

**Kirby Town Plan  
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# **TOWN OF KIRBY**

## **2012 MUNICIPAL PLAN**

### **Section 1. Statement of Objectives, Policies and Programs Addressing Growth**

#### **A. Introduction**

The primary purpose of our Municipal or Town Plan is to guide the municipal decisions and actions that affect our small yet growing community. The plan draws on our history, examines recent development trends, and highlights our goals for the future.

The Kirby community has a unique blend of assets, including farms and forests, lands and waters, homes and small businesses, but most importantly a diverse gathering of people that share a love of scenic beauty and small-town life. It is the people of Kirby --- those living here now and those who will inherit this special place --- determine the Town's direction and the land-use policies that guide it. The quality of life that Kirby residents enjoy and an ardent desire to maintain a peaceful and rural community fuel the need to make careful and informed decisions about our future.

The Town Plan is designed to inform that decision-making process, including visualizing change. Clearly not all change is within a Town's control, but we can have an active role in shaping Kirby's future.

The Town Plan provides a basis for implementing programs, regulations, and other tools that may be needed to achieve our goals. It also provides a greater degree of local control by setting forth our guiding policies, which are considered as part of some state and federal regulatory procedures that affect our Town.

It is our desire that this Town Plan reach a balance between utilizing regulations that impose a minimum of restrictions on private land while still providing local officials with tools to control and guide the Town's future.

#### **B. The Plan as a Learning Tool**

Updating the Town Plan always teaches us a great deal about the Town of Kirby and reminds us that we still have much to learn. The Town Plan also is meant to be a tool for guiding us in regard to future development.

We have learned much since 1974, when Town voters approved the first Kirby Municipal Plan and the first zoning bylaws. We incorporated those lessons into subsequent revisions to the Municipal Plan in 1982, 1990 and 1999, and 2006 and also in revisions to the zoning bylaws in 1994 and in 2001 and 2006.

In all of those plans and bylaws, an overarching goal has been to “maintain Kirby’s rural character and scenic beauty, and to preserve its natural resources by preventing unchecked development of the Town”. Surveys conducted in 1990, 1998 and our most recent survey in 2012 all showed great concern for the preservation of the rural character of Kirby, including its agricultural lands and other natural resources. A summary of the 2012 Survey results is attached as Exhibit 1 (Survey Summary).

Before we move on to planning for the future, we take a moment to look at our present community, and how it has developed. For those interested, a more detailed Kirby History is included as Exhibit 2.

C. Kirby Community Profile

i) General

Our Town is located in the Vermont’s Northeast Kingdom, bordered to the south by the Towns of St. Johnsbury and Concord, to the east by the Town of Victory, to the north by the Town of Burke, and to the west by the Town of Lyndonville. Of the Town’s 15,305 acres, approximately 50% are forest and agricultural lands. The Town is managed under a Selectman form of government. The Selectmen are supported by the services of a Town Clerk/Treasurer/Tax Collector and by a small group of appointed and elected Town officials.

ii) Population

The Town’s most recent population, based on the 2010 census, is 493 persons. This represents a growth of 8% from the 456 persons reported in 2006, and continues the general growth cycle that Kirby has experienced beginning in about 1970. See Population Growth Chart attached as Exhibit 3. Of the Town’s current population, 93 persons or 19% are school-aged children (not including home schooled children or students attending schools where Kirby does not pay tuition). See School Trends Chart attached as Exhibit 4. There are 132 children in Kirby, including children not school age and home schooled children.

iii) Population Centers

Kirby’s population is dispersed over the Town’s land area. Although Kirby has no acknowledged or designated population center, distinct neighborhoods do exist throughout the town as Kirby Mountain essentially divides the town into three distinct regions: North Kirby, South Kirby and Mud Hollow.

The majority of Kirby residents have established their homesteads in the North Kirby area, which runs along the North Kirby Road and Ridge Road that parallel the Town's western border. The South Kirby area is a second population center, and is established along Burroughs Road and Kirby Mountain Road that begin at the southeastern border of the Town and run north up the center of Town. Kirby's full-time farm operations are located in and around these two populated areas. The Mud Hollow area surrounds the Mud Hollow Road in the southern section of Kirby.

iv) Schooling

There are no schools operating in the Town at this time. All educational services are contracted out to local educational centers or accomplished through home-schooling. School children attend public and independent schools in surrounding communities, including but not limited to, Lyndonville, Burke, Waterford, Concord, and St. Johnsbury, or they are home-schooled.

v) Work and Service Areas

The majority of the Town's workforce travels outside of Kirby for employment. In addition, the Town's residents must travel out of town to fill their retail and service requirements. Many residents of town operate home businesses. There are still 6 working farms and several part time farmers in Kirby. Many of these provide employment opportunities in town. Kirby also has a golf course on Route 2 and there is a trucking company on Route 2.

vi) Municipal Services

Kirby does not have a municipal water system or sewer system. The Town is now a member of the Northeast Kingdom Waste District, having joined in 2001, and residents' solid waste is collected at the Town's transfer station near the Town Hall. Townspeople have the advantage of recycling at the Waste District and participating in the District's hazardous waste and bulky days.

vii) Housing

The 2012 Grand List indicates that the Town has 169 residential and 15 mobile home units, and 6 farms and 13 vacation homes and 39 camps. In addition, Kirby has 10 apartments. Most of the Town's year-round homes are owner-occupied, leaving very little of its housing inventory available for rental use. Housing data available from the 2010 Census indicates that in 2010, Kirby had a total of 194 households, of which 168 (87%) were owners, and 26 (13%) were renters.

viii) Taxes and Tax Base

The Town's 2012 Grand List shows 342 parcels in Town with an assessed value of \$56,015,800.

D. Statement of Plan Goals and Objectives

This Municipal Plan has been developed under the guidelines and goals contained in Vermont Statute 24, Chapter 117, Sections 4302 and 4382, as amended through 2011.

The goals of this Plan are to help enable the Town in preserving and maintaining its rural character and scenic beauty by providing a summary of factual information and data that provide a basis for review and analysis, and support the following objectives:

- Continued development of a strong and diverse economic base through the promotion of commercial development along Route 2 and home occupations throughout the Town.
- Maintaining and enhancing rural character, and protection of key scenic areas.
- Maintaining a convenient and efficient transportation system through superior maintenance of Town roads.
- Preserving the Town's natural resources by:
  - Encouraging recreational opportunities
  - Encouraging continued use and development of agricultural and forest-based resources

These Plan objectives will then be pursued through the following steps:

Step 1:

Provide the Town residents and planners with a range of factual information. Statistical data, demographics combined with analytical studies, and historic data will be used as the base of the information to support the Town's management policies.

Step 2:

Review Town land-use history, and current Town profiles, including land use, soils, population, transportation planning, utilities and facilities, natural resources, educational resources, and review at development trends, energy conservation, housing and housing density, historical preservation, farming, regional impact studies, to develop a plan for managing future development and means by which to implement such a plan.

Step 3:

Include Town residents, neighboring communities, and the Regional Planning Commission in the fact-gathering and review process.

Step 4:

Present the plan for formal public review and approval.

Step 5:

Pursue plan goals and objectives through revisions to the Town zoning bylaws.

**Section 2. Land Use Plan**

A. Introduction

Town planners, farmers, landowners, developers and state agencies utilize land-use plans as a reference guide. A Town's land-use plan also provides its citizens and others with a comprehensive analysis of the natural, manmade, and environmental factors directly relating to a Town's current and future land use.

This section also provides information and data about Kirby's topography, soils types, soils' capabilities, wetlands, watersheds, roads, and its current land-utilization patterns. Kirby's land-use management policies and bylaws will be derived from this section of the plan.

B. Past Kirby Land Use Regulations

The first Kirby Town Plan was enacted in 1974, and subsequently revised in 1982, 1990, 1999 and 2006.

In 1968, the Town of Kirby adopted interim zoning bylaws. In 1974, formal zoning bylaws were adopted, and these bylaws were amended in 1994, in 2001 and in 2006.

The municipal plans written in 1974 and 1982 recommended the establishment of the following three zones within the Town's borders:

i) *Flood Plain Zone (FP)*. This is a narrow area running parallel to the banks of the Moose River. It is located within the boundaries of the *Commercial Zone (C)*. The bylaws limit use within this zone to recreation and agriculture.

ii) *Commercial/Light Industrial Zone (C/Li)*. This zone is in the southern tip of the Town and has direct access to US Route 2. The bylaws allow for commercial and industrial development in this area only.

iii) *Residential (R)*. This zone encompasses the remainder of Kirby's property. The bylaws approve this area for continued development into one-family and two-family dwellings along with the continuation of agricultural and municipal usage.

The municipal plans and bylaws have stressed the importance of preserving the Town's rural character, natural resources, and financial stability by "preventing unchecked development". Traditionally, this phrase "unchecked development" has referred to commercial

development, but in many towns in Vermont, development concern encompasses unchecked residential development.

Following publication of the 1998 Municipal Plan, the Town experienced concerns with residential growth, and in particular concerns and problems caused by dense development in fragile areas. Many septic systems failed, traffic became occasionally heavy, dogs were often loud, and structure setback requirements were violated.

In response, the Town Planning Commission reviewed the feasibility of maintaining two-acre minimum lot size. The Planning Commission noted that a two-acre lot size is a standard in many communities, but often more appropriate for communities with their own schools and a healthy industrial/commercial base. The Planning Commission determined that two-acre zoning was proving damaging to the quality of life and economic health of Kirby. Thus, the Planning Commission amended the bylaws to increase the minimum lot size to five (5) acres. At the same time, the Planning Commission maintained provisions allowing planned unit developments, which allow greater development flexibility, include density requirements, to provide a mechanism for alternative and well-planned development.

The bylaws adopted in 2006 added a zone named Highlands District, added a Flood Plain District and changed the names of the Rural Residential zone to the Residential District.

i) *Highlands District.* This zone encompasses all lands above 1,800 feet in elevation above sea level. Development in this area is limited to agriculture and forestry, camps and residential dwellings. Camps and residential dwellings must be located on a parcel of land 25 acres or larger in size. No conditional uses are allowed in this district.

ii) *Floodplain District.* This zone encompasses all land lying within the 100 year floodplain in town, all of which is located along the Moose River at the south end of town. Permitted uses are Agriculture and Forestry. Conditional uses that may be allowed are essential services and recreational facilities.

### C. Present Land Use

According to the 2012 Grand List, the Town of Kirby contains 15,305.19 acres, most notably including the following:

The 2012 Grand List indicates that the Town has six (6) farms. Many acres in Kirby owned by residents are utilized as crop and pasturelands by area farmers.

The 2012 Grand List also indicates that the Town has forty-one (41) parcels classified as woodlands. Clear-cutting and selective-cutting procedures are used in the harvesting of a small number of these woodlands each year. Several maple orchards exist that produce maple syrup for commercial sale and home use.

The 2012 Grand List also indicates 190 year-round homes (up from 169 in 1998) and 52 vacation homes (down from 56 seasonal/vacation homes in 1998) including seasonal camps and 10 apartments.



Darling State Forest is located in the northeastern corner of the Town. This 432-acre park is part of a larger parcel of state land that extends into the Town of Victory. There are no public roads leading to or within Kirby's portion of the forest, but there are trails available.

There are a growing number of commercial operations listed in Kirby, including a golf course, a bed and breakfast inn and a rental company located in the Town's Commercial zone, and a sawmill operation located in South Kirby. Numerous home-based and cottage industries operate throughout the Town.

The Town Hall and Town Garage are located in the northwestern portion of the Town. The Town's schoolhouse, no longer in operation, is located in South Kirby.

#### D. Town Topography

We break Town topography into five general categories: elevations of (i) 815 to 1,100 feet above sea level, (ii) 1,100 to 1,400, (iii) 1,400 to 1,600, (iv) 1,600 to 2,500, and (v) above 2,500 feet. See Elevation Map attached as Exhibit 5 for all category depictions.

The first elevation category contains the Town's Flood Plain area. With an elevation of 815-1,100 feet above sea level, this area has been established along the shorelines of the Moose River. Approximately ten percent (10%) of the land in Kirby falls within this category. These lands are restricted to recreational and agricultural uses under the Town's zoning by-laws. The Town considers this zone as one of its fragile areas. The frequent flooding of these lowlands prohibits any development of permanent structures.

The second category contains lands that fall between 1,100 and 1,400 feet above sea level. These lands have been primarily developed into home sites and farmlands. See Housing Map attached as Exhibit 6. Approximately forty percent (40%) of the land in Kirby falls within this elevation category. At these levels, slopes are moderate in nature. In most cases soil erosion is minimal but care must be taken when disturbing the natural drainage systems in these areas. Road maintenance is also held to a minimum due to the moderate slopes.

The third elevation category contains lands that fall between 1,400 and 1,600 feet above sea level. Approximately nineteen percent (19%) of the land in Kirby falls within this category. The degree of slope increases at these elevations hindering land utilization. Some of these lands are used as pasturelands but the majority is forestland. Erosion becomes an important factor when development within these elevations is proposed. The construction of roads and driveways with grades of less than ten percent (10%) is difficult in these areas. In addition, the introduction of surface and subsurface waters into the soils at these levels can result in the pollution of water sources serving the homes and farms in lower elevations. Development within the third elevation category should be reviewed on a case-by-case basis with the goal being to protecting preexisting natural water sources and supplies.

The fourth elevation category is land that falls between 1,600 and 2,500 feet above sea level. Approximately thirty percent (30%) of land in Kirby fall into this category. Most of the fourth elevation category land contains severe slopes of over fifteen percent (15%) and the ridge areas. Erosion control and subsurface water confinement are severely hampered at these elevations. Development in these areas is strongly discouraged, and due consideration must be

given to the impact on fragile ecosystems, soils and scenic vistas. If construction is to take place at these levels, consideration will be given to requiring a soils study and an impact study on scenic vistas and ecosystems of the proposed development area prior to the Town's approval of the construction plan.

It is important to consider that the land in this elevation category provide the watersheds to surrounding valleys. Pollution of the surface and subsurface waters at this higher elevation could result in permanent damage to the agricultural and residential water supplies that are located within the Town's lower elevations.

The fifth elevation category is all land above 2,500 feet. Approximately one percent (1%) of the land in Kirby falls within this category. Development is highly discouraged and would require extensive study and review by Town and state officials.

Roads contained within the latter elevation categories are expensive to maintain partly due to the high percentage of grade of the road and these roads tend to foster additional erosion and pollution problems affecting the waters below. Forestlands at these higher elevations can provide landowners with an income from the harvesting of timber as well as provide a wealth of recreational opportunities. The ridge and forest areas also provide the beautiful vistas that have always been a cherished part of the Town's character.

#### E. Soils Study

This section provides general information concerning the capacity or the limitations that are characteristic of the soils that combine to form Kirby's landmass. The goal of this study is to provide information the soils' permeability and absorption rate. Bedrock or soil depth, load bearing capacity, water retention ability, and the degree of slope must all be considerations in analyzing soil capability.

The General Soil Map attached as Exhibit 7 was developed from research provided by the US Department of Agriculture Soil Conservation Service. This map provides an overall picture of the Town's soil types and their location within the Town. The map's reference guide provides a rating system for these soils and illustrates the characteristics of each of the soil types, which are outlined below.

***Peru-Marlow Association*** soil is the predominate soil in the lower elevations of South Kirby. These soils tend to be deep, thereby providing a substantial base for farming or development. (Marked as 4 on General Soil Map)

***Paxton-Woodbridge Association*** soil is the predominate soil in North Kirby's lower elevations. These soils are more stony and do not have the water retention quality of Peru-Marlow Association soil. (Marked as 8 on General Soil Map)

***Woodstock-Colrain Association*** and ***Lyman-Marlow-Peru Association*** are soils that support the forested areas within the central and southern sections of the Town, respectively.

These soils are generally found in severely sloped areas and typically have a “depth to bedrock” of only 20-40 inches. This shallow soil tends to retain surface water. (Marked as 6 and 3, respectively, on General Soil Map)

***Lyman-Marlow-Peru Association*** soils comprise generally the soils found in the northern forest areas. (Marked as 3 on General Soil Map)

***Windsor-Gravelly-Windsor Association*** soil is found in a section of land in the northwestern corner of Kirby. This soil has a sandy texture with a low soil moisture rating. (Marked as 2 on General Soil Map)

***Windsor-Gravelly Windsor Association*** and ***Limerick-Winooski Association*** comprise much of the Town’s flood plain soils. These types combine to develop a flooding or “ponding” hazard. (Marked as 2 and 1, respectively, on General Soil Map)

The study of soils in a proposed development area can help to determine if the soils in that area can support septic systems, water drainage systems, road construction, and other development related issues. Studying soils will also indicate the best soils available for agricultural uses. Soil types have a direct relationship on the land’s erosion potential.

#### F. Wetlands

Wetland soils generally have a high organic composition that allows them to absorb and retain large quantities of natural water runoff. This capacity can reduce the area’s flood peaks and help to provide the surrounding area with a steady supply of water. Wetlands also provide pollution abatement, ground water recharge and discharge, erosion control, and a natural wildlife habitat.

The National Wetlands Inventory Maps (NWI), on file at the Kirby Town Office, show the locations and categories of each of the natural wetland areas that have been catalogued by NWI. Because of the Town’s topography and soil types, the wetland areas in Kirby are not extensive. However, these fragile areas play an important part in the area’s ecological balance and must be protected from development pressures and inadvertent pollution.

The Wetlands Map and Wetlands Legend attached as Exhibit 8 is a guide to approximate locations and types of these fragile areas that are located in the Town.

#### G. Watersheds

The Watershed Map attached hereto as Exhibit 9 to this Plan was developed by the Vermont State Agency of Natural Resources Water Quality Division. It illustrates the outer boundaries of the Kirby Pond and Johnson Pond watersheds.

Watersheds are formed when steep slopes from one or more mountains or hills combine to form gullies which direct rainwater and snow melt into the swamps, ponds, and streams located below in the area’s lower elevations. These natural drainage and storage systems combine with the lowland soils’ natural water retention qualities and the area’s plant life to provide a consistent water recharge resource.

The maintenance of an adequate buffer strip of natural vegetation is of utmost importance in preserving the water quality of these retention areas. The buffer strip slows and reduces the volume of surface water runoff, thereby allowing nutrient uptake by plants and reducing the erosive potential of the water. These strips also act to filter sediment from land runoff, to stabilize shorelines and banks, to regulate water temperature, to provide fish food, and to provide cover for the wildlife habitat. These fragile watershed systems and their associated plant life structures must be protected from improper forestry practices and from development pressures. (For more information, see Natural Resource Preservation Factors, Plan Section 5.)

#### H. Unique and Fragile Areas

The Kirby Planning Commission identifies the following as unique and fragile areas:

- i) Wetlands;
- ii) Watersheds;
- iii) Aquifers;
- iv) Steeply sloped areas (over 25% grade);
- v) Ponds, rivers and streams.

It is important that we recognize and protect these unique and/or fragile areas. For example, farming has played a substantial and consistent role in Kirby's past development. In addition to providing the community with economic and cultural benefits, the farms have also produced the contrast in scenic beauty between Kirby's open fields and its woodlands. The soils that make up the acres of farmland and forest have been preserved, enriched, and protected by our farmers for over 200 years. These lands are a vital resource that cannot be replaced.

The same is true for Kirby's scenic areas, which include, but are not limited to, the areas along the Ridge Road, atop the Kirby Mountain Road, along the Kirby Mountain Road in South Kirby and the Victory Road portion of Kirby, all of which provide sweeping panoramas of the area, including stunning views out towards Willoughby Gap and to the White Mountains, and of fields and mountains within Kirby.

#### I. Future Land Use

As the St. Johnsbury, Lyndonville and Burke communities continue to grow, we expect the spread of seasonal, recreational, and year-round homes throughout the Town. In the northern region, the gentle slopes, Windsor soils, and scenic beauty provide prime conditions for limited development. We expect a continuation of historical growth patterns along Ridge Road, North Kirby Road, Burroughs Road, and Kirby Mountain Road. See Housing Map attached as Exhibit 6.

The Housing section of this Plan, (Section 8), points out that we have continued growth in the housing area. In the 1998 Municipal Plan, we reported that 84 homes were built in Kirby during the twenty-year period from 1978 to through 1998. In 1998, we had 164 year-round

houses, and 45 vacation houses, or a total of 209 houses in Kirby. In 2004, based on the Grand List and permit reviews, we had 186 year-round houses and 48 vacation hours, or a total of 234 homes. Between 2004 and 2012 Kirby had an increase of 14 new year-round homes and 4 seasonal dwellings for a total of 200 year round homes and 52 seasonal dwellings. This represents a growth in total homes of 8% over that period, and a growth of 8% in year-round houses, or an average of about two new year-round houses added every year. Projected increases in Town population projections suggest that the growth in housing development will continue. This growth represents the potential for substantial impact on the Town's social and economic structure. (Tax Maps identifying all parcels of land are available for review at the Town offices for all persons interested in further studying the Town's present development.)

Changes to the zoning regulations implemented in 2002 increased the minimum lot size to five (5) acres to ameliorate some of the density issues. However, additional changes are needed to ensure further protection of the rural and agriculture character of Kirby. We recommend changing the zoning regulations to allow smaller lot sizes and additional density for clustered development.

Survey results indicate that Town residents do not favor development in higher elevation areas and scenic areas, and desire protection of agricultural and forestry uses. We would like to protect our quality agricultural land, scenic resources and other unique and fragile areas, as more specifically identified above.

In this regard, the Town shall protect the areas surrounding the Ridge Road, the Victory Road section of Town, and the Kirby Mountain Road from its intersection with the Town Hall Road through South Kirby. Any developments in these areas must be designed to minimize disturbance to the scenic environment. The Town may achieve this, in part, should undertake changes to the zoning bylaws to implement new zoning for areas above 1,800 feet in elevation that promote ongoing agricultural and rural residential uses, while limiting the scope of development growth in those areas. In addition, the Town should implement similar zoning changes in the Mud Hollow watershed area.

If growth is contained within the Town's lower elevations, the community should be able to maintain its balance between open lands and forestlands, without infringing on its agricultural lands.

Commercial growth along US Route 2 should be encouraged. Planned growth in this area could serve to increase the tax base, while only slightly increasing Town services. It has always been the Town's policy to encourage its agricultural community, and the Town shall take steps to promote agricultural land-uses.

Forestlands will continue to dominate the Town's landscape. Logging operations will continue to stimulate new growth in the woodlands and provide the landowners with a fair return on their investment.

Along with the scenic beauty that the forests provide, they will continue to serve as an unlimited source of recreation. VAST continues to maintain a network of snowmobile trails that traverse Kirby's woodlands and pasturelands and offer direct links to other lands across the state.

Class 4 roads also offer entrance into these wooded lands. The Town's forestlands continue to offer a habitat for a wide variety of wildlife. These unencumbered lands will also serve to store, purify and distribute most of the community water supply.

J. Subsurface Sewage Systems

The Town of Kirby has no municipal wastewater facilities. Therefore, Kirby landowners must rely on on-site septic systems. The State of Vermont closely regulates on-site septic systems. See 10 V.S.A. Chapter 64 and regulations promulgated thereunder. State laws and regulations are aimed at preventing septic system pollutants from entering into surface and subsurface waters located on or in adjacent lands, and ensuring that development does not exceed the septic system's ability to support a proposed development, considering an area's topography, soil types, wetlands, depth of bedrock, and other fragile areas.

Although State law governs on-site septic systems, the Town also has oversight of the setbacks for such systems. The Town will continue to require that on-site septic systems and wells meet setbacks through requiring zoning permits for any new septic system or well installation, and certificates of occupancy upon completion of construction.

K. Water Supplies

i) The Town of Kirby does not have a municipal water system. Surface and subsurface water systems, including some drilled wells, are used in filling the residential, commercial, and agricultural water needs of the community. The state and local review process discussed above in the Subsurface Sewage Systems section should also be used when planning well sites. Again, the Town shall implement a certificate-of-occupancy program to ensure that terms of water supply permits are met fully.

**Section 3. Transportation Plan**

A. Present Road System

The Town presently has 32.237 miles of roads, which break down as follows:

Class 2 Town Highways	4.01
Class 3 Town Highways	20.08
Class 4 Town Highways	7.13
State Highways: US Route 2	.967
Total Miles Highway	32.387

See Transportation Map attached as Exhibit 10.

In 1997, the Town added 0.65 miles of road to its inventory, but has not added additional mileage since that time.

US Route 2 and a short section of TH1, Ridge Road, are paved. All other roads in the Town of Kirby are gravel surfaced. Town routes are numbered from 1 to 30. Following the advent of E911, all Town routes have been assigned names and are at present clearly marked to facilitate emergency situations.

TH29, Kirby Mountain Road, provides the link between the Town's road systems. The majority of the Town's roads are located along its western border. TH1, Ridge Road, provides this area with a direct link to the Towns of Lyndon and Burke. TH10 and TH15 (North Kirby Road and Mud Hollow Road) indirectly connect with US Route 2 for travel to St Johnsbury, Concord or I-91. South Kirby's TH24, TH25, and TH29, Kirby Mountain Road, all connect directly with US Route 2.

Topographically, most of these roads are located in elevations below 1,400 feet, with the exception of the actual mountain section of TH29, Kirby Mountain Road. Erosion and erosion-related maintenance have been kept to a minimum because of the lack of steep slopes at these lower elevations.

Kirby's road system not only provides access throughout Town, but also provides travelers with many scenic vistas. Residents and visitors consider these panoramas as an important part of the Town's charm.

Class 4 roads allow access to the Town's woodlands, and also offer additional recreational opportunities to the community.

The Town's growth over the past twenty-five years has been along existing roads. Consequently, road use has increased and has required additional maintenance by the Road crew. In some cases, this has involved widening or relocating some of the highly traveled main routes.

The Selectboard acting as Town Road Commissioner maintains and upgrades the Town roads. All Town roads, with the exception of the Class 4 roads, are maintained on a year round basis.

In 2011, Kirby Mountain Road suffered serious damage during mud season, requiring significant reconstruction. Then a large tropical storm on May 27<sup>th</sup> caused extensive damage to roads across the Town. Hurricane Irene came in August, and caused only minor damage. The Town has applied for FEMA monies to help pay for the cost of these unprecedented emergency repairs. The emergency repairs in 2011 cost in excess of \$477,633. To qualify for future FEMA relief the Town must be part of the national flood insurance program. To participate in that, the town must adopt Inundation Hazard Area regulations as part of the zoning regulations. When re-writing the zoning bylaws, the Town should consider whether to have setbacks from streams to protect against property damage during flash flood events. The State of Vermont Flood Hazard Mapping Coordinator's office has recommended the Town consider a 100 foot setback from the banks of Kirby Brook or study of that brook for river corridor identification, and some other setback from the banks of other streams in town to protect against damage from stream erosion during flash flooding.

The Town does not currently have a long term strategic road maintenance plan. The Town would benefit from one of these.

B. Transportation Policies

The Transportation Map shows that the road system has created adequate circulation patterns and the Town anticipates that the existing road system will support development in Town for the foreseeable future.

In the event, future road development is required, the Town should discourage the construction of dead-end roads whenever a loop system can be incorporated to allow for more efficient municipal services, including road maintenance and plowing, and improved access for emergency services.

Class 4 roads have been maintained as limited access, recreational, and service roads. These roads are not to be considered as future extensions of the current road system, and any development along these roads should be limited to seasonal recreational uses. Wet areas, limited soils capabilities, and topography are all factors that place these areas in a category that is undesirable for future development.

With the increased housing density along some Town roadways, additional care must be taken in issuing new curb cut or driveway permits or approval of access rights-of-way to lots without frontage on Town roads. Blind driveway entrances should be avoided.

C. Other Transportation

A railroad line runs through the Town's commercial zone, but is no longer active.

Rural Community Transportation provides transportation services linking Kirby to the Lyndonville, St. Johnsbury and Littleton areas. There are bus routes from each of these towns to cities in the region.

The Lyndonville airport is used for private personal and commercial uses; it does not offer public passenger service at this time. However, public air travel is available at airports located in Burlington, Vermont, Manchester, New Hampshire, Boston, Massachusetts, and Montreal, Quebec.

The VAST snowmobile trail also runs through parts of Kirby, providing access from Victory through the Kirby Mountain and North Kirby areas to East St. Johnsbury and St. Johnsbury Center.

Some residents have expressed a desire to create non-motorized trails through Kirby to link the Town to the network of trails maintained by Kingdom Trails in Burke and Lyndon.

#### **Section 4. Utilities and Facilities Plan**



A. Current Inventory

i) Town Facilities

The Town owns the Town Hall and the Town Garage and the South Kirby Schoolhouse and the land on which they sit. Kirby also owns and maintains two Town Cemeteries, one located in North Kirby, one in South Kirby.

ii) Solid Waste Facilities

In July 1992, the State of Vermont passed laws pertaining to solid waste land fill sites. These laws require all household solid waste that is to be disposed of within state borders to be deposited into "lined landfill sites". Currently the Town is under the Northeast Kingdom Waste Management District Solid Waste Implementation Plan. Household waste is deposited into two transfer stations, hauled away by a private contractor who then reports to the District. The Town provides an area large enough to house the transfer station. Recyclables are taken by residents directly to the Waste District.

iii) Water and Sewage Systems

As noted above, landowners within the Town of Kirby develop their own water and sewage systems. To date, the Town has not required a municipal water or sewage system, and at this time, the cost of developing such a system would be prohibitive.

iv) Power

Electric power is provided to Kirby residents by private suppliers, Lyndon Electric Department and Central Vermont Public Service.

v) Telephone

Telephone service is generally provided through land lines. Cellular telephone service is available in some parts of Town through private providers.

vi) Cable

Cable services are available in limited areas in Town from private providers.

vii) Wireless Communications

There are no wireless communication facilities, physically, located in Town. Wireless communications, including cable and internet, are available in Town.

viii) High Speed Internet

There are areas in Kirby where high speed internet is not available by fiber optic or phone lines. One of these is Mud Hollow Road, starting about 1/3 mile northeast of the Town line.

B. Future Expansion

i) Town Facilities

With the Town's population continuing to grow, expansion of the Town facilities may be required. The Town Hall/Town Garage lot has limited additional room for expansion.

ii) Solid Waste Facilities

Although Town population may increase, the Planning Commission does not anticipate that the Town will need to develop a Town solid waste facility, but will be able to continue with the current transfer station and Northeast Kingdom Solid Waste Management contract.

iii) Water and Sewage Systems

Similarly, although Town population may increase, the Planning Commission does not anticipate the need for the Town to develop either municipal water or sewage systems.

iv) Power

We anticipate that Kirby residents will continue to obtain electrical power through current providers LED and CVPS. There is some private interest in wind-power sites within Kirby, but it is not clear that such developments will provide power within Kirby. Commercial wind towers are not permitted on the ridge lines. The Town should adopt height limits for private wind towers.

v) Telephone

We anticipate that Fairpoint Communications will continue to provide land-line telephone service to Kirby residents.

vi) Cable

We anticipate that Charter Internet, or a successor entity, will continue to provide cable service to the Town of Kirby.

vii) Wireless Communications

With wireless telecommunication sharply on the rise, the Planning Commission encourages the passage of regulations within the zoning bylaws directly dealing with transmission facilities. This should enable the Zoning Board to require posting of bond or other security to assure these transmission facilities would be dismantled and removed when they are no longer in use.

**Section 5. Statement of Policies for Preservation of Rare, Natural, Scenic and Historic Areas**

A. Natural Resources Profile

i) Density

The Plan's Population Profile section points out that the Town has experienced a growth cycle since 1970, which we expect will continue for the foreseeable future. The Plan's Housing Map indicates that this cycle has already produced a few high-density areas, such as Mud Hollow Road (TH15), and Hayes Road located just north of TH5. See Housing Map attached as Exhibit 6.

ii) Other Factors

Protection policies are needed for the Town's wetland areas, watershed zones, and surface waters. Buffer zones, allowing no disturbance of the natural state of the soils, topography, and plant life should be established around all of these fragile areas. These buffer zones would help to prevent surface and subsurface water pollution caused by improper forestry practices and high-density development practices. These fragile areas are already protected by state regulation.

B. Preservation Goals

i) General

Many sections of this Plan reveal the inherent limitations of Kirby's natural resources. Many of the Town's soils are marginal, at best, when it comes to filtering contaminants out of the natural water supply. These characteristics have not shown up in many areas of Town because of the Town's historical rural nature. However, knowing that these conditions exist and with the projection of continued additional housing growth, it is evident that without adequate planning some of the Town's new development might adversely affect the lives and welfare of its residents.

ii) Agriculture

The Survey conducted by the Planning Commission in connection with development of this plan shows that the majority of those responding want to preserve the Town's agricultural base. See Survey Summary, Exhibit 1. In the future, the Town may wish to study the purchase of development rights. Neighboring towns have used this method to preserve some of their prime open lands.

iii) Scenic, Natural and Fragile Areas

The Survey also reflects that respondents overwhelmingly support protecting scenic and agricultural areas, but do not want more restrictive zoning regulations. Since the last town plan the zoning regulations were changed to protect areas at higher elevations from heavy development. In addition, view sheds on the Ridge Road, Victory Road and the Kirby Mountain Roads must also be protected from large scale development projects that will significantly infringe upon such critical scenic areas. These important resources include the views of Willoughby Gap, the views of the White Mountains, the Kirby Ball Field, open farm fields and ridgelines. We encourage clustered development to preserve open spaces, fields, intact forest and viewsheds, in keeping with the scenic, rural character of Kirby.

Kirby has a number of structures, most held in private ownership, that date to the 1800s. Presently there are no structures in Town listed on the National Historic Register. The Planning Commission encourages consideration of preservation of those structures in Town that date back to the 1800s, which represent a link to Kirby's history, and a historical resource of our townspeople.

**Section 6. Education Facilities Plan**

A. Introduction

The Town maintained its own schools for over 100 years, and operated one room school houses in several areas of town, and over the years, as the town's population declined, the schools closed. The last school, Brookside, was closed in the 1970s and students were tuitioned to schools in other communities. Kirby and other neighboring communities found consolidation of their school systems to be the most economical means of preserving the area's educational quality. However, the tuition system limits the Town officials' role in the educational system in the sense that the local school board sets policy and approves payment for tuition, but has no authority or voting membership in governing boards of public schools Kirby students attend.

B. Historical Expense Review

Earlier Town Plans noted that Kirby has experienced more moderate changes during the ten-year period from 1994 to 2003. During that period, Town expenses increased 30% (\$145,880 raised in 2003 in taxes versus \$112,303 in 1994), while school taxes rose 12.5% (\$331,131 to be raised by taxes in 2003 versus \$294,416 in 1994). Total school expenses rose 22% during that period (\$622,747 for 2002-03 year versus \$309,944 in 1993-94). The expense increase paralleled a 21% growth in Kirby's total student enrollment (98 students in 2002-03 versus 81 in 1993-94). The total school expense cost per pupil rose 12.4% in the same period (\$7,077 per student in 2002-03 versus \$6,296 in 1993-94).

Upon review of the past three years, Kirby has experienced increased costs and enrollments, however, not statistically significant. Specifically, in 2009-2010, Kirby students numbered 92 in Kindergarten through Grade 12; in 2010-2011, the enrollment dropped to 81; in 2011-2012, enrollment was 93, and for 2012-2012, projected enrollment is at 96. This trend appears to be statewide.

In juxtaposition, tuition rates, although increased, have not raised significantly. In 2009-2010, total tuition expended was \$968,038; in 2010-2011 \$920,912; in 2011-2012 \$1,074,007 and in 2012-2013 projected \$1,196,342. Following is a chart showing tuition at some area schools in recent years:

School	2009/10	2010/11	2011/12	Projected 2012/13
Lyndon Town School	\$9,451	\$9,395	\$9,431	\$9,616

Concord	\$12,358	\$10,209	\$10,209	\$11,952
Riverside	\$10,583	\$10,581	\$10,573	\$11,102
Lyndon Institute	\$13,350	\$14,004	\$14,284	\$14,713
St. Johnsbury Academy	\$13,470	\$13,875	\$14,570	\$14,570

Kirby sends students also to Burke, Newark, Waterford, Stevens Schools, St. Johnsbury Elementary and other public and independent schools.

It is important to note that special education costs continue to rise. These costs for special education services are charged to the town in addition to tuition costs. If a student is deemed to be in need of special education services, the town is obligated by law to pay for those services.

Public tuition rates are set by a formula, the per pupil costs of small schools is higher than larger schools simply because of fixed costs associated with operation of a school building, including staffing.

By Vermont statute school districts not operating schools can pay tuition to public or independent schools approved by the Vermont Department of Education. Districts pay tuition to public schools based on what those schools charged (tuition is calculated by way of an established formula and reviewed by auditors). However, for independent and approved schools, a school district may pay an amount not to exceed the state average for tuition charged by a public school. For grades 7 and 8, as provided by statute, the Kirby electorate (in the late 1990s) voted to cap the tuition charged by an independent school to not exceed the average state tuition of a public school.

The same holds true for secondary schools, Kirby cannot pay tuition to an independent approved high school which exceeds the state average tuition of a public high school. This is the case for students attending Burke Mt. Academy, or other independent schools. However, this is not the case for Lyndon Institute or St. Johnsbury Academy as these two schools are considered independent schools operating as comprehensive high schools, which means they operate vocational centers as well. The cap on tuition is not applicable with these schools. Concomitantly by statute, the town cannot pay tuition to religious schools, nor compensate for students home-schooled.

Statewide as educational costs continue to rise and student enrollments are declining, there has been much discussion at the State level regarding consolidation of small schools. The present Commissioner of Education has strongly encouraged small schools with enrollments of 100 or lower, to close or consolidate with other schools. Statewide there have been changes in this regard. Other discussions center on consolidation of supervisory union services and supervisory unions have been required to review this possibility.

In the 1998 Municipal Plan, we reported that Town expenses for Kirby had increased 94% and school expenses increased 11% over the ten-year period 1988-1998. This represented an average annual increase of 9.4% in Town expenses and an average annual increase of 11.1% for school expenses. Over the same period, we saw a 12.1% rise per year in State Aid to Education. Town taxes increased by an average of 4.9% per year during this same ten-year period.

During the 1980s and 1990s, Kirby experienced a general rise in the school population. See School Trends Chart attached as Exhibit 4. Over the last ten years, the Town's student population has since moderated.

### Planning the Future

#### C. Planning the Future

The first priority for future educational planning is to increase, wherever possible, the quality of education available to the Town's youth. Vermont has adopted the Common Core Standards. This will impact pedagogy as schools are responsible to a Pre-K-16 educational system preparing students to be college and career ready.

Technological advances will continue to challenge and broaden our educational fields of endeavor. As discussed in other sections of this Plan, we need to promote diversification of our tax base to help support our educational costs.

Many Town residents feel the current system, which offers a choice of local schools on the primary and secondary level, is an important asset to the community. Indeed, many families moving to Kirby since 1990 count school choice among their top reasons for choosing Kirby. Although town growth has maintained over recent years, we expect Kirby's residential growth to continue.

## **Section 7. Energy Plan**

#### A. Existing Resources

The Lyndonville Electric Company supplies power to the North Kirby area, while Central Vermont Public Service Corporation supplies power to South Kirby and Mud Hollow. No energy is produced on a commercial scale in Kirby at this time. Geothermal heating and cooling and solar energy, small scale wind power and small scale water turbines, as the technology is improved and cost of facilities goes down, are becoming more popular in general, and Kirby, being a rural place with new homes being built, is likely to see some of this technology come here.

#### B. Needs and Costs

Energy needs for Kirby are currently limited to residential and home-based business use. The services supplied by Lyndonville Electric Company and CVPS are adequate for these uses.

Costs are determined by the provider. Oil and wood are available from private suppliers, with costs determined by those suppliers.

C. Issues

No problems currently exist with the supply of energy, although Kirby does experience power outages, with more occurring during the harsher months of the year. Costs are driven in some cases (such as oil or wood) by the private market, and townspeople may experience challenges in meeting energy needs in the event of substantial price increases, but supply is generally available.

D. Land Use and Energy Conservation

Residents are encouraged to implement alternative energy sources such as wood-burning stoves/fireplaces and generators for use at times when electric power is unavailable. Residents are also encouraged to practice other energy-conservation measures such as insulation of homes, etc. Solar energy is also an option in place for some residents of the town. Windmills for private power supply may be allowed when properly sited.

As noted above, the Planning Commission anticipates continuing development within traditional settlement areas, and such growth will result in a conservation of energy in the form of energy required for Town services as such growth will be served by existing Town roads. The Planning Commission also encourages the clustering of new development where possible to save energy required for transportation and the building and maintenance of roads.

**Section 8. Housing**

A. Housing History

Kirby has three settlement areas: North Kirby, Mud Hollow and South Kirby including Route 2. North Kirby, along the Town's western border, contains the majority of the Town's housing. There are a number of homes and farms located along Town Highway 10 (North Kirby Road), and State Aid 1 (Ridge Road). Mud Hollow also is a heavily populated area with thirty-nine (39) homes supported by the Mud Hollow Road. South Kirby has a number of homes and farms settled along Town Routes 29 (Kirby Mountain Road), 19 and 23 (Burroughs Road), and 24 (Wood Lane).

B. Housing Growth Trends

In the 1998 Municipal Plan, we reported that 84 homes were built in Kirby during the period 1978 to through 1998, or an average of four (4) houses per year. The 1991 Municipal Plan reported 128 year-round homes and 39 vacation/seasonal homes, or a total of 167 homes. The 2006 Municipal Plan reported 173 year-round homes and 43 vacation homes, or a total of 216 residences. The 2012 Grand List shows 200 year-round homes, 52 vacation homes (including seasonal camps) or a total of 252 residences. This represents a growth of 27 year-round homes in a 6 year period, or an average of 4.5 year-round residences per year. Housing Growth Statistics are available in Exhibit 12.

The present 200 year-round homes represent a 16% increase over the last six years, but we anticipate further sustained housing growth. Given the current road system and historical development patterns, we expect continued growth in our three general settlement areas (North Kirby, Mud Hollow and South Kirby), but also expansion of growth into other, less populated areas.

#### C. Work Force Housing

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The Median Family Income Chart attached as Exhibit 13 indicates that as of 2010, the median family income for a Kirby resident was \$78,000. This is slightly higher than the average median family income for Caledonia County of \$50,000. The Public Aid Charts attached as Exhibit 14 indicate that a relatively low percentage of Kirby's population receives food assistance or aid to needy families.

Presently there is no publicly assisted housing within the Town. Kirby is a rural community located somewhat distant from the region's population and business centers. The 2010 U.S. Census identified 194 households in Kirby (a 15% increase since 2000), 168 (86%) of which owned their homes and 26 (14%) of which rented. Given that the Town does not have municipal water or sewer systems and is unable to provide any transportation service, a municipal policy on low, medium, and high income housing distribution would have little, if any, influence.

However, the Town does encourage diversity in its housing inventory. Seasonal homes, individual retirement homes, and small single-bedroom apartment buildings could help to create a renewed depth and stability to the community. This could create lodging for a wider range of age groups.

In addition, the Town allows planned unit developments under the present zoning bylaws, and should continue to employ flexibility for future housing development. Additionally, the Planning Commission has revised the existing zoning bylaws to incorporate recent changes required by 2004 Legislative changes to the zoning enabling law (24 V.S.A. Chapter 117), including provisions for accessory dwelling units (units located within or appurtenant to a single-family residence such as an in-law apartment) that offer additional opportunity for a diverse housing base.

#### D. Future Housing Development

The Housing Map (Exhibit 6) indicates the approximate location of the Town's current homesteads. The Kirby Tax Map (Exhibit 15) depicts the way in which the land has been subdivided into lots or plats. The undeveloped lots on the tax map indicate where the most likely future development may take place. These two maps play an important part in the Town's planning process.

Census figures used in this Plan and prior plans indicate that in 1970, Kirby's average household size was 2.71 persons per home and has decreased slightly to 2.54 in 2010. Current figures also show that 19% of the Town's population consists of school-aged children (not including home schooled children. The Population and Housing Projection Chart (Exhibit 16) offers three growth scenarios. If over the next decade the Town's average population growth rate, housing



construction rate and the school-age population rate continue to remain the same, we can project for the year 2020 the number of residents, year round residences and the number of students that will likely be in Kirby by then: 54 new residents will bring us to a total of 547 full time residents; 32 new homes will bring us to a total of 284 homes (including camps and vacation homes) and 10 new students for a total of 104 students.

**Section 9. Recommended Program for Implementation of the Objectives of the Development Plan**

A. Introduction

This section of the plan is devoted to Kirby's future. The preceding sections of this plan have illustrated in some detail the changes that occurred in Kirby over the last two decades. Kirby has slowly changed from an agriculturally based community to a bedroom community. Today the Town is primarily a bedroom community with agriculture and forestry as a secondary base.

If this is an accurate portrayal, then future planning goals must involve the blending of these two aspects and, drawing from the best qualities of each, providing new economic, social, and environmentally sound policies that will enhance Kirby's future.

The Town should promote development in its commercial zone, such as motels, bed and breakfast inns, gift shops, restaurants, wholesale companies, and trucking facilities. The Town should also encourage businesses that center on its renewable resources and are consistent with maintenance of a rural and agricultural base, such as timber and dairy products.

The Kirby Planning Commission has and will continue to study ways the Town could diversify the scope of its future growth.

B. Scope of Objectives

The following objectives, goals, and timetables represent a structure for implementation of the objectives of this plan, which the Planning Commission will follow over the next five years. We note that any recommended changes to Town By-Laws prompted by the studies outlined in this plan could only come about after a Town vote on the proposed changes is held at a regular or special Town meeting.

i) Subject: Zoning By-Laws Revision

Leadership: Planning Commission and Zoning Administrator

Time Frame: Initiate and complete concurrently with amendments to Town Plan, and subsequently as needed.

Goals:

- (1) Revise by-laws to reflect current state requirements.

(2) Consider additional amendments proposed within this Town Plan.

ii) Subject: Plan Review Process

Leadership: Planning Commission

Time Frame: At least every five years

Goal: It is the Commission's policy to review and make necessary changes to this plan every five years.

## **Section 10. Relation of Plan to Development Trends and Plans for Adjacent Municipalities**

St. Johnsbury, Lyndon and Burke, the area's primary growth centers, provide the community with centralized commercial and industrial employment and services. As these employment centers increase in size, the area's growing work force is likely to move out into rural towns. Concord, also an adjacent town, provides many important services to residents of Kirby. Kirby also borders on Waterford and Victory.

As noted above, Kirby has experienced notable growth in the last two decades due in part to continued parallels regional growth. This growth has spurred housing development in Town, which, has caused pressure on the Town's natural resources. Traffic through town and to adjacent communities has increased dramatically.

Given the expectation of continued growth in both the region and in town, the Kirby Planning Commission feels that it is very important to move forward with implementation of changes to the Town's zoning bylaws. The changes must accommodate additional growth, yet carry out desires of townspeople to preserve and protect agricultural and rural areas, including scenic, natural and/or fragile areas within Town, such as the Ridge Road, Victory Road and Kirby Mountain Road corridors, the Mud Hollow area and area watersheds.

The Town also needs to anticipate growth in new areas, including wireless technology and alternative energy sources, such as wind power, and seek to integrate the same within the Town while protecting the Town's rural character, which residents clearly wish to preserve.

The Town also will look to other Northeast Kingdom communities in developing programs and legislation that will protect its historic rural and agricultural character.

## **Section 11. Conclusion**

The Planning Commission would like to thank the following people and agencies for their help in preparing this plan:

- A. Our neighbors, the residents of Kirby; and
- B. Mrs. Wanda Grant, Kirby Town Clerk

TOWN OF KIRBY  
2005 MUNICIPAL PLAN

EXHIBITS

1. Survey Summary
2. Kirby History
3. Population Growth Chart
4. School Trends Chart
5. Elevation Map
6. General Soils Map
7. Wetlands Map and Wetlands Legend
8. Watershed Map
9. Transportation Map
10. School Expense Report, Tax Summary Report and Amount Raised in Taxes for Past Ten Years
11. Housing Growth Statistics
12. Median Family Income Chart
13. Public Aid Charts
14. Tax Map
15. Population and Housing Projection Chart

## EXHIBIT 1

### 2012 Survey Summary

Every five years it is the duty of the Planning Commission to rewrite the Town Plan incorporating recent events, growth trends, economic pressures, educational changes, and survey results. In the Spring of 2004, the Kirby Planning Commission mailed surveys to each of its Taxpayers. The results of this survey are summarized in detail in Appendix A in the rear of this plan, however, it would be helpful to highlight the survey's findings before commencing the Town Plan. A list of general conclusions is presented below:

- 1) The people of Kirby live and own land here predominantly for our rural scenic beauty and our small town life. Out of state landowners have vacation homes here to escape over development in other regions of the country.
- 2) Nearly all respondents want commercial growth restricted to the Route 2 corridor with residential and cottage industry growth spread throughout the town.
- 3) Survey respondents overwhelmingly supported additional zoning to protect critical, scenic and sensitive areas.
- 4) A vast majority of respondents oppose industrial growth, wind farms and cell towers.
- 5) Strong support was expressed for Agricultural growth, retirement homes and recreation trails.
- 6) Respondent concerns were greatest toward environmental protection of land, water, and habitat. The areas of least concern seemed to be human and social in nature such as traffic speed, illegal dumping, and a town school. Of particular note was the reduction in concern over size and shape of building lots illustrating the success of the new 5-acre minimum lot size and frontage requirements. There were actually a number of requests for even larger lot requirements.
- 7) Nearly all respondents favored expansion of Town services and facilities at our present location. Modest community centered services such as a larger town hall and transfer station, picnic areas and recreation fields were of interest.

In conclusion, the 2004 Survey results affirmed many of the elements of the 1999 Town Plan and provided support for further protections through additional bylaws and zoning. Growth in the town of Kirby has moderated, and seems evenly distributed. The town's population, school enrollment, and expenditures have leveled. With continued effort the quality of life here in Kirby enjoyed by so many can be ensured for future generations.

## EXHIBIT 2

### Kirby History

Roswell Hopkins of Vergennes, former Vermont Secretary of State, was granted the town, which has named Hopkinstown in 1786. On October 27, 1790, the Town was originally chartered as Hopkinstown.

Its first settlers were Theophilus Grout and Phineas Page in 1772 when they located in the southern tip of the Town near the Moose River. The Grout Homestead, still stands today on Route 2. Other early settlers were Asahel Burt, Ebenezer Damon, Antipas Harrington, Josiah Joslin, Jonathan Leach, Jonathan Lewis, and others who mostly moved here from Massachusetts and New Hampshire. As far as is known, there are no descendants of any original settlers still living in Kirby.

In 1807 Hopkinstown added 2,527 acres to its boundaries from the Town of Burke. This acreage was known as Burke Tongue. Hopkinstown was then formally organized as the Town of Kirby. It is believed the name was chosen after the native land of Thomas and Francis Atkinson, Kirby Moorside, Yorkshire, England.

Kirby grew rapidly. The 1820 census counted 20 residents with an all time high arriving in 1840 of 520. After 1840, following a pattern common with most of rural Vermont, came a long population decline. In 1970, Kirby's population was the lowest with 224 people.

In 1861, Kirby's small population of 425 furnished 40 soldiers to the Union Army of the Civil War. Three other soldiers from Town enlisted with neighboring Towns. Of the forty, there was a Lieutenant Colonel, a Major, and a number of other company officers.

Josiah Grout, Jr. was born in Quebec and raised in Kirby from the age of seven. He served as a Major of Cavalry in the Civil War. He was Governor of Vermont in 1887-1888. His brother, William W. Grout, was raised on the Grout Homestead from the age of 12 and subsequently moved to Barton where he became a prominent lawyer. He also served as a Lieutenant Colonel in the Union Army and as a Member of Congress in 1881-1882 and 1887-1900. On retirement he returned to the Grout farm where he lived until his death in 1902.

Many residents of Kirby have served in the armed forces in ensuing wars.

In 1886 Kirby had six school districts with five common schools employing eleven female teachers. Their average weekly salary, including board, was \$4.39. The total school expenditures for 1886 were reported to be \$738.98. In living memory, there have been as many as five one-room schools in the Town, three of which are still standing. Brookside, the last to close in 1978, and Mud Hollow are now private camps. The South Kirby Schoolhouse is still used occasionally as a community center and for 4-H. By 1984 Kirby was tuitioning all its school aged children to schools in adjacent Towns.

Home schooling is another option for Vermont families. The State recognizes the right of parents to decide how and where their children will receive their education. Some parents, for a variety of reasons, decide to teach their children at home using their own resources and those

resources in the area. Since 1991 the number of home schooled children in our state has risen from about 1,000 to a present number of about 1,600. In Kirby, the number of home schooled students has remained steady with an average of 8 home schooled students per year since 1991. At present, State laws are being passed to allow home schooled children to participate at local schools in activities such as sports programs and programs in the arts.

Kirby has supplied three senators for Caledonia County:

Preston Graves                      1903-1904

Willie Russell                      1921-1922

John McClaghry                      1989-1992

Theophilus Grout was the first Town representative elected in 1809. In the years 1816, 1854, and 1856, the Town of Kirby did not elect a representative. When the State Legislature was reapportioned in 1965, Kirby was combined with other towns in a representative district. John McClaghry of Kirby represented District 26 from 1969 to 1972.

The current Town Garage was built entirely by volunteers from the community in 1985. It houses all the Town equipment and stands next to the Town Hall. When the farmhouse adjacent to the Town Hall burned, a community-wide effort was put forth to raise a new home for the family. It was in place by sundown with the help of many residents from Town. While the men raised rafters, the ladies brought lunch.

In 1976 the Kirby Bicentennial Committee chose as one of their projects to make a commemorative quilt for the Town of Kirby. The success of this project resulted in the formation of the Kirby Quilters, a group of Kirby ladies, who, since 1977, have made baby quilts, newlywed quilts, and anniversary quilts for the residents of Kirby, as well as putting together food baskets at Christmas time for their less fortunate neighbors. Although they put together many years of successful quilt shows and Christmas craft fairs, today the Quilters choose a quieter life and meet once a month to work on their first love: quilts. There are 15-20 regular members. Meetings are held in the members' homes. Anyone is encouraged to join.

In recent years, townspeople have also taken part in annual Green Up Day in the spring, clearing Town roads of debris. In 2003, led by the efforts of Sue Willey, the tradition of Kirby Day was reinstated, with residents gathering in the fall for events including potlucks, animal parade, scavenger hunts and music for all to enjoy.

EXHIBIT 12

Housing Growth Statistics

Year Round Home Development	
Year Built	Total
1999-2004**	22
1990-1998**	22
1980-1989*	49
1970-1979*	42
1960-1969*	5
1950-1959*	0
1940-1949*	3
To 1939*	43
<b>Total Homes</b>	<b>169</b>
* Census Figures	
** Planning Commission Count	

Building Classifications			
Units	1990**	1998*	2004+
Year Round	142	164	186
Seasonal	30	45	48
<b>Total</b>	<b>172</b>	<b>209</b>	<b>234</b>
+ Based on 2004 Grand List and 2004 permits issued			
* Actual count			
** Questionable statistic			