

# TWO RIVERS-OTTAUQUECHEE REGIONAL COMMISSION

February 2010 

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## TRORC Awarded EDA Grant

The Two Rivers-Ottawquechee Regional Commission (TRORC) was recently awarded a \$235,000 economic development grant from the U.S. Department of Commerce, Economic Development Administration (EDA) to support the region's businesses in minimizing economic dislocations resulting from natural or man-made disasters.

In 2008, towns within the TRORC area were impacted by severe flooding and Congress appropriated funding to EDA to assist businesses in disaster recovery efforts by conducting proper planning in advance of disasters. TRORC sought this nationally competitive funding to meet with businesses in the region and help them develop Business Continuity of Operations Plans. Business continuity planning prepares a company to respond to an interruption of essential business functions and provides guidelines to fully recover operations, services and programs. This new technical assistance effort will help 40 small-to-medium-sized businesses identify their vulnerability to disruptions of raw materials and supplies, finished product transportation, employee movement, and other factors. A Business Continuity Plan is the least expensive insurance any company can have, and this is especially true for small companies as plans cost virtually nothing to produce.



*Stockbridge, Summer 2007*

"Whether the disruption is caused by a flash flood or the sudden failure of infrastructure like the Crown Point Bridge in western Vermont, our region's businesses must be prepared with contingency plans to mitigate the effects of these sudden events" says Peter Gregory, Executive Director of TRORC. "The impact on our economy can be severe so we were pleased to apply for this important funding and look forward to investing in our collective readiness."

"Natural disasters and catastrophic events like transportation infrastructure failures can devastate even the most financially viable business," said Sen. Patrick Leahy, who worked with representatives of the EDA and the Two Rivers-Ottawquechee Regional Commission to secure the funding. "The federal government made these funds available after disasters across the country cost both the private and public sectors millions of dollars in lost time and lost business. This grant will help Vermont businesses weather even the worst disaster."

TRORC will be working with the Southern Windsor County Regional Planning Commission, the Green Mountain Economic Development Corporation and the Springfield Regional Development Corporation on this effort. Work will commence shortly and area businesses are encouraged to contact Sally Hull at [shull@trorc.org](mailto:shull@trorc.org) if they wish to participate in this planning.

## Recovery Zone Economic Development Bonds - A less expensive alternative to municipal bonds

The Vermont Municipal Bond Bank (VMBB) has received authority from the State of Vermont to issue up to \$90.0 million in Recovery Zone Economic Development Bonds (RZEDBs) in 2010. RZEDBs are a category of Build America Bonds (BABs), used to fund public infrastructure, facilities and equipment in "recovery zones". The entire State of Vermont has been declared a "recovery zone". RZEDBs are also taxable bonds, but with a 45% interest payment subsidy. By passing the subsidy on to participating municipalities, the VMBB is able to make a 20-year Recovery Zone Economic Development Bond between 15% and 20% cheaper than tax-exempt municipal bonds.

Eligible RZEDB borrowers include: counties; cities; towns; villages; school districts; and other state recognized districts – the same definition as those able to borrow on a tax-exempt basis through the VMBB.



*Example of a recently financed project:  
Town of Randolph Main St. Bridge*

The VMBB will be using the same application process for Recovery Zone Economic Development Bonds as that used for tax-exempt bonds. A municipality wishing to be included in this July's RZEDB pool will need to file a VMBB application by May 15th along with the following: a CPA audit of the most recent fiscal year, a preliminary bond counsel's opinion; and three years of annual reports. See TRORCs and VMBBs website for further information on municipal finance and making application for admission to the VMBB bond pool ([www.vtbondagency.org](http://www.vtbondagency.org)).

## Tax Consequences of Land Conservation

A recent study by Deb Brighton for the Vermont Land Trust should erase, or at least ease fears that less development means higher taxes. When TRORC is involved in land use planning for towns, the tax implications of zoning is often brought up – the assumption being that the less development is allowed the higher the taxes will be. The theory behind this is that more development = more taxable property = lower taxes. This study finds that generally the reverse is true.

The study notes, "In general, the tax bill is higher in the towns that have the most taxable property, and lower in the towns with the least taxable property value." And while the study confirms the common assumption that residential development is not a financial benefit in terms of lowering taxes when it states, "In general, the more year-round residences in town, the higher the municipal tax bill", it stands conventional wisdom on its head by finding the same holds true for commercial development, too! "In general, the towns with the most commercial and industrial taxable property value have higher, rather than lower, tax bills." This study can be found at [www.vlt.org/Conservation\\_and\\_Property\\_Taxes.pdf](http://www.vlt.org/Conservation_and_Property_Taxes.pdf)

## VTrans Launches New Web-Based Carpooling Program

The Vermont Agency of Transportation (VTrans) through its Go Vermont initiative has launched a new, state-of-the-art ridesharing program. The new program offers those seeking to carpool an Internet tool to search for others who rideshare.



The new, web-based program replaces the Vermont Ride-share Program and is reported to offer quick and easy service for people looking to ride share not only within Vermont, but anywhere within the entire tri-state area of Vermont, New Hampshire and Maine.

Go Vermont is VTrans' web-based clearinghouse for all kinds of alternative transportation options, including carpools, vanpools, public transit, and rail services, as well as park and ride locations.

Registering with Go Vermont automatically qualifies carpools for a "guaranteed ride home" in case of emergency. This benefit provides those who use the website and an "insurance policy" in case either they or their driver has an unexpected schedule change. Registrants also can obtain parking passes for designated spaces at participating employers, as well as qualify them for any incentive and drawings offered directly through the Go Vermont program.

Visit [www.connectingcommuters.org](http://www.connectingcommuters.org) and register for free or call 800-685-RIDE.

## Congratulations Chuck!

Chuck Wise passed his American Institute of Certified Planners (AICP) exam certification last November. The AICP is part of the American Planning Association and recognizes certified planners for meeting rigorous standards in planning and ethics. Congratulations on your hard work!





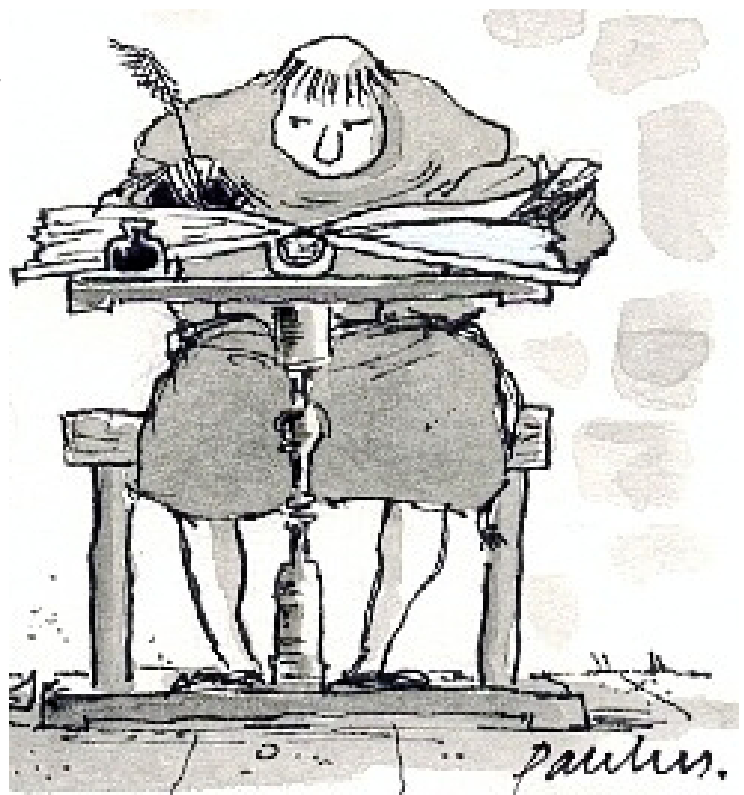
# Court Decisions Support Need for Specificity in Town Plans and Bylaws



TRORC staff believe that a Town Plan should primarily be visionary and not regulatory, however, the need for greater specificity continues to increase with recent decisions. Two decisions, one by the District Environmental Commission #3 in the town of Granville (Order #3W1025) and another by the Environmental Court relating to the previous JAM Golf decision (Docket No. 1947-10-03 Vtec) have given planners guidance on what is expected in terms of specificity, both in town plans and bylaws.

In the Granville decision, the Commission notes that when a project is reviewed for conformance with Town and Regional Plans, "two separate questions are asked: (1) Is the language in the plan mandatory or merely a guidance? (2) Are the Plan's provisions specific or ambiguous?" The Commission points out that "while words such as 'direct', 'encourage', 'promote', and 'review' in Town or Regional Plans may provide guidance in the interpretations of such Plans and may be used to bolster more specific policies in such plans, they do not, by in themselves, constitute a mandate." This opinion continues to support the assertion that if a town feels strongly about a specific policy in their Plan, they need to use stronger language such as "shall" and "must" if they want the language to have an effect on the development review process.

When determining whether or not a Plan provision is specific or ambiguous, the Commission goes on to State that "a provision of a town plan evidences a specific policy if the provision: (a) pertains to the area or district in which the project is located; (b) is intended to guide or proscribe conduct or land use within the area or district in which the project is located; and (c) is sufficiently clear to guide the conduct of an average person, using common sense and understanding." If a Town Plan's provisions are deemed ambiguous, the Supreme Court has instructed the Environmental Commissions to examine the relevant zoning regulations in an attempt to resolve the ambiguity. In towns with no zoning, it is essential that policies which are important to the town are specific; otherwise they will be ignored in an Act 250 decision.



In the case of towns with zoning, reviewers must be cautious when using the Plan as a standard during a review procedure, such as conditional use approval. For example, in the JAM Golf case, the zoning ordinance referred the DRB to the Plan when determining the protection of unspecified "scenic views". The Supreme Court determined that the Plan "unconstitutionally left the determination of what constituted a "scenic view" to the "unfettered discretion" of the reviewing body." This means that if you are going to refer to the Plan, the Plan must have specific language explaining (in this case) what a "scenic view" is and how an impact shall be determined.

Creating specificity in Town Plans is difficult. The visionary nature of a plan is not intended to be so specific as to read like a bylaw. Specificity should be used only where it is critical to the vision of the town. If there is an area of town that citizens have agreed needs protection or focused development, then the Planning Commission must use clear language that outlines the where, how and why. We recognize that there is little in terms of model language to guide our towns. If you need assistance in creating this specificity or would like TRORC staff to review your plan or bylaw to find where greater specificity would be beneficial, please contact our office.



Two Rivers-Ottawaquechee Regional Commission  
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#### **FY 2010 TRORC Representatives**

Barnard - Gerald Fredrickson, Gerry Botha (Alt.)  
Bethel - Yaroslav Stanchak, Olena Stanchak (Alt.)  
Bradford - Nancy Jones, Bobette Scribner (Alt.)  
Braintree - Mark Bannon  
Bridgewater - Nelson Lee, Jr.  
Brookfield - No rep  
Chelsea - Carl Pepperman, Cherylanne Linaris (Alt.)  
Corinth - Frank Roderick  
Fairlee - John Larrabee, Larry Gatto (Alt.)  
Granville - No rep  
Hancock - No rep  
Hartford - Lori Hirshfield  
Hartland - No rep  
Newbury - Larry Scott, Scott Labun (Alt.)  
Norwich - Justin Campfield, Jamie Hess (Alt.)  
Pittsfield - Jerry Drugonis  
Plymouth - Thomas Ellis, James Allen (Alt.)  
Pomfret - William Emmons  
Randolph - Jennifer Colby, Ken Hafner (Alt.)  
Rochester - Larry Straus  
Royalton - David Brandau, Walter Hastings (Alt.)  
Sharon - Paul Haskell  
Stockbridge - Mark Doughty  
Strafford - Steve Campbell, Guy Denechaud (Alt.)  
Thetford - Jim Masland  
Topsham - Thomas Flannigan  
Tunbridge - Arnold Castagner, Michael Sacca (Alt.)  
Vernshire - Bill Baylis  
West Fairlee - Doug Sonsalla, Bonnie Cray (Alt.)  
Woodstock - Charles Wilson

## **News & Upcoming Events**

### **2010 Town Officers Education Conference**

Tuesday April 13, 2010 - Lake Morey Inn, Fairlee, VT  
Visit <http://www.uvm.edu/extension/> for more information or to register.

### **Conducting Effective Tax Appeals**

Tuesday April 27, 2010 - 12:30pm Hartford Town Office, White River Junction, VT  
Learn what your town can do to conduct effective property tax grievances and appeals. Contact Jessica Hill ([info@vlct.org](mailto:info@vlct.org) / 802-229-9111) for more information or to register.

### **2010 Municipal Education Grants (MEGs) Available**

This program enables municipalities to seek up to \$800 to provide on-site training for their volunteer boards and commissions, helping them perform their land use planning and regulatory duties. Applications for the FY10 MEGs may be submitted any time before **May 15th, 2010**. TRORC is available to help prepare applications and conduct the training in your community. Details about the program and application forms are available here:  
<http://www.dhca.state.vt.us/Planning/MEG.htm>.

### **Historic Preservation Grants Awarded**

Congratulations to the following towns that were awarded a Historic Preservation Grant for the restoration and preservation of historic buildings across Vermont:  
Towns of Newbury, Rochester, Royalton and Thetford.

For more information, please visit our website:  
**[www.trorc.org/events.html](http://www.trorc.org/events.html)**

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