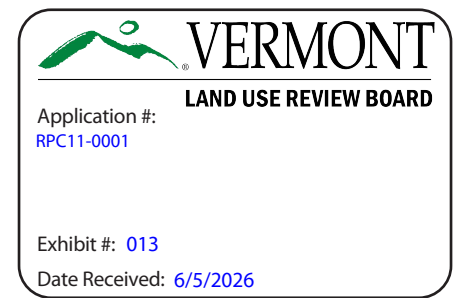


CHAPTER 11: IMPLEMENTATION

BACKGROUND



The Regional Plan provides a vision for the region's future and offers guidelines, policies, and programs that together can serve as a roadmap for growth and development. This chapter describes methods the Windham Regional Commission will use to implement these guidelines, policies, and programs. There are three main mechanisms for Regional Plan implementation: (1) providing member towns with technical assistance to implement policies and recommendations from this plan at the local level; (2) managing regional programs and studies that benefit the region as a whole; and (3) cooperative engagement and partnership with state, federal, and regional agencies and non-profit and private entities that carry out the plan's goals and policies.

The plan also functions as the foundation for the Commission's annual Work Program. Programs identified in this plan and the implementation strategies will be reviewed each year in preparing the Work Program. Consideration should be given to identifying the highest priority needs in formulation of the document. In addition, this chapter discusses the project review process for Act 250 and Section 248 applications that are considered by the WRC for compliance with the Regional Plan, and the Plan's relationship to development trends, needs, and the plans for local municipalities and adjacent regions.

The WRC relies on a variety of different revenue sources to fund its work, which are described in the summaries of the implementation mechanisms. In addition, the Implementation Matrix identifies funding sources for the different action steps. Most of the WRC's revenue sources are tied to contracts with different State agencies and have scopes of work, guidelines, and performance measures. This means that the WRC has limited control over how it chooses to use the majority of its funding. Funding received through town assessments is particularly important as that revenue source provides us with the greatest latitude to respond to WRC-identified needs in the region. The WRC also receives funding from federal agency and non-profit organization grants and contracts for the provision of technical services with its member towns.

PUTTING THE REGIONAL PLAN INTO ACTION

MUNICIPAL PLANNING ASSISTANCE

The established municipal plans of member towns provide important vehicles to further Regional Plan policies. The Regional Plan also provides a framework to guide member towns when developing or amending their own town

plans, pursuant to 24 V.S.A. § 4349a. The WRC will consult with member towns prior to the expiration of their town plans, or at any other time when requested. This consultation includes a review of the municipalities' planning efforts, understanding the municipalities' planning needs, and identifying assistance that can be provided by the WRC. In addition, the WRC will review the current town plan and provides recommendations on necessary updates to the plan to ensure compliance with the required plan elements under 24 V.S.A. §4382 and consistency with Statewide planning goals under 24 V.S.A. §4302.

After a town plan has been adopted, a municipality may request that the WRC approve the plan and confirm the local planning process under §24 V.S.A. 4350. The approval and confirmation process is completed by the Planning Coordination Committee. Currently, all member towns with an adopted town plan have received approval of their plans and confirmation of the planning process from the WRC. This has the benefit of making towns eligible for funding under the State Municipal Planning Grant program.

The WRC will provide towns with technical assistances in terms of planning, zoning and subdivision bylaw adoption and revisions, ordinances, and other implementation tools, such as capital budgeting and programming. It is the policy of the WRC to offer the maximum level of basic services to all of its town under the core funding received from the Vermont Agency of Commerce and Community Development. Municipalities may also obtain special technical assistance services to meet local needs beyond these basic services. Furthermore, the WRC can assist member towns with inter-municipal coordination efforts to address regional issues and pooling resources for services such as administrative assistance and for purchasing equipment and materials.

The WRC will organize and provide regular trainings for town officials on topics related to land use planning and regulations as well as other relevant topics that would be beneficial for municipalities in the region. The WRC will continue to maintain a website that serves as a forum for distributing news and information and providing access to Town Plans and maps. The Commission maintains a Geographic Information System (GIS) Service Center to offer data and mapping analysis to support our member towns, our own programs, and other projects.

The WRC will assist municipalities in identifying grant opportunities and preparing grant applications for projects that support planning efforts, housing and economic development projects, and transportation and other public infrastructure improvements projects. As requested, the WRC will also provide project management services to administer grants and contract with towns to complete grants for projects such as town plan and bylaw updates.

REGIONAL PROGRAMS

The WRC manages several regional programs that implement a variety of goals and policies in the Regional Plan.

These programs are discussed in greater detail throughout the Plan. Regional programs benefit our whole region and also can provide additional technical support and assistance to member towns that supplements the general municipal planning assistance described above. Funding is received from various state and federal grant sources and programs are dependent on the continuation of these funding streams. The WRC also regularly manages and implements other special projects that may be funded by the State to support different priorities and initiatives. These are usually shorter term, running for up to several years, and entail coordinating with municipalities.

BROWNFIELD PROGRAM

The WRC manages the Windham Region Brownfields Reuse Initiative (WRBRI) with funding from the Federal Environmental Protection Agency to facilitate brownfields redevelopment in the region's towns. The program conducts site assessments, cleanups, and related activities at brownfield sites. The WRBRI also provides landowners with a better understanding of the funding sources, benefits, and tax incentives available to redevelop such sites.

TRANSPORTATION PLANNING

The Transportation Planning Initiative (TPI) is a partnership between VTrans and WRC that provides transportation planning support and resources to the region's towns. Local communities are represented through a regional Transportation Advisory Committee (TAC). The TAC prioritizes projects, identifies local and regional transportation needs, and provides a platform for public involvement in the planning and development of the state's transportation system in the Windham Region. The WRC serves as the point of delivery for the statewide transportation planning process to support local, regional, state, and federal transportation network advancement. Specific tasks completed by WRC staff include assisting towns with transportation-related grants, conducting transportation inventories, assisting with the transportation element for town plan updates, conducting road erosion inventories, and serving as a Municipal Project Manager for transportation projects.

WATER QUALITY PLANNING

The WRC works with the Agency of Natural Resources to implement the State's Clean Water Initiative through basin planning and assistance to towns to meet statutory and regulatory requirements. This work includes engaging with municipalities to develop tactical basin plans, providing technical assistance and data collection activities, assisting with prioritizing water quality improvement projects, and supporting municipal planning and adoption of regulations to better meet State water quality policies.

EMERGENCY PLANNING

The WRC works with its member towns, Vermont Emergency Management, local emergency responders and emergency management directors (EMDs), mutual aid organizations, the Red Cross, Vermont Agency of Transportation, and the State Emergency Response Commission to promote better emergency planning and disaster resilient communities. One example is holding regular Roundtables with EMDs and Fire Chiefs that cover relevant topics. The WRC also works or has worked with the vast majority of member towns to develop or update Local Hazard Mitigation Plans.

ENERGY PLANNING

The WRC works with its member towns on a variety of energy-related projects. Following the passage of Act 174 in 2016, the WRC received funding from the State to support towns in developing Enhanced Energy Plans that give municipal plans greater weight in the Section 248 process. Currently, the WRC is working with the State Agency of Administration on the Municipal Energy Resilience Program. This program provides staff support, technical assistance, and funding to increase energy resilience, reduce energy use and costs, and curb greenhouse gas emissions by promoting weatherization, fuel switching, renewable energy, and other improvements in municipal buildings.

REGIONAL PLANNING STUDIES

The WRC will complete studies or projects with regional interest that will be beneficial for member towns. In some cases, these studies will be undertaken because there are efficiencies in the WRC managing a project that includes specific plans and recommendations for individual municipalities versus separate towns completing projects on their own. For example, a recommendation in this Plan is for the WRC to hire a consultant to complete a regional village water and wastewater needs assessment and feasibility plan.

Other studies will focus more on issues that span municipal boundaries and benefit from taking a regional approach, such as the recommendation of completing a regional open space and recreation plan and a region-wide housing needs assessment. Specific studies or projects identified in the Regional Plan are listed out in the Implementation Matrix. The WRC may identify and pursue other priority regional projects before completing the next update to this Regional Plan. The WRC's ability to complete these types of regional planning studies and projects is limited by the availability of funding.

COORDINATION WITH STATE, REGIONAL, AND PRIVATE/NON-PROFIT ENTITIES

Much of the work to implement the Regional Plan needs to be done in collaboration with state agencies, regional

organizations, and private and non-profit entities. An important role that WRC plays is to coordinate efforts between these groups and local municipalities to help carry out common goals and priorities. There are also efficiencies in these partnerships that can secure more resources for the region. The core funding received from the Vermont Agency of Commerce and Community Development is the main revenue source for supporting the WRC's staff time on these efforts.

At the state level, the WRC regularly works with the Department of Transportation, Agency of Natural Resources, Department of Health, and Department of Housing and Community Development on a variety of efforts and projects that impact and benefit member towns and the region. The WRC also participates in the state legislative policy process when requested to provide expert opinion on deficiencies and possible improvements to existing state laws, in particular related to land use, development, natural resources, and municipal governance. The WRC is an active participant in the Vermont Association of Planning and Development Agencies, the statewide association of regional planning commissions.

Under state law, towns are able to create agreements, compacts, and districts amongst themselves to undertake certain types of projects or provide services to residents that address goals and policies in the Regional Plan. Examples in the Windham Region include solid waste districts, union school districts, and fire and water districts. WRC staff also regularly collaborates and participates in regional groups and initiatives that help further the Plan's goals and policies, the Brattleboro Development Credit Corporation, Southeastern Vermont Economic Development Strategies, Southeast Vermont Transit, and the Housing Coalition of Southeast Vermont.

Finally, the non-profit and private sectors play an important role in the implementation of the Plan. There are numerous non-profit organizations that provide social services, health care, and affordable housing for Windham Region residents and WRC staff will coordinate with these different entities as needed. Conservation groups, such as the Vermont Land Trust and the Putney Mountain Association, work on preserving lands in the region with important natural resources and often provide recreational opportunities as well. The Vermont Housing and Conservation Board and Vermont Preservation Trust also provide funding for farmland preservation, land conservation, and historic property preservation and rehabilitation.

IMPLEMENTATION MATRIX

The *Putting the Regional Plan into Action* section of the Implementation Chapter describes a variety of different mechanisms for how the Windham Regional Commission will implement the Regional Plan. The Regional Plan also includes numerous recommended action steps throughout meant to implement the goals and policies of the plan. To help organize these different recommended actions, WRC has created an Implementation Matrix in Appendix F that includes all of these action steps in one location. The Implementation Matrix identifies a lead entity primarily

responsible for each action step and any partners, a general priority level, and potential funding sources. The Implementation Matrix is meant to provide towns and members of the public with a better sense of the projects and efforts the WRC will be working on to implement the plan, and will allow the WRC to monitor progress on these implementation steps.

PROJECT REVIEW: ACT 250 AND SECTION 248

STATUTORY ROLE

The State of Vermont and various federal agencies have a number of proceedings where town plans and the Regional Plan are used in making land use and resource decisions. In the process of development review and permitting, the WRC will assist decision-makers regarding regional issues addressed in this Plan. For Act 250 and Section 248 proceedings, this assistance is statutorily required under 24 V.S.A. § 4345a (13 and 14). The WRC has the right to appear before the District Environmental Commission for Act 250 proceedings and the Public Utility Commission for Section 248 proceedings and aid these Commissions in making determinations under the relevant statutes. State law provides that regional plans are relevant to permit applications as well, as provided under 24 V.S.A. § 4348.

SUBSTANTIAL REGIONAL IMPACT

The Project Review Committee (“Committee”) is the body within the WRC that reviews applications submitted under, but not limited, to Act 250, Section 248, and the Federal Energy Regulatory Commission. With staff support, the Committee reviews proposals and project applications that have potential Substantial Regional Impact or are potentially precedent-setting. Reviews are based on conformance to the Regional Plan. Projects of Substantial Regional Impact are those that require regional resources, services, facilities, or that because of their size, location, or type will:

- Benefit the region as a whole;
- Be necessary to the well-being of the region;
- Be responsible for impacts to regional resources, services or facilities;
- Be located outside the region but affect it in some manner;
- Affect more than one town;
- Continue to cause ongoing concern to the region or its communities; or
- Have cumulative regional impacts as the result of multiple projects or ongoing development.

PROJECT REVIEW COMMITTEE PROCESS

Some proposed projects may be directed to the Committee for review by WRC staff or accepted for review at the request of a member town. Also, prior to filing an application or other project proposal, a developer contemplating a project of potential Substantial Regional Impact may request a meeting with WRC staff, the Committee Chair and, upon recommendation, with the full Committee, for the purpose of discussing the project's concept, potential regional impacts and issues related to project conformance to the Windham Regional Plan and any applicable municipal plan(s).

Once an application or proposal is filed, staff and the Committee will rely on the information included in the application to conduct the review and will notify the applicant, permitting entity, and any other statutory party, if additional information is needed in order to complete the review process. The review process is as follows:

1. Staff makes an initial determination of potential Substantial Regional Impact and works with the Committee Chair to finalize projects to be placed on an upcoming Committee agenda.
2. In preparation for meetings, the Committee or its staff may solicit comments and information from: WRC Commissioners and other officials from the town(s) where the project is proposed, officials from other potentially affected town(s), the applicant, regulatory agencies, and other statutory parties.
3. The Committee will then formally review and deliberate on all agenda projects at their regularly scheduled meetings. Staff is responsible for presenting their analysis and any information they deem important for the Committee's understanding of the project. A primary focus of the Committee's review will be to consider how the project conforms to the involved land use district(s) in which it is proposed and relevant policies and provisions of the Regional Plan and the town plan(s). The Committee will identify information needs, issues and areas of non-conformance with the Regional Plan and town plans as necessary. Time permitting, and at the discretion of the Committee Chair, members of the public may comment.
4. The Committee may make site inspections during the course of its work.
5. The Committee may request further information or studies from the applicant in order to be able to fully deliberate on impacts of a project. The scope of these requests should address impacts to both the natural and human environment and offer measures to avoid and/or mitigate adverse impacts. The costs of such studies should be borne by the applicant.
6. The Committee takes action on projects once they have determined that they have the information they need to make their decisions. The Committee will operate by consensus unless a Committee member calls for a formal vote. In such cases, voting will be by those Regional Commissioners in attendance, who have annual

appointments to the Committee. Staff will proceed per the Committee's direction.

7. WRC comment or testimony on all applications shall be presented by the Executive Director or the staff person designated by the Executive Director.

ACT 181 REFORMS

Act 181 altered WRC's engagement with Act 250 in so far as it created consistent statewide future land use categories and required updating the future land use map. This future land use designation mapping process was conducted in partnership with towns as part of the 2026 Regional Plan update. As well, Act 181 carves out all projects within Tier 1A and some housing projects within Tier 1B designated areas from needing to obtain an Act 250 permit. The new Tier 3 jurisdiction and the Road Rule creates an additional trigger for needing to get an Act 250 permit. Outside of these threshold changes and granular land use categorization, WRC's engagement in the Act 250 process remains largely unchanged with Act 181.

RESOLVING CONFLICTS BETWEEN PLANS

In the event the Project Review Committee discovers a conflict between provisions of the applicable town plan and the Regional Plan with respect to a development under consideration, then it shall, with the assistance of WRC staff, prepare a Substantial Regional Impact report that addresses the following:

1. Is the alleged conflict both clear and distinct? Is the conflict significant? What elements of the proposal appear to conflict with the provisions of one or more applicable plan(s)? Do the provisions of the applicable plan(s) specifically and clearly address the conflicting element(s) of the proposal?
2. If permitted to proceed under the auspices of one plan, would this process have a significant detrimental impact on the relevance or application of those applicable provisions in the conflicting plan?
3. Would the issues upon which the associated plans appear to conflict have significant negative or positive effects on more than one town? Would the issues have significant negative or positive effects upon regionally important resources, facilities, infrastructure, services, or other factors?
4. Have reasonable efforts been exhausted to resolve the conflicting issues, such as, but not limited to, amendment of the development proposal?
5. Will the development proposal, if constructed, cause the implementation of one plan to significantly reduce the desired effect of the implementation of the other plan?
6. What other factors or information, if any, does the committee deem relevant to determine if a "substantial regional impact" exists?

The WRC shall review the Project Review Committee's report, with interim action taken by the Executive Board if necessary (as provided by Article VI.H.3 in WRC Bylaws); the report may be amended. Thereafter, the Board or Commission shall vote to determine whether or not the provisions of the Regional Plan, conflicting with those of the town plan, shall be given precedence. The outcome of this vote, a copy of the Project Review Committee's report, and any amendments shall be transmitted to the regulatory body conducting the review and to the town involved. The Committee's report, and the result of the Executive Board's or Commission's voting shall provide the basis for determining whether Substantial Regional Impact exists as required by 24 V.S.A., § 4345a (17), and shall be given "due consideration, where relevant, in state regulatory proceedings" as provided therein.

THE REGIONAL PLAN IN CONTEXT

Statute requires that the Regional Plan include a statement indicating how the regional plan relates to development trends, needs, and the plans for local municipalities and adjacent regions. The Windham Regional Profile includes a discussion on development trends and changes in regional demographics since the last Plan update was completed. This data was analyzed and the findings incorporated into the separate chapters within the Plan and their respective policies.

MUNICIPAL PLANS IN THE WINDHAM REGION

In terms of the relationship between the Regional Plan and plans for towns in the Windham Region, 24 of the 27 member towns have adopted town plans, all of which have been approved by WRC as being compatible with the Regional Plan. Each of these 24 towns has an appointed Planning Commission charged with planning for the future growth and development of their communities. WRC maintains an on-going consultation process with our towns regarding the town plan update process and consistency with the Regional Plan and state planning goals.

RELATIONSHIP TO PLANS OF ADJACENT REGIONS

The three Vermont regional planning commissions that adjoin the Windham Region are Mount Ascutney Regional Commission, Bennington County Regional Commission, and Rutland Regional Planning Commission. The Windham Region also borders the Southwest Regional Planning Commission and Upper Valley Lake Sunapee Regional Planning Commission in New Hampshire and the Franklin Regional Council of Governments in Massachusetts. The WRC regularly coordinates and collaborates with adjoining regional planning commissions on a host of issues that impact our respective regions.

The WRC reviewed the regional plans for each of the adjoining regional planning commissions for consistency with

the Windham Regional Plan with a focus on planning areas that span the regional boundaries, such as land use, transportation, economic development, and watershed planning. Similar to the Windham Regional Plan, the plans for the other Vermont RPCs are required to be consistent with the statewide planning goals in 24 V.S.A., § 4302. Therefore, the adjoining RPC plans are consistent and compatible with the goals established in the Windham Regional Plan.

MOUNT ASCUTNEY REGIONAL PLANNING COMMISSION

The most current Mount Ascutney Regional Plan was adopted on October 14, 2022. The Mount Ascutney Region borders the Windham Region to the north. Communities that border towns in our region include Springfield, Chester, Andover, and Ludlow. The Future Land Use map shows the lands bordering the Windham Region are guided for Rural Residential, Working Land, and Conservation uses, which is consistent with the future land use plan for adjacent towns in the Windham Region.

Springfield is a large regional employment center in Windsor County that many Windham Region residents commute to for work. In addition, the communities of Chester and Ludlow are home to numerous businesses, including the Okemo ski resort in Ludlow, that residents commute to for work. All three communities also offer retail and personal services that Windham Region residents rely on and that may be in closer proximity than services located in towns within our region. The economic vitality of these communities is important for the health of the Windham Region as well.

Major state highways that connect our two regions include Route 5, Route 103, Route 11, and Route 100. The WRC and MARC collaborate on VTrans corridor studies for these highways that span our two regions. There are no major transportation improvements discussed in the Mount Ascutney Regional Plan that would negatively impact towns in the Windham Region. Finally, the WRC and MARC are both located within the West-Williams-Saxton River Basin. The MARC plan also emphasizes the importance of water quality and there were no conflicts between the plans in terms of water quality and watershed planning.

RUTLAND REGIONAL PLANNING COMMISSION

The most current Rutland Regional Plan was adopted on June 19, 2018. The Rutland Region borders the Windham Region to the northwest. Communities that border towns within our region include Mount Tabor and Mount Holly. The future land use map shows the area along the border of these towns with Weston as Development Constraint Areas that have significant limitations upon development because of public ownership, conservation easements, or natural limitations. Much of the area bordering Mount Holly and Mount Tabor and Weston is within the Green Mountain National Forest. The only state highway directly connecting the two regions is Route 155 that runs north through Weston into Mount Holly. It is important to note that the city of Rutland is only approximately 25 miles away

from Weston in the northwest corner of our region and there are likely Windham Region residents that commute or travel to Rutland for job opportunities and services.

BENNINGTON COUNTY REGIONAL COMMISSION

The most current Bennington County Regional Plan was adopted on March 19, 2015. The Bennington Region borders the Windham Region along its western side. The following communities border towns in our region: Stamford, Woodford, Glastenbury, Sunderland, Manchester, Dorset, Peru, and Landgrove. Much of the land area along the border between the regions falls within the Green Mountain National Forest. Generally, the Bennington Regional Plan guides these bordering areas for Upland Forests and Rural Areas. This is consistent with future land use planning in the WRC Plan. Manchester and Bennington are the largest population and employment centers in Bennington County and a large number of Windham Region residents commute to these towns for jobs and shopping, in particular communities in the western part of our region.

Major state highways that connect our two regions include Route 9, Route 30, and Route 11. Route 9 in particular is an important highway that provides a critical east-west connection between New York and New Hampshire. The WRC and BCRC collaborate on VTrans corridor studies for these highways that span our two regions. There are no major transportation improvements discussed in the Plan that would negatively impact towns in the Windham Region.

UPPER VALLEY LAKE SUNAPEE REGIONAL PLANNING COMMISSION

The most current Upper Valley Lake Sunapee Regional Plan was adopted on June 17, 2015. The Windham Region adjoins only the town of Charlestown, New Hampshire in this region. Charlestown is located on the eastern side of the Connecticut River across from the town of Rockingham. Currently, much of the development in Charlestown is concentrated around the historic town center on Route 12A and further north and not along Route 12A towards the bridge connecting to Rockingham. The vision for Land Use in the Region is to build upon its historic, traditional settlement patterns by focusing new residential and non-residential development in village and city centers. The region's rural landscape will support traditional uses like housing, farming, forestry, and recreation.

SOUTHWEST REGIONAL PLANNING COMMISSION

The most current Southwest Region Planning Commission Regional Plan was adopted in 2015. The Windham Region borders the following towns across the Connecticut River in the Southwest Region: Hinsdale, Chesterfield, Westmoreland, and Walpole. Both Hinsdale and Chesterfield have commercial areas in close proximity to the Windham Region just across the Connecticut River. These areas draw a large number of residents from our region for shopping and employment purposes and future growth and development may impact traffic patterns and

economic development in our region. There are also large number of residents in Hinsdale, Chesterfield, Westmoreland, and Walpole that commute and travel into our region on a daily basis for jobs and services. The WRC and the SWRPC are currently working in partnership with VTrans and NHDOT on the construction of the new Brattleboro-Hinsdale Bridge (Route 119).

FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS

The Franklin Regional Council of Governments has adopted several regional planning documents that address transportation, housing, economic development, and other planning areas. The Windham Region borders the following towns located in Franklin County, Massachusetts: Northfield, Bernardston, Leyden, Colrain, Heath, Rowe, and Monroe. The area bordering the two regions is generally rural and mostly defined by low-density residential development and forestland. The main highways connecting the region are Routes 142, 5, and 112, as well as Interstate 91. The two regions are also both located in the Deerfield River Watershed and work collaboratively on water quality-related issues and projects. Greenfield is also a major employment and commercial center in Franklin County and many residents from the Windham Region, in particular in the southern area, commute and travel to Greenfield for employment and services.