



13 | Plan Implementation

Constructing Roberts Road Bridge, Woodstock | © Rita Seto

A. Determination of Substantial Regional Impact

State statute requires that TRORC define in this Plan what kinds of development would create a “substantial regional impact.” This threshold is used under Act 250 when there is a conflict between a town plan and this Regional Plan, as projects with “substantial regional impact” make the Regional Plan the primary planning document for Act 250 to consider, since such developments by their nature are regional in scope, and likely to affect the character of growth and development or impact infrastructure in adjacent towns. The “substantial regional impact” threshold does not

mean that a project is not desirable; it simply acknowledges that a proposed development has an effect that will be felt in a wider area.

For example, an industrial park or commercial complex located in one town will result in increased employment opportunities for the area, thus stimulating the demand for housing in neighboring towns. A resort complex that draws tourists from outside of the Region may impact the capacity of existing highways beyond the border of the town where the resort is located. The type, location, scale, and timing of the development are factors that determine the relative impact of growth in an area. Act 250 must give TRORC’s definition

“substantial deference”, according to the state law.

Furthermore, the relative capacity of an area to reasonably accommodate new development and the relationship of that development to existing and proposed development plans and policies for an area are determinates of substantial regional impact. A large project that generates traffic near a main highway is different than one that is on a small gravel road. Projects of such magnitude may be very beneficial, and this process is simply meant to ensure that they are thoughtfully reviewed with the impacts to the wider Region fully considered.

The specific criteria below qualify a development





that is subject to Act 250 permitting or requiring the issuance of a Section 248 or 248a Certificate of Public Good, as resulting in substantial regional impact:

1. A development, or series of affiliated or planned developments, that either in totality or cumulatively:
 - a. will contribute to a reduction in the peak hour level of service (LOS) on a town or state highway from D to E or from E to F; or
 - b. will contribute five percent or more traffic volume to the peak hour LOS D on a regionally significant local or state highway in or immediately adjacent to Regional Growth Areas or LOS C on regionally significant local or state highways in Rural Areas; or
 - c. will contribute five percent or more to the annual volume or tonnage of solid waste of the host municipality; or
 - d. will necessitate capital improvements, such as widening or signalization of regionally significant (Class II)

local or state highways, expansion of public sewer or water supply systems, additional fire apparatus, or expansion of schools; or

- e. will demand five percent or more of the average load of electrical energy on distribution lines during peak hours; or
- f. will necessitate capital grid improvements such as extension, upgrading, or enlargement of electrical transmission lines; or
- g. will increase the cost of energy for users in the Region immediately adjacent to the project site; or
- h. will generate new direct employment equal to or greater than 1% of the Region's existing employment level; or
- i. is located in areas of special flood hazard, necessary wildlife habitats or significant natural communities, Class 1 wetlands, areas identified with threatened or endangered species, source protection areas; or the Forest Based Resource Area; or
- j. A development that impairs the continued function of significant regional facilities, including but not limited to Interstate highway systems, waterways, educational institutions, hospitals, state or national recreational facilities, bridges, dams, or airports; or
- k. will entail residential construction where the total proposed housing units exceeds five percent of the total housing count of the host town; or
- l. will entail commercial or industrial

construction within a single or multiple buildings, of 10,000 square feet or more of gross floor area outside of a Regional Growth Area or 20,000 square feet or more of gross floor area inside such area; or

- m. will entail principal retail outside of Regional Growth Areas; or
- n. will entail any commercial development with structures of more than 2,000 square feet of floor space in the Forest-based Resource Area, or 4,000 square feet of floor space in Rural Areas; or
- o. will construct public, private, or nonprofit facilities or utilities meant to serve multiple towns within one mile of a municipal boundary; or
- p. affects the existing or potential capacity to provide essential or required public services by one or more municipalities adjacent to the municipality where the proposed development is located due to direct and indirect impacts; or
- q. will entail a new or expanded electric generating facility with a nameplate capacity of 2 Mw or greater.

B. Implementation Mechanisms

Adoption of this Plan by itself does not have direct effects. This Plan comes to life through its use by TRORC and others. This section provides guidelines from which both public and private action can be taken to implement the goals and policies of the Plan. Implementation of the Plan consists of the following mechanisms:



1. regional planning;
2. municipal planning and implementation;
3. state and federal agency plans and capital projects;
4. coordination with regional entities;
5. legislative policy processes; and
6. public participation and coordination.

Regional Planning

There are many issues that pass beyond the borders of an individual community and that require a broader level of consideration. Recognizing this, state statute enables regional planning as a way to acknowledge the need for planning and implementation beyond the municipal level. The Regional Plan is, by law, required to uphold Vermont's state planning goals ([VSA Title 24, Chapter 117, §4302](#)¹). Through this Plan, those goals are implemented on a regional level.

While the Regional Plan does not have the same regulatory effect as municipal land use regulations, the policies and recommendations within this Plan do guide decision making at the state, regional, and local level. Under Act 250, the Regional Plan has a regulatory effect, as well as provides guidance for state review of projects such as cell towers or electrical generation (Section 248 and 248a); national planning and permitting of hydroelectric facilities, national forests, parks and trails; and management of state highways.

Municipal Planning

The Planning and Development Act enables, but does not require, towns to establish planning programs to meet local needs ([24 VSA Chapter 117](#)²). If a municipality chooses to conduct a planning program, it must follow the statutory requirements in the Act, including being in conformance with the state planning goals and the required elements of a town plan. All thirty member towns in the Region have planning

programs and a Planning Commission appointed by their Selectboard. Town plans are the only statutorily created vehicles for communities to lay out their comprehensive vision for themselves.

Town plans form the foundation for regulatory and non-regulatory implementation tools that can be used by municipalities to achieve planning goals. Regulatory approaches include such actions as adopting zoning bylaws, subdivision regulations, impact fees, curb cut permits, health ordinances, noise ordinances, and junkyard ordinances. Non-regulatory approaches can include public facility projects, hazard mitigation plans, housing programs, purchase of development rights to conserve land, or adopting a capital budget to direct local funding and plan ahead for public improvements. Some of these tools are described below.

Bylaws: The best form of local control of land use is through implementation of the goals expressed as part of the municipal plan through zoning or subdivision bylaws adopted by towns. However, prior to having any land use bylaw, the municipality must have a municipal plan. Also, any bylaw in effect must serve to implement the plan and must be in accord with the policies of the plan in place at time of adoption ([24 VSA Chapter 117 §4401](#)³). Since municipal plans are updated every eight years, municipalities should also update their bylaws in a timely manner to reflect those changes.

Capital Budgeting and Programming: Capital budgeting and programming (CBP) is also a means of directing local public investments over a five-year period to implement community needs as expressed in the plan. The CBP establishes an order



Flume Model Demonstration | Source: TRORC Staff



of priority for major capital expenditures and sets forth a means of financing the investments. Read more about capital planning on [our website](#)⁴.

Impact Fees: Vermont enacted impact fee legislation to enable towns to require the beneficiaries of new development to pay their proportionate share of the costs for capital projects incidental to the impact of the development ([24 VSA Chapter 131](#)⁵). Impact fees require detailed capital budgeting careful accounting so that payment by the developer to the town covers the costs of the capital project attributable to them.

Conservation and Housing Programs:

Towns can support conservation programs done by others or directly undertake conservation through the municipal purchase of lands or easements. Town plans can call out specific properties or types of land that have a clear value to the community. Towns can likewise support the housing efforts of local, regional, and state housing agencies, or they can directly step into creating needed housing through grantmaking, fee reduction, using local lands, or creating needed infrastructure. Towns are enabled to create conservation commissions or housing commissions in Vermont Law.

State and Federal Agency Plans and Capital Programs

The Regional Plan is a place that our 30 towns can collectively influence State or Federal agency planning processes and capital projects, allowing more coordination between various agencies and local government. This can take place through FERC relicensing of dams, management plans for National



Bridgewater Better Back Roads Discussion | Source: TRORC Staff

Forests or State Parks, and other areas. Towns are encouraged to coordinate through TRORC on areas of interest.

Coordination with Regional Entities

Vermont law enables the creation of inter-municipal cooperative agreements, compacts, districts, and contracts by municipalities ([24 VSA Chapter 121](#)⁶). Under this law, towns may cooperatively organize to undertake a particular kind of project or service with other towns of similar needs. Given the complexity and economic costs associated with public services such as solid waste disposal, public safety, or public education, the creation of special purpose units of government within the Region is likely to continue.

TRORC recognizes these regional entities and seeks to work cooperatively with such organizations to ensure that the goals and policies of the Plan are fairly addressed and applied in the long-range planning operations of these entities. Regional entities currently formed in the Region include union school districts, fire and water districts, solid waste districts, and natural resources conservation districts.

In addition to intermunicipal organizations, there are many state and regional nonprofit corporations or organizations that operate to provide services or programs within the Region. Activities of these public service organizations are generally complementary and supportive of the general work of this Commission and specific Plan policies. TRORC co-



ordinates with these entities, to the extent practical, to promote the implementation of this Plan.

Legislative Policy Processes

TRORC works at the state and national level on legislation to inform policy makers of the needs of our towns and create legislation that will empower them to meet state planning goals and local planning goals.

Public Participation and Coordination

In order to implement this Plan, or any plan, local officials, agency administrators, policy makers, other governmental organizations, the public, and the private sector must understand the purpose and effect of this Plan on growth and development in the Region. Education of not only those entities that coordinate daily with TRORC but also the general public as to the Plan's policies and its implementation is essential. Plan implementation without public input is destined to have no support and thus to fail. A deliberate effort to involve the public in all aspects of the Plan development process was made.

Education of the public on the overall values of multiple town planning for an area will continue to be an ongoing function of TRORC as it seeks to implement this Plan with others.

Investment in efforts to improve the planning process by involving the public as an integral part of it will build greater consensus for the policies of this Plan and thus improve its implementation.

C. Implementation of the Plan

This Regional Plan contains extensive goals, policies, and recommendations for action. While the goals and policies envision and support a desired future state that the Plan seeks to achieve, the recommendations for action are intended to actually implement the policies to reach the goals for the Region. To ensure that the Plan is implemented, an implementation matrix has been developed.

Appendix C: Implementation Matrix, collects a majority of the recommendations for action in this Plan and assigns a party (or parties) responsible for implementation. In addition, a rough timeframe for implementation is established, which is broken out into five groups:

- **ASAP** — The recommendation for action should be implemented as soon as feasibly possible by the responsible party. These recommendations usually reflect an urgent need.
- **Short-term** – The responsible party should implement the recommendation for action within 1-3 years of the adoption of this Plan.
- **Mid-term** – Mid-term recommendations for action should be implemented within 4-8 years of the adoption of this Plan. Recommendations of this nature often require specific funding that will need to be acquired before implementation, have multiple steps that must be taken to reach implementation, or require substantial public process.

- **Long-Term** – Recommendations for action that are important to this Plan but may take extensive effort and substantial shifts in policy at multiple levels of government are viewed as long term. Implementation of these action items may take longer than the eight-year life of this Plan.
- **Ongoing** – A substantial number of the recommendations for actions contained in this Plan represent a reaffirmation the day-to-day work of TRORC and our municipalities. By designating these action items as ongoing, the Regional Plan is acknowledging that these items are always being acted upon to further the goals of the Plan and the State of Vermont.

Estimated costs are broken into three groups:

- **Low** — less than \$10,000
- **Moderate** — \$10,000 to \$100,000
- **High** — more than \$100,000

Tracking Progress

An implementation plan is of no use if no action is taken to move forward. Because this is the Two Rivers-Ottauquechee Regional Plan, it falls to TRORC to monitor progress throughout the Plan's eight-year life.



Plan Implementation Endnotes

- 1 <https://legislature.vermont.gov/statutes/section/24/117/04302>
- 2 <https://legislature.vermont.gov/statutes/chapter/24/117>
- 3 <https://legislature.vermont.gov/statutes/section/24/117/04401>
- 4 <https://www.trorc.org/capital-budgeting/>
- 5 <https://legislature.vermont.gov/statutes/chapter/24/131>
- 6 <https://legislature.vermont.gov/statutes/chapter/24/121>

