

I. INTRODUCTION

A. Background of the Commission

The Southern Windsor Regional Planning Commission (RPC) was established in 1966, as the Southern Windsor County Regional Planning and Development Commission, through the action of its constituent towns. The original eight member towns were not contiguous and it wasn't until 1970 that the RPC began receiving state and federal funds. Currently, the RPC's activities and programs are governed by a ten-person Board of Commissioners; each appointed by the legislative body of his or her member town, with assistance from up to three “at-large” Commissioners as appointed by the Board of Commissioners. In addition, the Board has the responsibility of hiring staff to carry out the goals and policies of the Regional Planning Commission.

The RPC also has the authority to establish advisory committees to address specific regional issues. Currently, the Commission has two such committees, the Brownfields Steering Committee and Transportation Advisory Committee (TAC). Representation on the Transportation Advisory Committee consists of one representative from each community, an ex-officio representative of the Agency of Transportation and provision for two “at-large” members. The primary mission of the Transportation Advisory Committee is to develop and evaluate transportation policy and recommendations as they relate to the Regional Transportation Plan and the Regional Plan.

The primary intent of the RPC and its advisory committees has always been to assist with and advocate for the planning and development activities of its member towns. The RPC exists primarily to provide technical assistance to its member towns; assist in mediating inter-jurisdictional planning and development issues that arise between member communities; facilitate discussion and understanding between local and state entities; develop plans, policies, strategies, and procedures for addressing issues that are regional in scope; assist communities with downtown revitalization and community development projects; annually compile, review, and prioritize regional transportation improvement projects for submission to the Agency of Transportation; and to serve as an information resource for member towns and residents.

B. Statutory Authority

The RPC is authorized pursuant to the duties and optional powers listed in the Vermont Municipal Planning and Development Act (herein referred to as “the Act”) [24 V.S.A. §4345]. The RPC is required to adopt a regional plan in accordance with the Act [24 V.S.A §4348]. Volume 1 and 2 of the Regional Plan are adopted together as one document.

C. The Regional Plan

The purpose of the Regional Plan, in accordance with the Act [24 V.S.A §4347], is to create a vision for coordinated growth and development in the Region in accordance with existing and future needs and resources. The Regional Plan is advisory in nature, purpose, and

effect. However, there are a limited number of areas where the Plan can have regulatory implications as discussed below. The Regional Plan is also used to support a host of grant applications including Community Development Block Grants and housing or farmland conservation applications to the Vermont Housing and Conservation Trust Fund.

The Regional Plan guides the RPC in evaluating public and private actions affecting the Region's communities and is the foundation for the RPC's annual work program. The Regional Plan also serves as the Region's basic planning manual and should be used as a guide by the Region's towns in the local planning process.

Because of the inherent interrelationship of all aspects of the Regional Plan, the policies in any section are not to be considered in isolation, but rather in conjunction with all other sections and chapters of the Regional Plan. Each section of the Regional Plan includes statements designed to guide the growth and development of the Region. These guiding statements are defined later in this chapter to help the reader understand the context in which they are used.

The format of the Regional Plan is intended to include all plan elements as required by law (24 VSA § 4348a). Volume 2 of the Regional Plan consists of the Regional Transportation Plan, which serves as both the statutorily required transportation element and the requirements of the RPC's Transportation Planning Initiative with the Vermont Agency of Transportation. Volume 1 includes all other required elements of the Regional Plan. Each chapter in Volume 1 focuses on particular issue areas of regional or statewide interest. Background issues, goals, policies, and recommendations are contained in each chapter. The final chapter of the Plan discusses implementation of the Regional Plan.

D. Use of the Plan in Regulatory Proceedings

The Regional Plan has a regulatory role under three state review processes:

- Act 250/District Environmental Commission Hearings (10 V.S.A., Chapter 151);
- Public Good Determination Hearings for electric generation or transmission facilities (30 V.S.A. §248, or "Section 248")
- Solid waste facility certification (10 V.S.A. §6605).

Major developments are reviewed for conformance with any duly adopted local or regional plan under Act 250 or Section 248. If, however, a conflict exists between the local and regional plans, the regional plan will be given effect over the municipal plan if a proposed development has a "substantial regional impact." See the Implementation Chapter for a definition of substantial regional impact.

The RPC works closely with its member towns in order to ensure that municipal plans are not in conflict with the regional plan. This synergistic relationship attempts to recognize potential concerns with Act 250 and Section 248 applications prior to their submission. In addition, the Land Use Panel of the Natural Resources Board that oversees the Act 250 process narrowly interprets "conflict" as only existing when one plan allows the project but

the other does not. In addition, state statutes require compatibility between regional and municipal plans

1. Act 250

In the spring of 1970, the Vermont Legislature passed the Land Use and Development Act (Act 250) in order to address growth in the 1960s resulting from the opening of I-89 and I-91, development of the IBM facility in Essex Junction, and expansion of ski tourism in Vermont. Act 250 (10 V.S.A., Chapter 151) establishes a state land use permitting process in order to protect the environment.

The law created nine District Environmental Commissions, consisting of three members appointed by the Governor, to review large-scale development projects and subdivisions using 10 criteria that address environment, aesthetic and community impacts. The District Environmental Commissions have jurisdiction over any project that encompasses more than 10 acres, or more than 1 acre for towns that do not have permanent zoning and subdivision bylaws. (See **Table 1.1** for a listing of one- and ten-acre towns.) The law also applies to any development project with more than 10 housing units or housing lots; and may also apply for construction proposed above 2,500 feet of elevation.

Table 1.1 – One- and Ten-Acre Towns for Act 250 Jurisdiction	
1-Acre Towns:	10-Acre Towns:
Cavendish	Andover
Reading	Baltimore
West Windsor	Chester
	Ludlow
	Springfield
	Weathersfield
	Windsor

Source: VT Natural Resources Board (December 21, 2007).

Act 250 also created the Vermont Environmental Court to review appeals coming from District Commission rulings.

The Act 250 process allows for the review and comment on all eligible applications by municipal governments, local and regional planning commissions, the state of Vermont, along with other interested parties. Before a proposed development receives approval it must meet the ten criteria set forth in 10 V.S.A. §6086, which are summarized below:

1. Water and Air Pollution – Will not result in undue water or air pollution. Including the following considerations:

- 1(A) Headwaters – Will not reduce the quality of surface- or ground-waters in sensitive areas, such as small drainage basins, high-elevation areas, watersheds of public water supplies and aquifer recharge areas;

- 1(B) Waste Disposal – Will meet state standards for waste disposal, including wastewater and stormwater; and must not involve the injection of waste materials or any harmful or toxic substances into groundwater or wells;
 - 1(C) Water Conservation – Must use and maintain the best available water conservation technology as practicable;
 - 1(D) Floodways – Will not endanger the public health, safety and welfare during flooding. In floodway areas, proposals will not restrict or divert the flow of flood waters. In floodway fringe areas, proposals will not significantly increase the peak discharge of rivers or streams;
 - 1(E) Streams – Proposals along streams or rivers must maintain the natural condition of streams if feasible, and will not endanger the public health, safety and welfare;
 - 1(F) Shorelines – Any proposal along pond or river shorelines must show development in these areas is necessary, maintain the natural condition of the shoreline, and must not diminish public access to public waters; and
 - 1(G) Wetlands – Will not violate the Vermont Water Resources Board rules protecting significant wetlands.
2. Water Supply – Has sufficient water available for the foreseeable needs of the subdivision or development.
 3. Impact on Existing Water Supplies – Will not unreasonably burden any existing water supply, if one is utilized.
 4. Soil Erosion – Will not cause unreasonable soil erosion or reduce the capacity of the land to hold water.
 5. Traffic – Will not cause unreasonably dangerous or congested conditions with respect to highways or other means of transportation.
 6. Educational Services – Will not create an unreasonable burden on the educational facilities of the municipality.
 7. Municipal or Government Services – Will not create an unreasonable burden on the local government in providing municipal and governmental services.
 8. Scenic, Natural Beauty, Aesthetics, Natural Areas and Historic Sites – Will not have an undue adverse effect on aesthetics, scenic beauty, historic sites or natural areas, and
 - 8(A) Wildlife Habitat and Endangered Species – Will not destroy or significantly imperil necessary wildlife habitat or any endangered species.

9. Conformance with a capability and development plan – Will conform with a capability and development plan, and land use plan if adopted, including the following considerations:
 - 9(A) Impact of Growth – The impact the project will not have an undue burden on the town or region;
 - 9(B) Primary Agricultural Soils – Does not significantly reduce the agricultural potential of soils rated by the Natural Resource Conservation Service of the U.S. Department of Agriculture as prime, statewide or local importance;
 - 9(C) Productive Forest Soils - Will not significantly reduce the potential of productive forest soils as defined in 10 V.S.A. §6001;
 - 9(D) Earth Resources – Will not prevent or significantly interfere with subsequent earth extraction activities;
 - 9(E) Extraction of Earth Resources – Will not unduly impact the environment or surrounding land uses, and require planning for site reclamation;
 - 9(F) Energy Conservation – Will reflect the principles of energy conservation and incorporate the best available energy conservation technologies;
 - 9(G) Private Utility Services – Must show that adequate legal and financial mechanisms are in place for private utilities, such as roads or wastewater facilities, when the proposal utilizes private utilities;
 - 9(H) Costs of Scattered Developments – Costs for public service and facilities required to serve a proposal that is not within or adjacent to a settlement area or village must not exceed the tax revenue and other public benefits generated by the development or subdivision;
 - 9(J) Public Utility Services – Will not place an unreasonable burden on public utility services, such as electricity;
 - 9(K) Development Affecting Public Investments – Will not unnecessarily or unreasonably endanger public or quasi-public investments in adjacent government and utility facilities, services and lands; and
 - 9(L) Rural Growth Areas – Proposals in rural areas will be designed to economize on the cost of roads, utilities and land usage in order to protect municipalities from undue financial burdens.
10. Local and Regional Plans – Is in conformance with any local or regional plan or capital budget and program.

2. Section 248

The development and construction of electrical generation facilities, electrical transmission facilities, and some gas pipelines are regulated by the Public Service Board created by the Vermont Legislature under (30 V.S.A. §248). The Public Service Board has been granted partial judicial power to conduct hearings and issue decisions. The Board consists of three members, appointed by the Governor, serving staggered terms. Prior to undertaking a proposed project, an involved party must receive a “Certificate of Public Good” from the Board.

Under the Section 248 review process, projects are evaluated to determine if they serve the general public good. Pursuant to 30 V.S.A. §248(b), criteria to receive a Certificate of Public Good include:

- Orderly development of the Region with due consideration of Town and Regional Plans;
- Need for present and future demand;
- System stability and reliability;
- Economic benefit;
- Undue adverse impacts on aesthetics, historic sites, air and water purity, natural environment, public health and safety, and Act 250 Criteria 1-8 and 9(K);
- Consistent with company’s approved least cost integrated plan;
- Consistent with the VT Department of Public Service’s electric energy plan; and
- Does not affect designated outstanding resources waters.

Projects subject to Section 248 review, including net-metered private wind turbines, are exempt from local regulations. However, the impacted municipality and regional planning commission may participate as interveners in the proceedings.

3. Solid Waste Facility Certification

All towns, whether in a solid waste district or not, must adopt a Solid Waste Implementation Plan, which must be in conformance with the Regional Plan in accordance with 24 V.S.A., Chapter 61, §2202(a). The certification process for solid waste facilities will consider if the SWIP is in conformance with the town and regional plans (10 V.S.A., Chapter 159, §6605).

E. Goals, Policies, and Recommendations Defined

The needs of a growing population, the events and consequences that lead to a declining population, and the health of the environment and economy all require the attention of regional and local planning commissions. The goals and policies listed below are general overriding statements of the desired principles that should guide the growth and development of the Region and protect the natural and built environment. The goal and policy statements should be taken within the context of the information and analysis contained in the chapters which follow.

Goals - *Broad statements of what the Region ultimately wants to achieve. Goals reflect realistic intentions regarding a particular resource. They are not placed within a specific time frame. Specific goals are developed for each section of this Plan.*

Policies - *Agreed-upon courses of action to be followed to achieve the goals. Policies contain the principles or standards that guide the choices of implementation measures used to reach the Plan's goals.*

Recommendations - *Suggestions for specific actions to be carried out to reach the stated goals and policies.*

The following Regional Goals and Policies are consistent with the Vermont Planning Goals established by statute (24 V.S.A. §4302):

REGIONAL GOALS

1. To achieve a reasonable balance between protection of natural resources and growth in a way that maximizes the potential for both.
2. To assist all member communities in developing effective town plans and implementation documents.
3. To foster a spirit of communication and cooperation between all member communities, and with other governmental entities, and to act as a mediator when disputes arise.
4. To support the efforts of local member governments and serve as a bridge between local and state planning efforts.
5. To provide opportunity for citizen participation at all stages of the planning process.
6. To identify housing needs throughout the Region and to encourage the development and rehabilitation of housing that will meet the needs of all regional residents regardless of social characteristics or income.
7. To preserve the historical settlement patterns and rural character of the Region and to maintain the integrity of its villages.
8. To create and maintain efficient public facilities and services, including but not limited to child care, adequate to meet existing and foreseeable future needs.
9. To provide educational and vocational opportunities that will allow all residents to make the most of their abilities.
10. To develop an economic environment that will support the continuation of traditional land use activities, including sustainable agriculture, forestry, manufacturing, and commerce at scales consistent with the existing land use patterns of the Region.

11. To develop a transportation system that balances the needs of safety, convenience, cost, energy efficiency, environmental protection, economic growth, and recreation.
12. To further the Vermont Planning Goals found in (24 V.S.A. §4302).

REGIONAL POLICIES

1. All inhabitants and wildlife should be provided with a healthy living environment through improvement and maintenance of the air, water, and soil quality.
2. Natural resource use that ensures the protection of sufficient renewable resources for future generations and provides for reasonable economic return should be supported.
3. Irreplaceable natural and fragile areas, outstanding water resources, rare and endangered species and their habitats, and significant scenic features should be protected and preserved.
4. Regionally significant natural, cultural, and archeological features, and historic sites and buildings should be protected and preserved.
5. Cooperation and coordination among member towns is encouraged in planning for growth and development, to enable an evaluation of the potential for regional and interjurisdictional impacts.
6. All appropriate agencies should cooperate in the development and maintenance of a safe and efficient regional transportation system that meets the vehicular and pedestrian needs of all residents with minimum impact to the Region's environmental and aesthetic qualities.
7. Environmentally benign or beneficial economic development that will provide desirable jobs for regional residents, reduce unemployment, improve per capita income, and maintain the character of the Region should be promoted.
8. Energy efficiency and conservation, the development of renewable resources, and the use of alternative energy sources are encouraged.
9. The manufacturing and marketing of local value-added agricultural and/or forest products is encouraged.
10. The provision and enhancement of recreational opportunities for all residents, and promotion of tourism-related economic development that furthers the goals of this Plan should be encouraged.
11. The protection of significant agricultural and forested land, through incentives and measures which discourage the subdivision or fragmentation of large parcels of such land is encouraged.

12. Efficient infrastructure adequate to support economic or other growth should be created prior to development.
13. Land use and development patterns that are consistent with the long- range goals and policies of local communities, the Region, and the adjoining towns in other regions should be promoted.