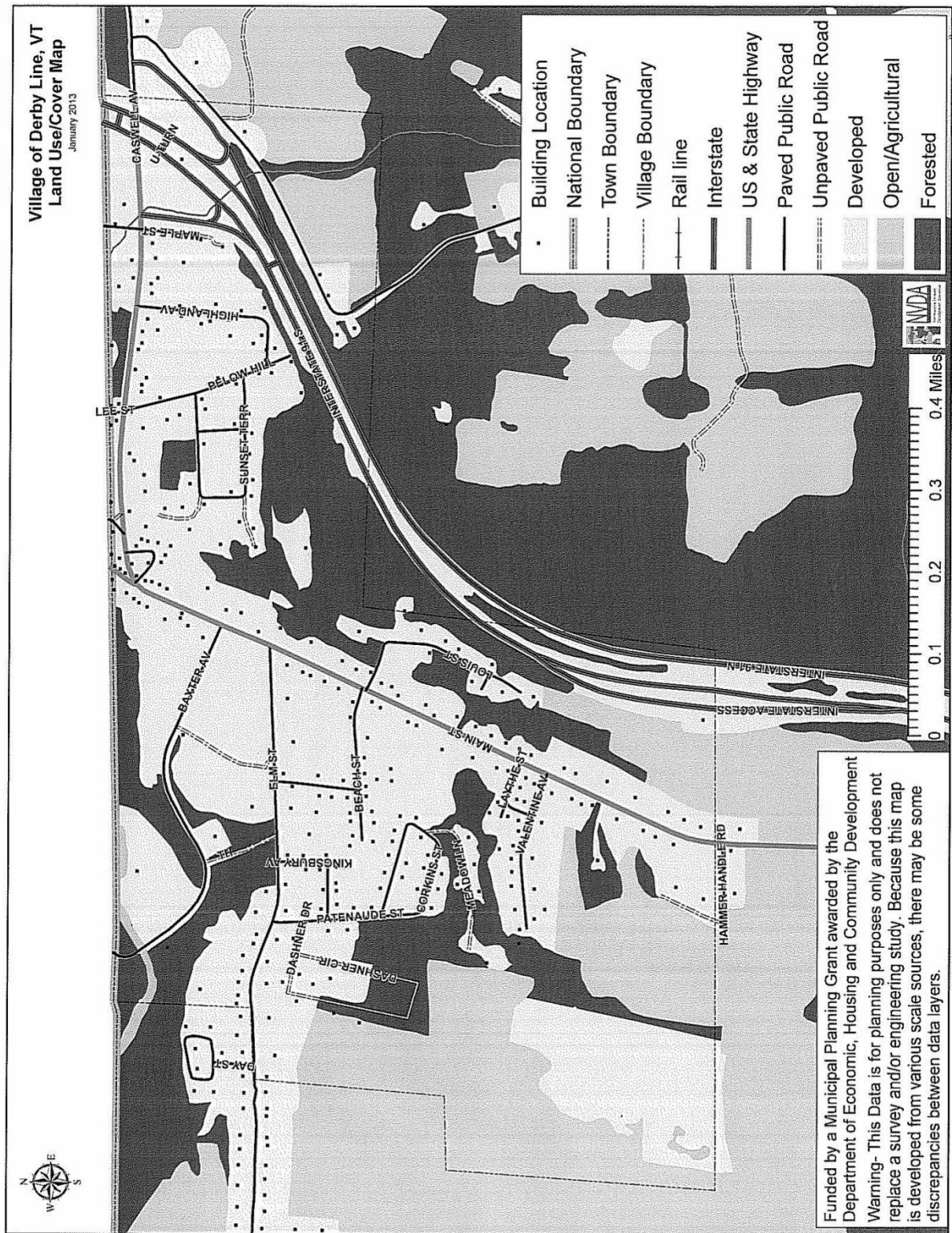




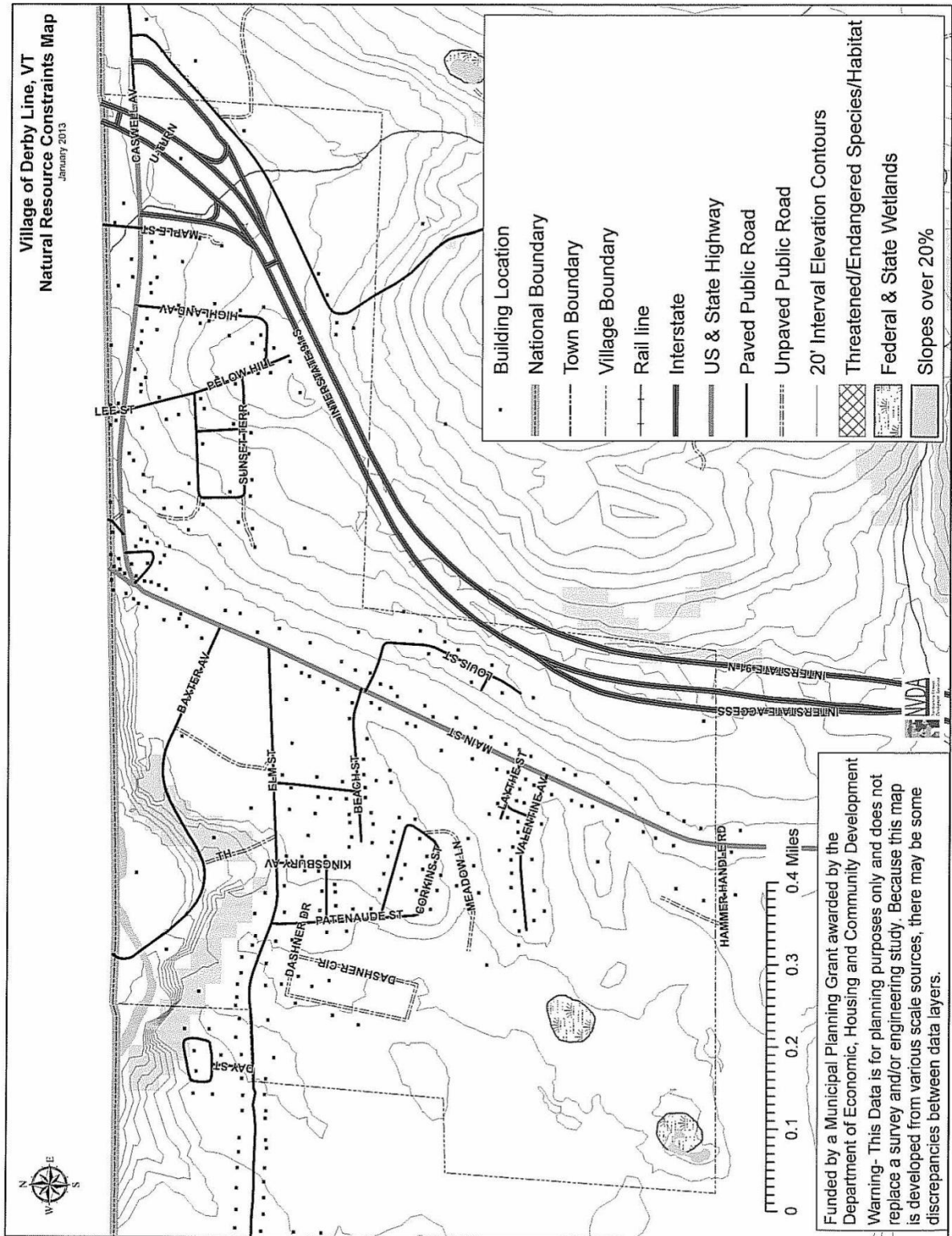
**FIGURE 12 – VILLAGE OF DERBY LINE ZONING DISTRICT MAP**



**FIGURE 13 – VILLAGE OF DERBY LINE LAND USE/COVER MAP**

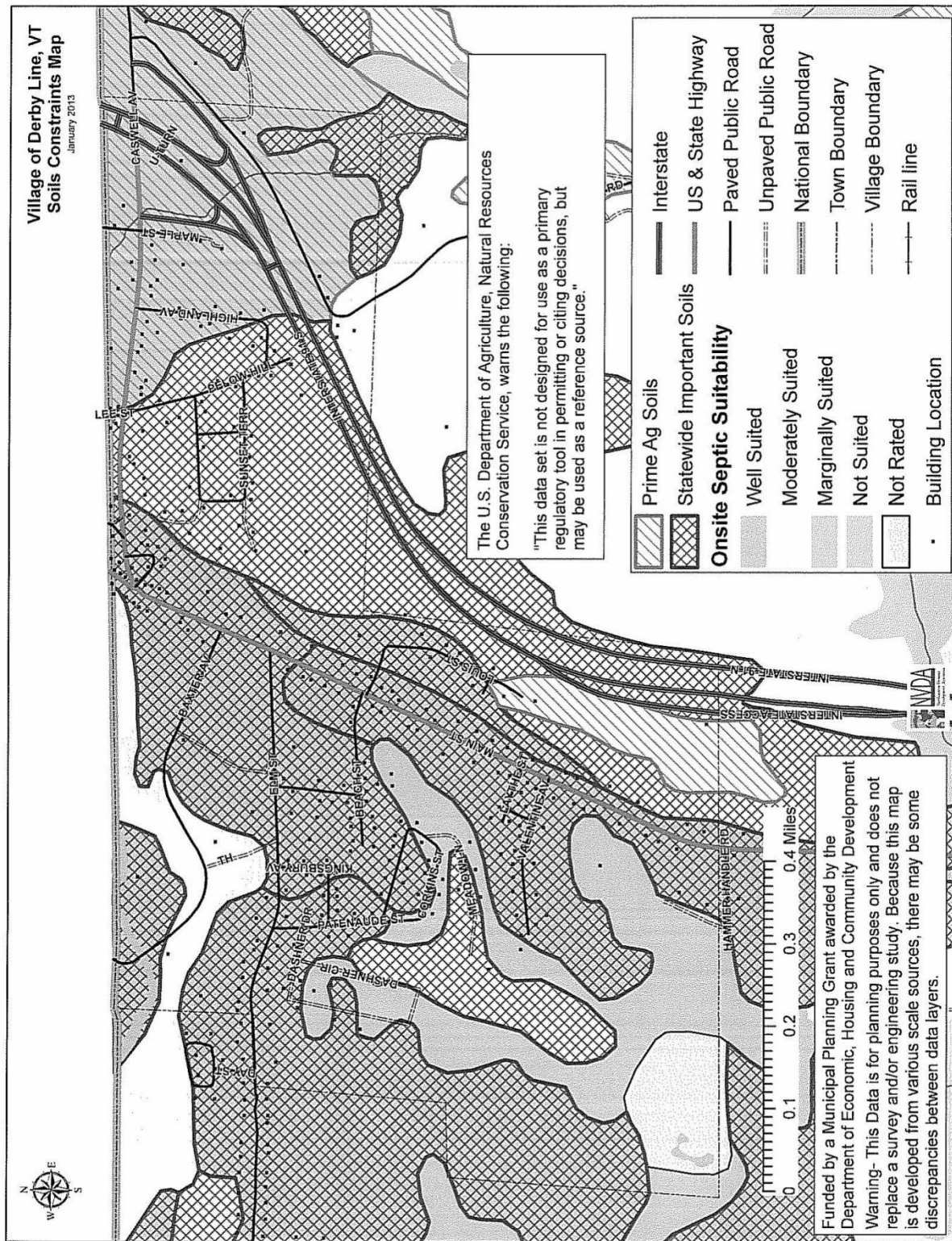


**FIGURE 14 – VILLAGE OF DERBY LINE NATURAL RESOURCES CONSTRAINTS MAP**





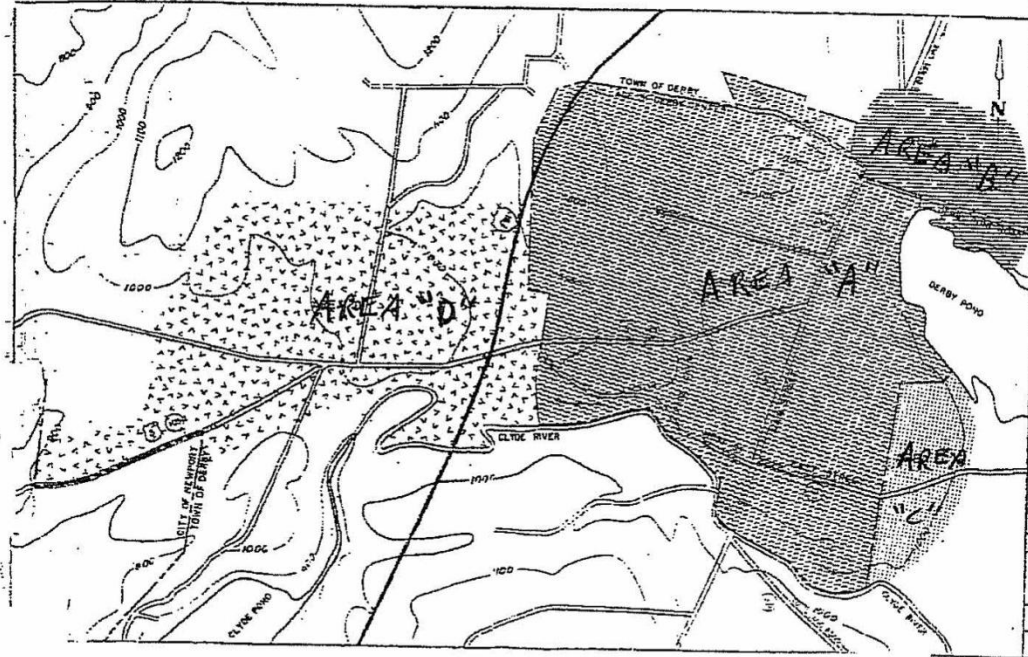
**FIGURE 15 – VILLAGE OF DERBY LINE SOILS CONSTRAINTS MAP**





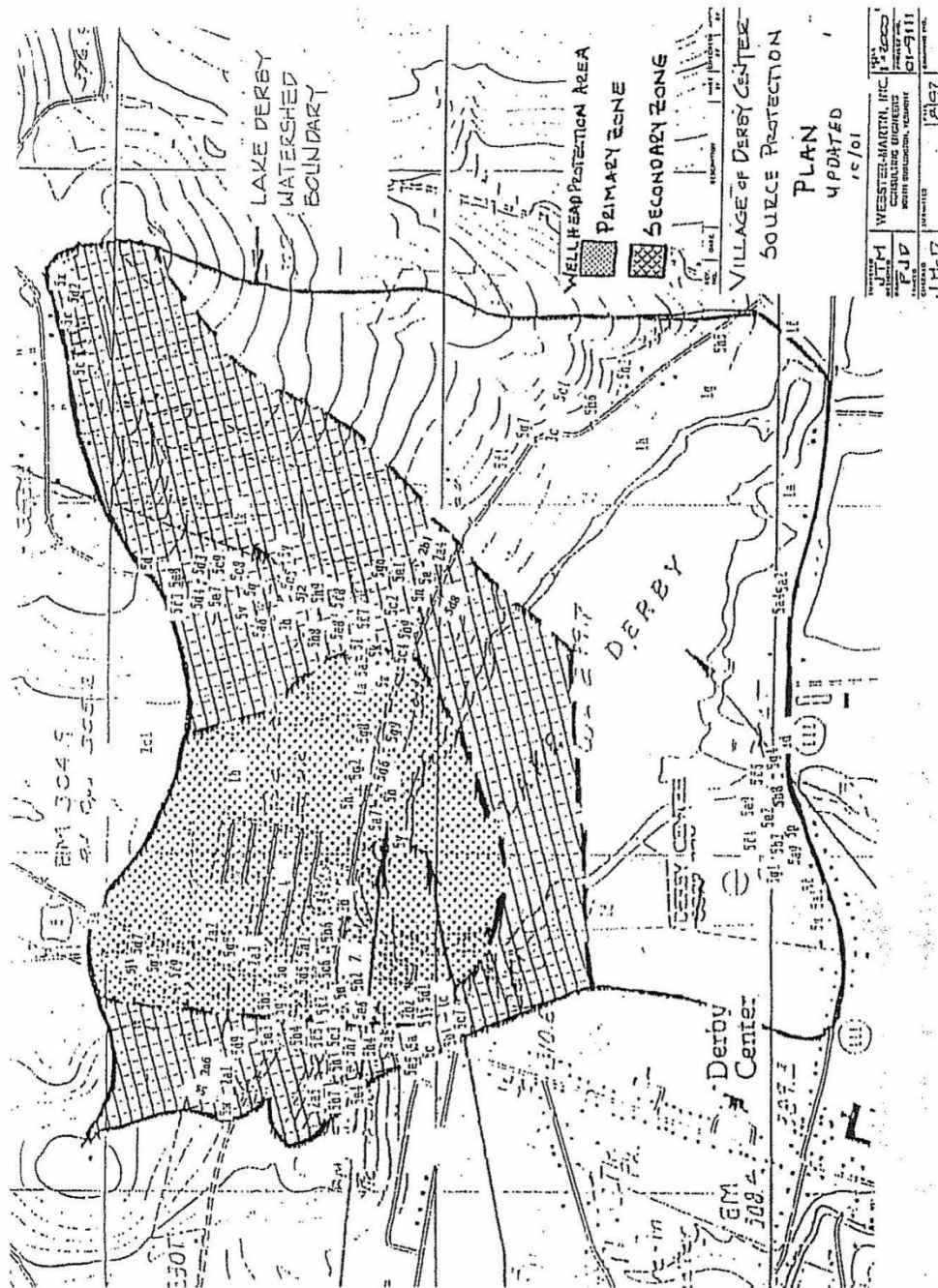
**FIGURE 17 – DERBY CENTER WASTEWATER SERVICE AREA**

*Wastewater Service Area*



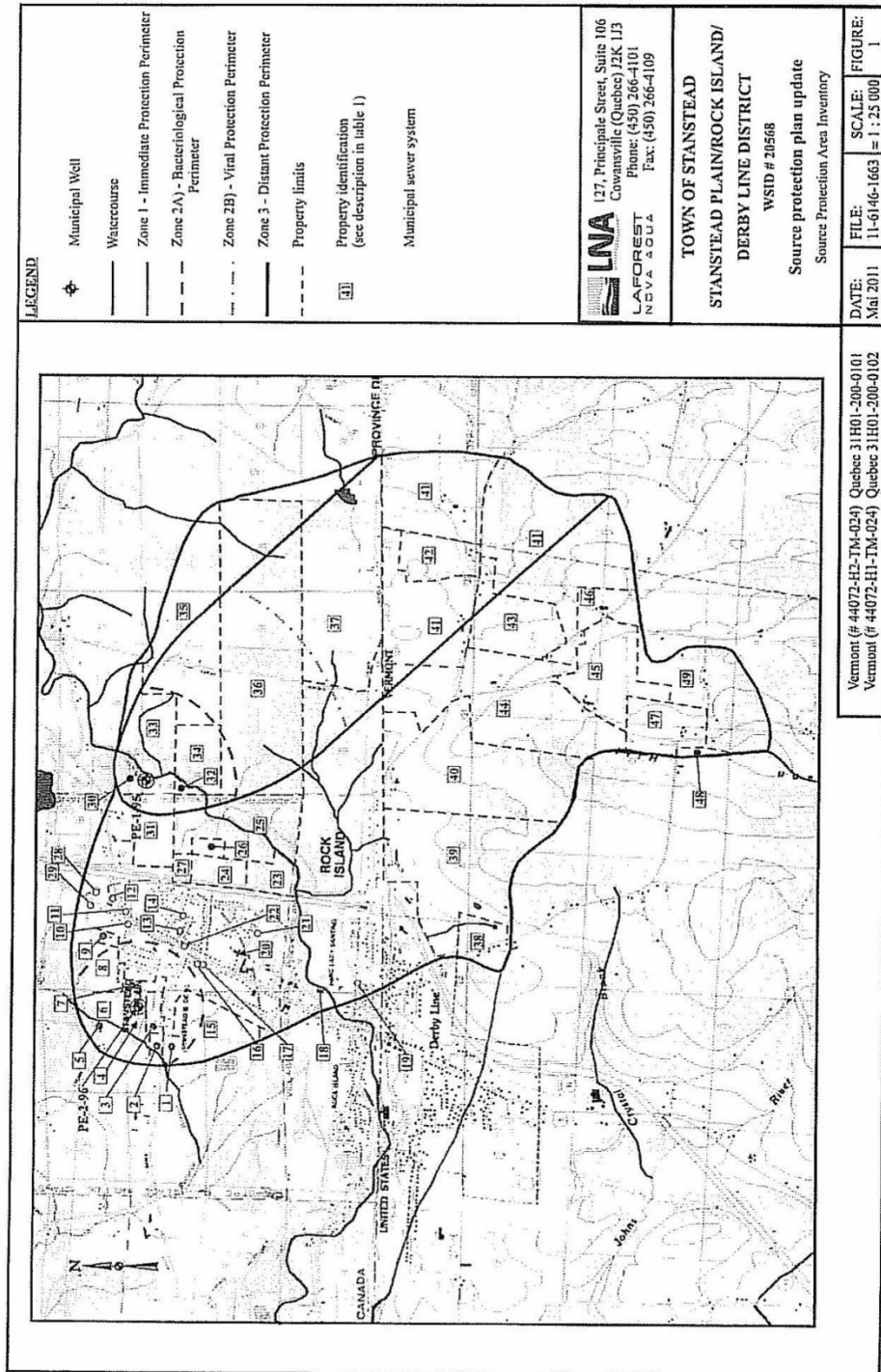
2008 VILLAGE WATER & WASTEWATER ORDINANCE©  
(Adopted October 7, 2008; Effective December 6, 2008)

**FIGURE 18 – DERBY CENTER SOURCE PROTECTION AREA**

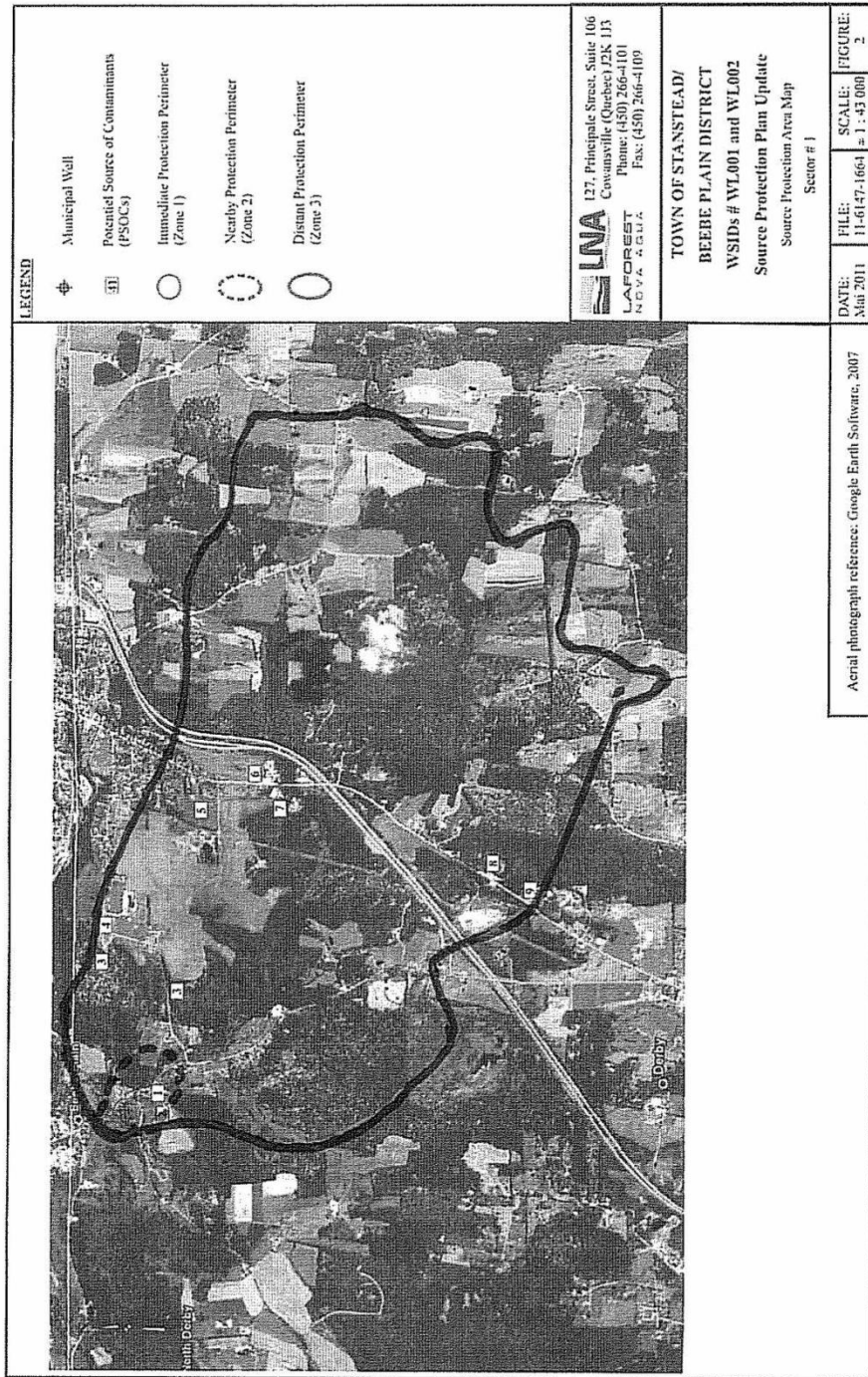




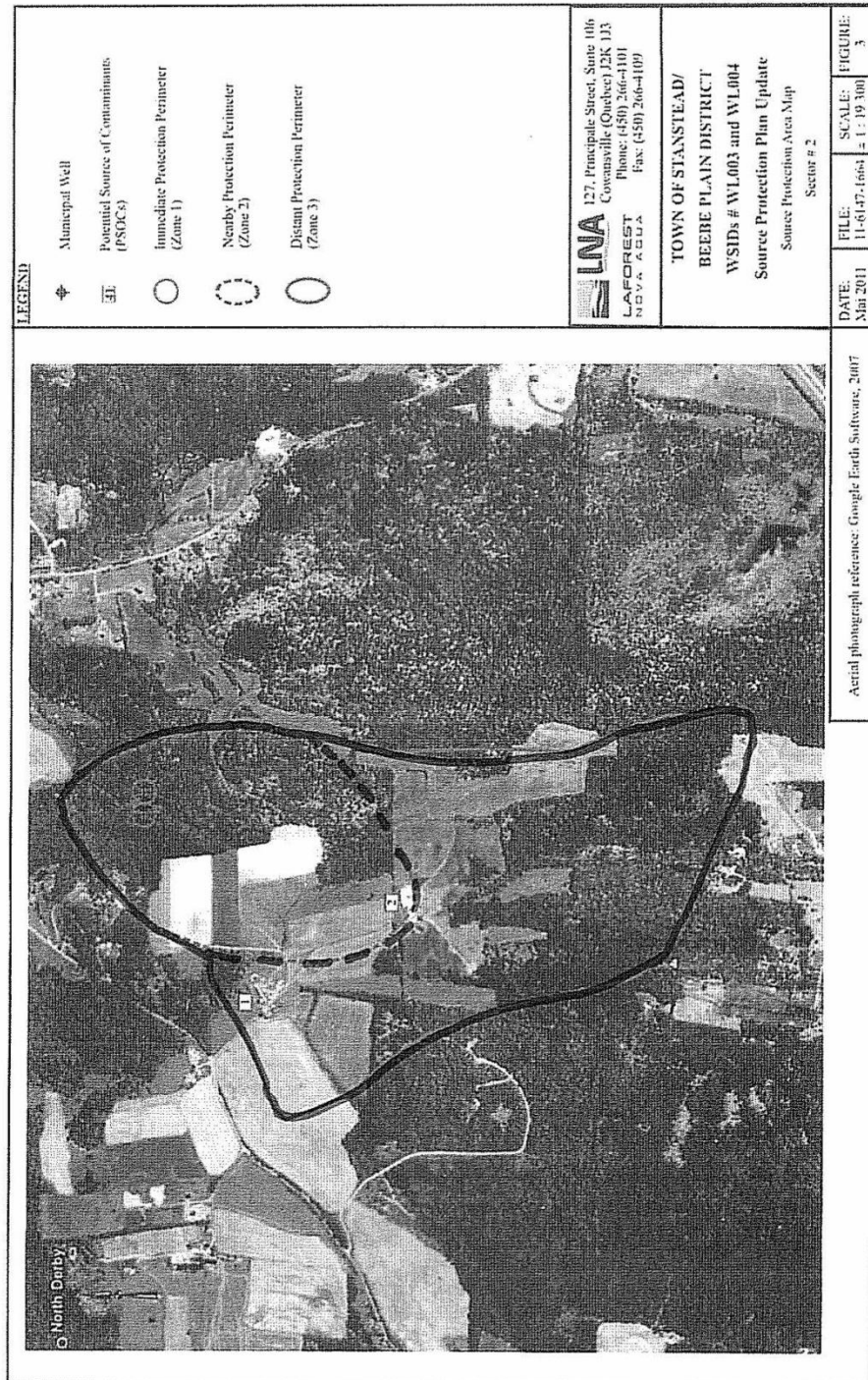
**FIGURE 19 – DERBY LINE SOURCE PROTECTION AREA**



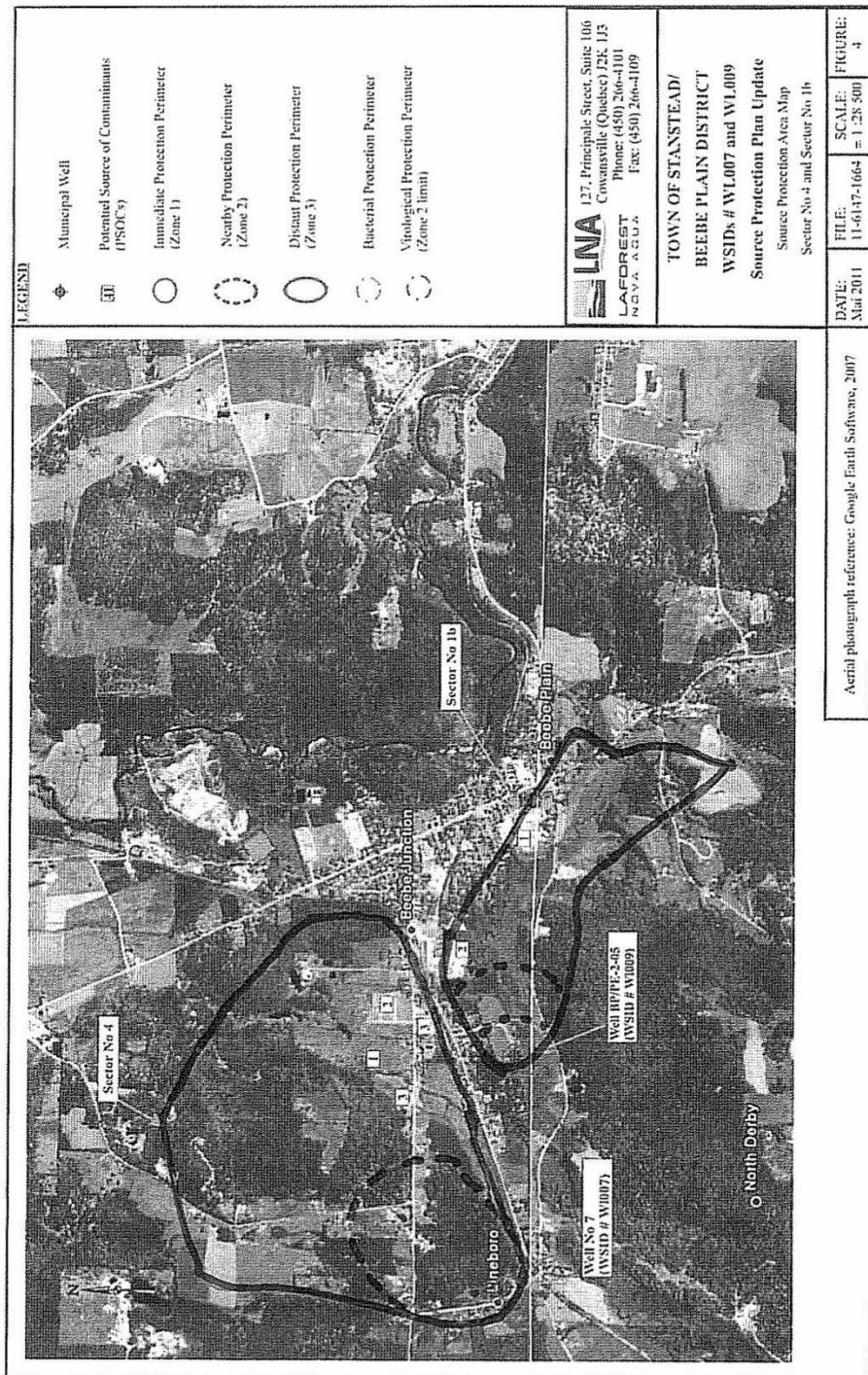
**FIGURE 20 – BEEBE SOURCE PROTECTION AREA WL001 & WL002**



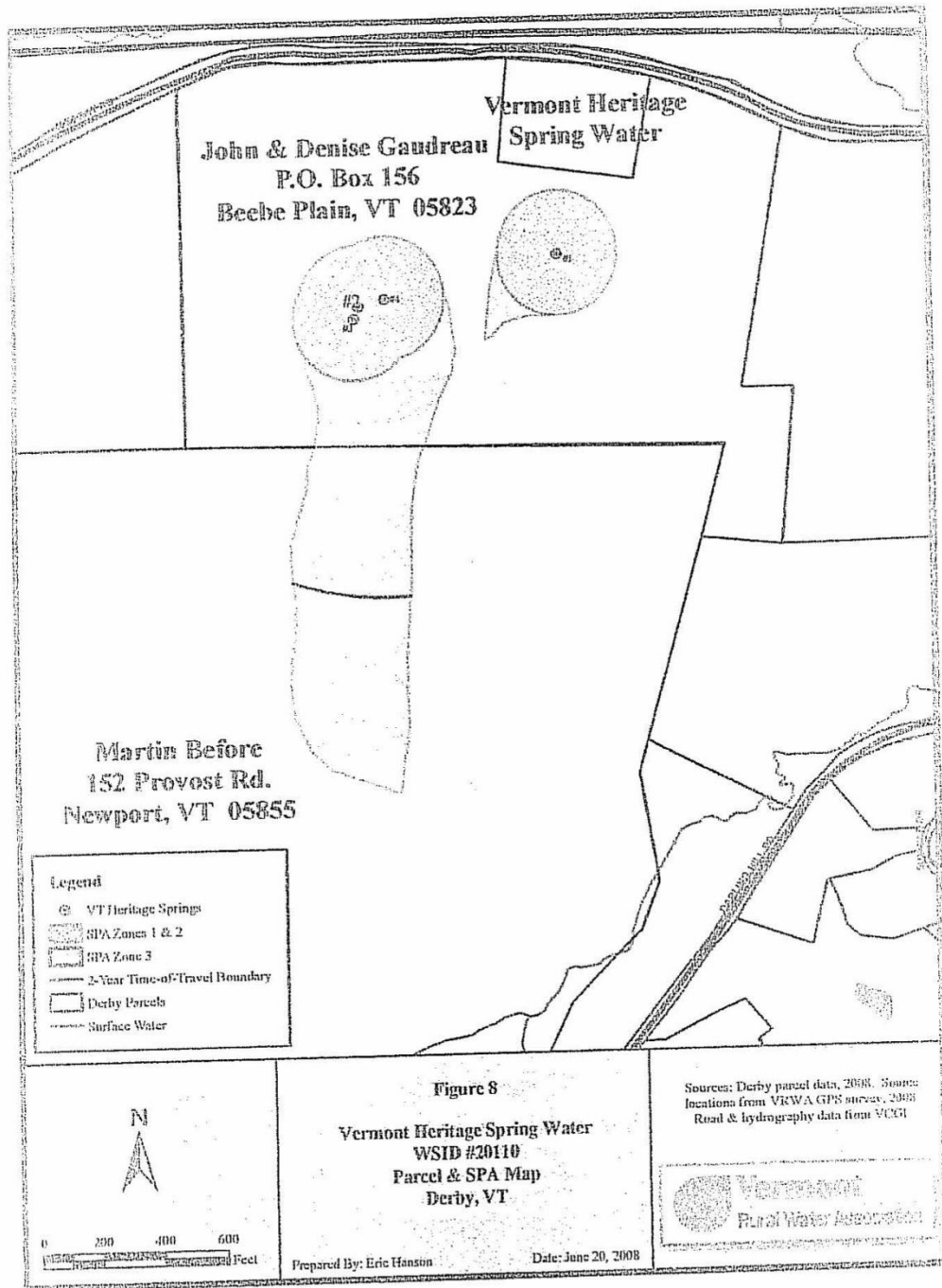
**FIGURE 21 – BEEBE SOURCE PROTECTION AREA WL003 & WL004**



**FIGURE 22 – BEEBE SOURCE PROTECTION AREA WL007 & WL009**



## FIGURE 23 – VERMONT HERITAGE SPRING WATER SOURCE PROTECTION AREA





**FIGURE 24 – DERBY LINE DESIGNATED “VILLAGE CENTER”**

