



State of Vermont
Land Use Review Board
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<https://act250.vermont.gov>

Preapplication Response

Sent Via Recipient List

The Land Use Review Board has completed its preapplication review of the Two Rivers-Ottawaquechee Regional Commission preapplication RPC10-0001 that was deemed complete on 06/03/2026. A meeting occurred on 06/26/2026. Separately, the Board requested comments from state partner agencies and the public. Copies of those comments can be found on the database:

<https://anrweb.vt.gov/ANR/Act250/RPDetail.aspx?AppNum=RPC10-0001>

The Board's preapplication review does not encompass nor reflect its position with respect to comments received. The comments received are provided for Two Rivers-Ottawaquechee Regional Commission information and consideration for potential revisions to its draft plan or Tier 1B requests, as the Two Rivers-Ottawaquechee Regional Commission may elect.

I. Board Review

The purpose of the preapplication process is for the Board to: (1) coordinate comments on the draft regional plan from all interested agencies and entities, (2) provide a preliminary assessment as to whether the draft regional plan is in conformance with 24 V.S.A. §§ 4302, 4348a, 5803, and 5804, (3) provide a preliminary assessment as to whether the draft regional plan is consistent with the purposes of 24 V.S.A. § 4347, and (4) to provide preliminary assessment as to whether any Tier 1B status request meets the requirements of 10 V.S.A. § 6033(c), 24 V.S.A. § 4348a(a)(12)(A)-(C), and 24 V.S.A. Chapter 139.

This preapplication response addresses the statutory standards and identifies areas where the: (1) the draft plan appears to conform, (2) the draft plan appears not to conform and likely needs revision, or (3) draft plan is insufficient for the Board to make a determination. If the TRORC disagrees with a negative assessment, the Board will need additional information about why the TRORC believes the statutory standard is met. Such additional information should be included with the adopted regional plan application. This preapplication response includes advisory recommendations of the Board that the TRORC may choose to address within the adopted regional plan, or not. Incorporation of these advisory recommendations is not required. **This preapplication response is advisory only and does not guarantee an affirmative determination when the adopted plan or Tier 1B**

status request is submitted pursuant to Section 1.300 of the Board's *Regional Planning Commission Application Guidelines*.

A. Further the General Purposes and State Planning Goals

The Board has reviewed the draft regional plan to determine if the plan furthers the purposes and goals of 24 V.S.A. § 4302.

1. Conformance with General Purposes

"It is the intent and purpose of this chapter to encourage the appropriate development of all lands in this State by the action of its constituent municipalities and regions, with the aid and assistance of the State, in a manner which will promote the public health, safety against fire, floods, explosions, and other dangers; to promote prosperity, comfort, access to adequate light and air, convenience, efficiency, economy, and general welfare; to enable the mitigation of the burden of property taxes on agricultural, forest, and other open lands; to encourage appropriate architectural design; to encourage the development of renewable resources; to protect residential, agricultural, and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking and the invasion of through traffic, and from the loss of peace, quiet, and privacy; to facilitate the growth of villages, towns, and cities and of their communities and neighborhoods so as to create an optimum environment, with good civic design; to encourage development of a rich cultural environment and to foster the arts; and to provide means and methods for the municipalities and regions of this State to plan for the prevention, minimization, and future elimination of such land development problems as may presently exist or which may be foreseen and to implement those plans when and where appropriate. In implementing any regulatory power under this chapter, municipalities shall take care to protect the constitutional right of the people to acquire, possess, and protect property."

24 V.S.A. § 4302(a).

Board Response: The draft regional plan provides narrative, policies, and actions to promote public health and safety, support working and open lands, encourage renewable energy generation and use, and to enable efficient and otherwise appropriate patterns of development and growth supported by adequate infrastructure and that mitigate hazards. The draft regional plan offers strategies to create and protect cultural resources as well as to protect and preserve natural resources and working lands (agriculture, forestry, and compatible uses).

The Board questions whether mandatory land use restrictions expressed throughout the plan infringe on constitutional property rights without adequate input from affected landowners and whether some of these policies will have unintended disproportionate consequences on lower-income, senior, and rural communities in

particular. The policies as expressed undoubtedly are aimed at protecting agricultural and forestry uses and important natural resources on large tracts of forest in rural areas while providing for efficient patterns of centralized growth leading to lower energy and infrastructure burdens and higher environmental quality and health outcomes in general. However, the broad mandatory prohibitions on several types of development outside of centers may result in contradictory policies and run counter to the consent of communities that would be most affected.

The draft regional plan appears not to conform with the general purposes of 24 V.S.A. § 4302(a).

Required Information:

As detailed further under the energy, transportation, housing, and land use elements of this preapplication response:

- **Provide additional information demonstrating that the region's communities are in support of mandatory land use policies expressed in the plan.**
- **Provide additional information to show that mandatory land use policies for rural areas will not lead to disproportionate burdens on lower-income, senior, and rural communities.**
- **Provide additional information demonstrating that mandatory land use policies are not essentially in conflict with other policies expressed in the plan.**

2. Conformance with General Goals

“It is also the intent of the Legislature that municipalities, regional planning commissions, and State agencies shall engage in a continuing planning process that will further the following goals:

- (1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and State agencies.
- (2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.
- (3) To consider the use of resources and the consequences of growth and development for the region and the State, as well as the community in which it takes place.
- (4) To encourage and assist municipalities to work creatively together to develop and implement plans.”

24 V.S.A. § 4302(b).

Board Response: The draft regional plan offers a framework for decision makers, to encourage citizen participation and cooperation among jurisdictions. Although the plan includes narrative that supports decisions being made at the most local level commensurate with their impacts (see Chapter 1: Introduction E. Effect and Uses of this Plan; Chapter 11: Relationship to Other Plans; and Chapter 12: Plan Implementation) some triggers for substantial regional impact appear to be more appropriate for municipal level decisions. **The draft regional plan appears not to conform with 24 V.S.A. § 4302(b).**

Required Revisions:

- **Some of the substantial regional impact triggers don't appear to be tied to regional-level impacts – e.g., a, c, i, k, l, m, n. See page 12-2. These triggers appear to be more appropriately in the domain of municipalities given that the impacts will likely be at that level. Revise or remove these substantial regional impact triggers or provide additional information to justify their inclusion.**
- **Provide additional information to show that this mandatory language in the draft plan in fact reflects a majority of the municipalities' plans and how having this mandatory language will serve to help guide municipalities and not result in some municipalities or neighboring regions taking on development that is potentially unduly limited by this region.**

3. Conformance with Specific Goals

The draft regional plan must further the fifteen goals of 24 V.S.A. 4302(c).

Goal 1:

The first goal is to plan development that maintains "... the historic settlement pattern of compact village and urban centers separated by rural countryside.

- (A) Intensive residential development should be encouraged primarily in downtown centers, village centers, planned growth areas, and village areas as described in section 4348a of this title, and strip development along highways should be avoided. These areas should be planned so as to accommodate a substantial majority of housing needed to reach the housing targets developed for each region pursuant to subdivision 4348a(a)(9) of this title.
- (B) Economic growth should be encouraged in locally and regionally designated growth areas, employed to revitalize existing village and urban centers, or both.
- (C) Public investments, including the construction or expansion of infrastructure, should reinforce the planned growth patterns of the area.
- (D) Development should be undertaken in accordance with smart growth principles as defined in subdivision 2791(13) of this title."

24 V.S.A. 4302(c)(1).

Board Response: The draft regional plan proposes land use policies that aim to maintain historic settlement patterns of compact centers separated by rural countryside. Downtown and village centers, planned growth areas, and village areas as depicted on the future land use map appear adequate to accommodate most needed housing. The plan focuses economic growth and infrastructure investment in these areas. The plan references and adopts smart growth principles. **The draft regional plan appears to conform with Goal 1.**

Goal 2:

The second goal requires the plan “[t]o provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.” 24 V.S.A. § 4302(c)(2).

Board Response: The draft regional plan includes an economic development chapter with goals and policies that promote a place-based economy to bolster social, educational and infrastructural foundations and will protect the region’s natural resources. **The draft regional plan appears to conform with Goal 2.**

Goal 3:

The third goal requires the plan to “[t]o broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.” 24 V.S.A. § 4302(c)(3).

Board Response: See Chapter 5: Economic Development policies #5 and #12 and Chapter 9: Utilities, Facilities, and Services goal #2, policy #2. **The draft regional plan appears to conform with Goal 3.**

Goal 4:

The fourth goal requires the plan “[t]o provide for safe, convenient, economic, and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.” 24 V.S.A. § 4302(c)(4). As well as “[h]ighways, air, rail, and other means of transportation should be mutually supportive, balanced, and integrated.” 24 V.S.A. § 4302(c)(4)(A).

Board Response: Chapter 4: Transportation offers a comprehensive and balanced view of transportation infrastructure in the region supporting all modes and pointing out that access is key and access includes broadband and physical access including for wheelchair users. Other chapters promote policies that support efficiency within the system (e.g., Land Use, Energy). **The draft regional plan appears to conform with Goal 4.**

Goal 5:

The fifth goal requires the plan “[t]o identify, protect, and preserve important natural and historic features of the Vermont landscape, including:

- (A) significant natural and fragile areas;
- (B) outstanding water resources, including lakes, rivers, aquifers, shorelands, and wetlands;
- (C) significant scenic roads, waterways, and views;
- (D) important historic structures, sites, or districts, archaeological sites, and archaeologically sensitive areas.”

24 V.S.A. § 4302(c)(5).

Board Response:

The draft regional plan includes a natural resources chapter that discusses important natural resources and offers policies to protect them generally. Significant natural communities and “RTE species and other “uncommon” natural resource features are mapped along with highest priority interior forest and connectivity blocks on Map 5: Natural Resources. However, it is very difficult to discern all these different natural resource features on the map. Other than on this map the plan does not identify particular “significant natural and fragile areas” that occur in the region.

Surface waters and wetlands are comprehensively addressed within the Chapter 6: Natural Resources narrative and separate policies are offered for surface waters, fisheries and aquatic resources, and wetlands. The Great Falls of the Ompompanoosuc River in Thetford is identified as an “outstanding” water resource.

The plan generally indicates the importance of the region’s scenic resources to the tourism economy and the general quality of life for residents. Types of scenic resources are enumerated on pages 7-3 and 7-4 and policies to protect them are presented on page 7-7.

Archeological resources are adequately addressed on pages 7-2 and 7-3 with a reference to regional sites identified in the Vermont Archeological Inventory and a recognition of the likelihood of more, particularly in river corridors and areas of high agricultural value. Policies for the preservation and protection of archeological resources are provided on page 7-6.

The importance of historic resources is generally discussed (page 7-2), and policies to protect and preserve historic resources are provided (7-5); however, the plan does not identify particular historic sites, structures, or districts within the region.

The draft regional plan appears not to conform with Goal 5.

Required Revisions:

- **The plan should be revised to identify significant natural communities and fragile areas within the narrative and perhaps more clearly on an individual map (i.e., a map that does not display several other resource features that obscure the significant natural communities and any identified fragile areas).**
- **The plan should be revised to identify historic resources in the region, either by showing sites, structures, and districts on a map or referencing important historic resources located in the region within the narrative of the plan.**

Advisory Recommendations:

- Consider whether Archeological Resources Policy #1 should be less stringent in growth areas.
- Consider revising the plan to include actions that TRORC can take to raise public awareness and appreciation of archeological resources.
- The 1996 Outdoor Lighting Manual for VT Municipalities is outdated. Consider updating text in the chapter and the policy to reference more current outdoor lighting information/guidance and dark sky information. Page 7-4 and page 7-8 Policy #2.

Goal 6:

The sixth goal requires the plan “[t]o maintain and improve the quality of air, water, wildlife, forests, and other land resources.

- (A) Vermont’s air, water, wildlife, mineral, and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. § 6086(a).
- (B) Vermont’s water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.
- (C) Vermont’s forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.

24 V.S.A. § 4302(c)(6).

Board Response: The natural resources and land use chapters address aspects of this goal. The plan presents policies that aim to protect air and water quality and wildlife and land resources. The natural resources chapter references the ANR basin plans (see page 6-4) and maps show watershed boundaries within the region. Multiple policies in both chapters aim to protect against fragmentation of forest blocks and habitat connectors. **The draft regional plan appears to conform with Goal 6.**

Advisory Recommendations:

- Page 6-15 of the draft plan asserts that an educated citizenry is the best defense against the spread of invasive species. Consider revising the plan to include actions that TRORC can take to inform the public about how to help stop the spread of invasive species.
- One recommendation provided under Goals, Policies, and Recommendations: Biodiversity, Natural Communities and Wildlife Conservation (Page 6-23) suggests that municipalities should time roadside mowing to prevent the spread of wild chervil and wild parsnip, but no information in the plan is provided as to the parameters of that timing. Consider revising the plan to provide such instruction.
- The plan identifies that there is no contingency plan should chronic wasting disease be found in the Vermont deer population (page 6-15). Consider revising the plan to include a recommendation to encourage the Vermont Department of Fish and Wildlife to develop a contingency plan.

Goal 7:

The seventh goal requires the plan “[t]o make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.

- (A) General strategies for achieving these goals include increasing the energy efficiency of new and existing buildings; identifying areas suitable for renewable energy generation; encouraging the use and development of renewable or lower emission energy sources for electricity, heat, and transportation; and reducing transportation energy demand and single occupancy vehicle use.
- (B) Specific strategies and recommendations for achieving these goals are identified in the State energy plans prepared under 30 V.S.A. §§ 202 and 202b.”

24 V.S.A. § 4302(c)(7).

Board Response: Chapter 10: Energy comprises the regional energy plan that was provided a determination of energy compliance from the Public Service Department in 2025. **The draft regional plan appears to conform with Goal 7. See related Board comments under the energy element on page 19 of this preapplication response.**

Advisory Recommendations:

- Consider adding a discussion of rooftop solar potential in the region.
- Consider adding discussion of the potential for small scale wind systems in the region.

Goal 8:

The eighth goal requires the plan “[t]o maintain and enhance recreational opportunities for Vermont residents and visitors.

- (A) Growth should not significantly diminish the value and availability of outdoor recreational activities.
- (B) Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate.”

24 V.S.A. § 4302(c)(8).

Board Response: Regional recreational facilities and opportunities are enumerated on page 9-17 of the plan and the importance of outdoor recreational resources is referenced in several other chapters (e.g., Land Use, Economic Development, Natural Resources). Relevant goals, policies, and recommendations for protecting, encouraging, and enhancing recreational opportunities and amenities are provided on page 9-18. **The draft regional plan appears to conform with Goal 8.**

Advisory Recommendation:

- Consider providing a map of the recreation areas listed on page 9-17 and expanding discussion of indoor recreational assets and opportunities in the region.

Goal 9:

The ninth goal requires the plan “[t]o encourage and strengthen agricultural and forest industries.

- (A) Strategies to protect long-term viability of agricultural and forestlands should be encouraged and should include maintaining low overall density.
- (B) The manufacture and marketing of value-added agricultural and forest products should be encouraged.
- (C) The use of locally-grown food products should be encouraged.
- (D) Sound forest and agricultural management practices should be encouraged.
- (E) Public investment should be planned so as to minimize development pressure on agricultural and forest land.

24 V.S.A. § 4302(c)(9).

Board Response:

Chapter 6: Natural Resources and Chapter 3: Land Use include discussions on protecting agricultural soils and timber management.

Although some of the regional housing target is proposed to be met in the Rural – Agriculture and Forestry FLU area (12.8%), protecting the areas within this land use

category “from development that scatters across and fragments these lands” is identified as necessary to maintain working farms and forests (see plan page 3-14). Policies suggest low-density or clustered new residential development to achieve this aim. Non-agricultural development is discouraged on agriculturally important soils (59% of regional ag soils fall in the proposed Rural – Agriculture and Forestry FLU area).

The plan points out blocks of unfragmented forest are needed to sustain the forestry industry. A significant portion of these blocks occur in the Rural – Conservation FLU category in which very low density development is desired. The plan argues that maintaining larger parcels (of at least 25 acres) in the Rural – Agriculture and Forestry FLU category is important for forestry because it is not economical to manage smaller lots for timber (see plan page 3-16). Among the policies enumerated for the Rural – Conservation FLU area is this: “Management plans prepared for conserved or acquired areas must recognize the concept of preservation as well as forest utilization.”

The draft regional plan appears to conform with Goal 9. However, see related Board comment regarding accessory on-farm businesses (AOFB) in Rural – Agriculture and Forestry areas under the land use element on page 44 of this response.

Advisory Recommendations:

- The draft plan asserts that “it is best for our forests and the planet if the wood we consume is harvested from local forests and transported short distances for processing and use, which reduces fossil fuel combustion and prevents the further spread of invasive species.” (Page 6-10.) However, there is little discussion about how to encourage this to happen beyond a paragraph in the economic development chapter about the Forest Products Value Chain Investment Program (pages 5-6 and 5-7). Consider including more strategies that would encourage the use of local wood products.
- Consider revising the draft plan to include more discussion in the education section of Chapter 9, the economic development chapter, or other sections of the plan about how to support trades and working lands industry education (this is relevant to Goal 2 and Goal 3 as well).

Goal 10:

The tenth goal requires the plan “[t]o provide for the wise and efficient use of Vermont’s natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.” 24 V.S.A. § 4302(c)(10).

Board Response: Pages 6-6 and 6-7 discuss earth extraction operations and Act 250 regulation. Goals, policies and actions are provided on page 6-20. **The draft regional plan appears to conform with Goal 10.**

Advisory Recommendation:

- Consider adding a policy that significant sand and gravel deposits should be utilized prior to being developed with uses that could effectively preclude future extraction (page 6-20).

Goal 11:

The eleventh goal requires the plan “[t]o ensure the availability of safe and affordable housing for all Vermonters.

- (A) Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income, and consistent with housing targets provided for in subdivision 4348a(a)(9) of this title.
- (B) New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.
- (C) Sites for multifamily and manufactured housing should be readily available in locations similar to those generally used for single-family dwellings.
- (D) Accessory dwelling units (ADU) within or attached to single-family residences that provide affordable housing in close proximity to cost-effective care and supervision for relatives, elders, or persons who have a disability should be allowed.”

24 V.S.A. § 4302(c)(11).

Board Response: Chapter 8: Homes in the Region provides a robust framework for meeting the needs of residents of the region and identifies affordable housing as the most pressing type of housing needed in the region. Most new housing is encouraged to be located in employment centers and coordinated with infrastructure investments. Accessory dwelling units, multiunit residential development, and manufactured homes are all encouraged. **The draft regional plan appears to conform with Goal 11. However, see related Board comments about housing policies that may have unintended consequences on the equitable provision of housing under the housing element on pages 23 and 24 of this response and similar comments on land use policies under the land use element on pages 42 and 43 of this response.**

Advisory Recommendation:

- Consider revising the plan to include strategies that the TRORC can employ to discourage corporate ownership of mobile home parks and encourage resident owned communities (see page 8-12).

Goal 12:

The twelfth goal requires the draft plan:

To plan for, finance, and provide an efficient system of public facilities and services to meet future needs.

- (A) Public facilities and services should include fire and police protection, emergency medical services, schools, water supply, and sewage and solid waste disposal.
- (B) The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

24 V.S.A. § 4302(c)(12).

Board Response: Chapter 9: Utilities, Facilities, and Services addresses the region's infrastructure systems and commits to providing localities with guidance and technical assistance to maintain and expand these systems equitably, efficiently, and as necessary to promote general health and welfare, support the regional economy, and serve new housing. **The draft regional plan appears to conform with Goal 12.**

Advisory Recommendations:

- The plan commits to universal mobile cellular coverage for the region, but 15 enumerated policies are all about limiting tower development to avoid aesthetic or environmental harms outside of centers (see Goals, Policy and Recommendations: Telecommunications, pages 9-13 and 9-14). Consider revising the plan to include strategies aimed at achieving universal coverage, while protecting aesthetic and environmental resources.
- Solid Waste Recommendation #4 reads: "TRORC supports Legislative efforts to require manufacturers to facilitate the recycling of their products." Consider adding "and packaging" to the end of this statement.
- Consider updating the section on school consolidation in light of recent legislation (page 9-9).
- On page 9-15 the first sentence of the last paragraph in the first column (about libraries) should be the last sentence in the previous paragraph about municipal road infrastructure. Consider correcting this.

Goal 13:

The thirteenth goal requires the plan "[t]o ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development." 24 V.S.A. § 4302(c)(13).

Board Response: Chapter 9: Utilities, Facilities, and Services, section E, addresses childcare services in the region including financing and workforce development considerations. The plan establishes goals for high-quality and safe childcare programs in adequate supply. **The draft regional plan appears to conform with Goal 13.**

Goal 14:

The fourteenth goal requires the plan to encourage flood resilient communities. 24 V.S.A. § 4302(c)(14).

Board Response: The land use chapter includes a section on hazard resilience (section G), which identifies flood hazards as the primary natural hazard in the region. Flood and fluvial erosion hazards are comprehensively explained and strategies and practices to mitigate both are described. A goal of increased flood resilience is established with enumerated policies to support the goal (see page 3-27) along with recommended actions in line with these policies (see page 3-28). **The draft regional plan appears to conform with Goal 14.**

Goal 15:

The fifteenth goal requires the plan “[t]o equitably distribute environmental benefits and burdens as described in 3 V.S.A. chapter 72.” The referenced chapter is titled: “Environmental Justice.” The State of Vermont has explained:

It is further the policy of the State of Vermont to provide the opportunity for the meaningful participation of all individuals, with particular attention to environmental justice focus populations, in the development, implementation, or enforcement of any law, regulation, or policy.

3 V.S.A. § 6003.

“Meaningful participation” means that all individuals have the opportunity to participate in energy, climate change, and environmental decision making. Examples include needs assessments, planning, implementation, permitting, compliance and enforcement, and evaluation. Meaningful participation also integrates diverse knowledge systems, histories, traditions, languages, and cultures of Indigenous communities in decision-making processes. It requires that communities are enabled and administratively assisted to participate fully through education and training. Meaningful participation requires the State to operate in a transparent manner with regard to opportunities for community input and also encourages the development of environmental, energy, and climate change stewardship.

3 V.S.A. § 6002(6).

Board Response:

As stated in the introduction, the TRORC asserts that planning must be accomplished through an equity lens (see page 1-2). The plan commits to the fair distribution of environmental benefits and to “not inequitably expose people to” environmental burdens (see page 1-2).

As described in Appendix F of the draft plan, the TRORC conducted an exercise to spatially identify environmental justice focus populations (EJFP) within the region by census block as EJFP are defined in 3 VSA § 6002(4). Given the very large margin of error associated with these census data, the TRORC concluded that the spatial exercise does not correctly identify EJFP in the region. Instead, the TRORC assumed equity issues exist in all of its communities and sought other means to reach out to marginalized community members (people of lower-income, people of color, and people with limited English proficiency) during the development of the plan. Equity related goals, policies and recommendations are flagged throughout the plan and summarized in a table in Appendix F. *NOTE: Recognizing the problems with census tract data in identifying EJFP in most of Vermont, the Agency of Natural Resources is developing an EJFP mapping tool due to be available for use by January 2028.*

As reported in Appendix F, the TRORC appears to have provided meaningful participation to EJFP communities through (1) focus groups in coordination with social services agencies attracting 13 participants and (2) three targeted forums throughout the region attracting 101 participants.

As testified in the introduction and summarized in Appendix F, the TRORC reviewed all its goals, policies and recommended actions to ensure equitable distribution of benefits and burdens. While this approach is admirable and can ensure equitable distribution in the future, the plan does not provide an analysis of whether environmental benefits and burdens are distributed equitably throughout the region currently.

The draft regional plan appears not to conform with Goal 15.

Required Revision:

- **Revise the draft regional plan to include a spatial analysis of the current distribution of various environmental benefits and burdens as defined in 3 VSA § 6002(1) and (2). Assess whether EJFP communities are differentially burdened. If census block data is unreliable, consider alternatives that could better reveal where EJFP may occur in the region. See the adopted plans of the NRPC, LCPC, and RRPC for examples of such analyses.**

B. Consistency with the Purposes of a Regional Plan

As part of the Board's review of the draft regional plan, the Board must make a determination as to whether the plan is consistent with the purposes of the regional plan found in 24 V.S.A. § 4347. 24 V.S.A. § 4348(h)(4)(B). Section 4347 states:

"A regional plan shall be made with the general purpose of guiding and accomplishing a coordinated, efficient, equitable, and economic development of the region that will, in accordance with the present and future needs and resources, best promote the health, safety, order, convenience, prosperity, and welfare of current and future inhabitants as well as efficiency and economy in the process of development. This general purpose includes recommending a distribution of population and of the uses of the land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, and other uses as will tend to:

- (1) create conditions favorable to transportation, health, safety, civic activities, and educational and cultural opportunities;
- (2) reduce the wastes of financial, energy, and human resources that result from either excessive congestion or excessive scattering of population;
- (3) promote an efficient and economic utilization of drainage, energy, sanitary, and other facilities and resources;
- (4) promote the conservation of the supply of food, water, energy, and minerals;
- (5) promote the production of food and fiber resources and the reasonable use of mineral, water, and renewable energy resources;
- (6) promote the development of housing suitable to the needs of the region and its communities; and
- (7) help communities equitably build resilience to address the effects of climate change through mitigation and adaptation consistent with the Vermont Climate Action Plan adopted pursuant to 10 V.S.A. § 592 and 3 V.S.A. chapter 72."

Board Response: As the draft plan generally addresses the goals enumerated in Part A of this preapplication response (above) and through the various required elements as enumerated in Part D (below) **the draft regional plan appears consistent with the purposes of 24 V.S.A. § 4347.**

C. Conformance with Outreach Requirements

As part of the development of the regional plan,

... regional planning commissions shall solicit the participation of each of their member municipalities, local citizens, and organizations by holding informal working sessions that suit the needs of local people. The purpose of these working sessions is to allow for meaningful participation as defined in 3 V.S.A. § 6002, provide consistent information about new statutory requirements related to the regional plan, explain the reasons for new requirements, and gather information to be used in the development of the regional plan and future land use element.

24 V.S.A. § 4348(a)

Board Response: Chapter 1: Introduction enumerates multiple rounds of outreach conducted by the TRORC throughout the development of the draft regional plan. Although these efforts were robust and probably exceeded the outreach of previous plans, the Board has received reports from various TRORC constituencies that feel they have not had adequate opportunity to weigh in on the draft plan particularly with respect to the draft regional future land use map and mandatory policies expressed in the draft plan (e.g., see exhibits 19, 20, 26-38, 41, 43, 51-59, 61-66, 68, 73, 75-77, and 79 - 81 in the Board's application database: <https://anrweb.vt.gov/ANR/Act250/RPDetail.aspx?AppNum=RPC10-0001>). **Based on the information submitted, the Board is unable to determine whether the draft regional plan appears to meet this requirement. Additional information must be provided to demonstrate meaningful engagement and buy-in.**

Required Information:

- **Provide more evidence that TRORC municipalities, local citizens, and interest groups were provided adequate opportunity to review and provide comment on the draft regional plan, and that peoples' concerns were addressed or resolved resulting in their meaningful participation.**

Advisory Recommendations:

- Consider rewording recommendation #1 in Chapter 2 to say: "The TRORC should encourage and assist municipalities in diversifying the voices representing towns in local government and promote equitable access to public meetings and events." This is an issue for some recommendations and policies throughout the plan. In general, reword policies and recommendations to focus on what the TRORC should do, rather than what other entities should do.
- Page 2-12, Policy #2. Consider removing the reference to undue adverse impact on "the character of the area." This can be easily weaponized by those aligned with the "Not In My Backyard" attitude. Why facilitate this for medical and care facilities within or immediately adjacent to designated growth areas? These are exactly the areas that such facilities should be located.

D. Conformance with 24 V.S.A. § 4348a

The Board has assessed the draft regional plan as to whether it appears to conform with the required elements of 24 V.S.A. § 4348a(a). The subsections below match the numbered subsections of 24 V.S.A. § 4348a(a). Subsection 6 was repealed by the legislature but is listed as a placeholder below and is intentionally left blank.

1. Statement of Basic Policies

A regional plan must contain: “[a] statement of basic policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment.” 24 V.S.A. § 4348a(a)(1).

Board Response: The plan includes guiding goals, policies, and recommended actions throughout each chapter. **The draft regional plan appears to meet this requirement.**

2. Natural Resources and Working Lands

A regional plan must contain:

A natural resources and working lands element, which shall consist of a map or maps and policies, based on ecosystem function, consistent with Vermont Conservation Design, support compact centers surrounded by rural and working lands, and that:

- (A) Indicates those areas of significant natural resources, including existing and proposed for forests, wetlands, vernal pools, rare and irreplaceable natural areas, floodplains, river corridors, recreation, agriculture using the agricultural lands identification process established in 6 V.S.A. § 8, residence, commerce, industry, public, and semipublic uses, open spaces, areas reserved for flood plain, forest blocks, habitat connectors, recreation areas and recreational trails, and areas identified by the State, regional planning commissions, or municipalities that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes.
- (B) Indicates those areas that have the potential to sustain agriculture and recommendations for maintaining them that may include transfer of development rights, acquisition of development rights, or farmer assistance programs.
- (C) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the regional planning commission.
- (D) Encourages preservation of rare and irreplaceable natural areas, scenic and historic features and resources.

- (E) Encourages protection and improvement of the quality of waters of the State to be used in the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

24 V.S.A. § 4348a(a)(2).

Board Response: These resources and their protection are addressed in chapters devoted to natural resources; land use; and historic, cultural and archeological resources as well as economic development; transportation; and utilities, facilities and services. See also discussion of goals 5, 6, and 9 in Part A (above) in this preapplication response. **The draft regional plan appears to meet this requirement. See related Required Revisions under Goal 5 on page 7 of this preapplication response.**

Advisory Recommendations:

- The natural resources chapter does not reference multiple important natural resource maps to which links are provided on page 14-1. Consider revising Chapter 6: Natural Resources to reference Maps 4 through 7 within the narrative.
- Consider breaking-up Map 5 into more than one map so that the resources depicted can be more easily distinguished.
- On page 6-6, there is a sentence with a key missing word: “Many soil mapping units in are susceptible to flooding.” Revise to include the intended location reference for these mapping units.
- Page 6-17, Policy #10. The TRORC is not the entity that develops tactical basin plans. Consider rewording to focus on what the TRORC will do – e.g., “The TRORC shall advocate that Tactical Basin Plans identify appropriate”
- Page 6-17, Recommendations 7 & 9. As noted above, rather than including recommendations that sound like dictates to other entities (in this case State agencies), consider rewording to focus the recommendations on what the TRORC will do to encourage and collaborate with these other entities to work toward the recommendations.
- Page 6-18, Recommendation #3. Consider rewording to: “The TRORC will advocate that the Legislature keep the Petroleum Cleanup Fund”
- Page 6-21, Policy #4. Repeats Policy #1. Remove.
- Page 6-24, Policy #2. Confusing sentence construction. Clarify what the following phrase means, “...other than the White River where it is not consistent with this Plan....”
- Page 6-24, Policy #8. Clarify whether this is a statement of fact for tactical basin plans or a policy edict.
- Page 6-25, Policy #1. The 100-foot wetland buffer conflicts with the 50-foot buffer for Class 2 wetlands in the State wetland rules. The wetlands section in the Natural Resources chapter doesn’t make a specific case for applying the larger 100-foot

buffer to all significant wetlands, including Class 2 wetlands. Provide additional information on the rationale for the difference. Consider whether the context or location should be considered - e.g., significant wetlands in a growth area.

- Page 6-25, Recommendation #1. This is a confusing sentence, as it appears to instruct the State to petition its own agency (ANR). Consider clarifying and adjusting or deleting given recent ANR efforts to update the VT Significant Wetlands Inventory.

3. Energy

The draft regional plan must contain:

An energy element, including an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources.

24 V.S.A. § 4348a(3).

Board Response: The draft regional plan includes an energy element that has received a determination of energy compliance from the Department of Public Service. **The draft regional plan appears to meet this requirement. However, Thermal Energy Policy #2 (page 10-16) prohibiting the use of fossil fuel combustion for a primary heating source for new residential, commercial, and industrial developments subject to Act 250 is overly prescriptive and at odds with removing barriers to housing development and rural enterprises in particular.** See also Goal 7 in Part A of this preapplication response.

Required Revision or Information:

- **Remove Thermal Energy Policy #2, revise it to make it nonmandatory, or provide more information to demonstrate that it does not conflict with state statute and other critical policies in the plan and that it has the support of TRORC constituencies.**

Advisory Recommendations:

- In the energy siting table consider adding that renewable energy development should not occur on agricultural soils or areas of agricultural soils mitigation (via Act 250 permits) as explained in the narrative on page 10-11.

- The acronym MMTCO2e is used without explanation on page 10-2. Consider revising the plan to explain what MMTCOe stands for.
- Consider clarifying whether the grid capacity and ratings issues (mentioned on page 10-5) were considered in the renewable energy generation potential maps for solar and wind.
- The acronym VELCO used without spelling out what it is on page 10-5. Consider explaining what VELCO is.
- Page 10-8 includes the following passage: “In order to meetcontribute to the Vermont Pathways model State’s heat pump installation target (411,659 installed statewide by 2035), a total of over 30,610 heat pumps (residential and commercial sector combined) 26,982 will need to be installed in the TRO Region by 2035.” Fix “meetcontribute to” issue and the 30,610 or 26,982 heat pump target issue (which is the combined target number referred to in the sentence?).
- Consider updating information on building energy standards to reflect that compliance with 2020 or 2024 R/CBES are now allowable.

4. Transportation

A regional plan must include the following:

A transportation element consisting of a statement of present and prospective transportation and circulation facilities, and a map showing existing and proposed highways, including limited access highways, and streets by type and character of improvement, and where pertinent, anticipated points of congestion, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, and recommendations to meet future needs for such facilities, with indications of priorities of need, costs, and method of financing.

24 V.S.A. § 4348a(a)(4).

Board Response: Chapter 4: Transportation addresses comprehensive transportation facilities and plans for future transportation system needs. **The draft regional plan appears to meet this requirement. However, policies prohibiting new development with truck traffic on gravel roads (Policy #4) and requiring the installation of EV charging stations for all new development subject to Act 250 (Policy #11) are overly prescriptive and at odds with removing barriers to housing development and rural enterprises in particular.**

Required Revisions or Information:

- **Remove Transportation Policy #4 (page 4-8), revise it to make it nonmandatory, or provide more information to demonstrate that it does not conflict with other critical policies in the plan and that it has the support of TRORC constituencies.**
- **Remove Transportation Policy #11 (page 4-8), revise it to make it nonmandatory or relevant to only large projects or provide more information to demonstrate that it does not conflict with other critical policies in the plan and that it has the support of TRORC constituencies.**

5. Utility and Facility

The Draft Regional Plan must contain:

A utility and facility element, consisting of a map and statement of present and prospective local and regional community facilities and public utilities, whether publicly or privately owned, showing existing and proposed educational, recreational and other public sites, buildings and facilities, including public schools, State office buildings, hospitals, libraries, power generating plants and transmission lines, wireless telecommunications facilities and ancillary improvements, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for those facilities, with indications of priority of need.

24 V.S.A. § 4348a(a)(5).

Board Response: The draft regional plan includes Chapter 9: Utilities, Facilities, and Services that addresses these systems, services, facilities and utilities. See also Goal 12 in Part A of this preapplication response. **The draft regional plan appears to meet this requirement.**

6. (repealed)

7. Implementation

A draft regional plan must contain “[a] program for the implementation of the regional plan’s objectives, including a recommended investment strategy for regional facilities and services based on a capacity study of the elements in this section.” 24 V.S.A. § 4348a(a)(7).

Board Response: The draft regional plan includes an implementation chapter and an implementation matrix (Appendix C). The regional commission commits to offer capital budgeting services to member municipalities for planned or needed infrastructure. **The draft regional plan appears to meet this requirement.**

8. Compatibility with Other Plans

The draft regional plan must contain: “[a] statement indicating how the regional plan relates to development trends, needs, and plans and regional plans for adjacent municipalities and regions.” 24 V.S.A. § 4348a(a)(8).

Board Response: The draft regional plan includes Chapter 11: Relationship to Other Plans, which addresses coordination and collaboration on planning activities with adjacent regions and member municipalities, as well as between watersheds. Coordination on economic development, transportation, and housing are specifically discussed. Within the discussion of compatibility with adjacent regions, certain adjacent municipalities are called out. Most RPCs interpret § 4348a(a)(8) to mean that their plans need to be compatible with the plans of their member municipalities (see page 11-5), rather than to those of adjacent municipalities. This approach is reflective of the 4345a(5) requirement that RPCs prepare regional plans that are “... compatible with approved municipal plans” **The Board is unable to determine whether the draft regional plan appears to meet this requirement, and additional information must be provided to demonstrate compatibility with other plans.**

Required Information:

- **Given extensive comments from municipalities and the public expressing concerns about the draft TRORC plan and its relationship to municipal plans, provide more evidence that the draft regional plan is compatible with adopted municipal plans within and adjacent to the region.**

Advisory Recommendation:

- Update page 11-2 with new plan adoption dates for Mount Ascutney, Rutland, and Addison regions.

9. Housing

The draft regional plan must include:

A housing element that identifies the regional and community-level need for housing that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and not more than 15 percent on transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types, and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it.

The regional planning commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and shall disaggregate regional housing targets or ranges by municipality. The housing element shall include a set of recommended actions to satisfy the established needs.

24 V.S.A. § 4348a(a)(9).

Board Response:

Chapter 8: Homes in the Region identifies housing targets for the region and its member municipalities and suggests apportionment among the future land use categories as depicted on the regional future land use map. Most housing (60% of the regional targets) is proposed to occur in core settlement areas, while rural areas are proposed to accommodate the remaining 40% (see Figure 8-5). The plan asserts that most new and rehabilitated housing should be affordable housing to meet the needs of the region. Demographic trends are considered in light of needed housing types.

The TRORC referenced the statewide housing needs assessment in establishing regional housing targets. Municipalization of the targets was based on proportion of regional population by town and other factors such as the presence of water and wastewater services and direct interstate access and is depicted in Figures 8-3 and 8-4.

The plan realistically asserts that the 2030 housing targets will not be met (page 8-3), as it would require an enormous increase in new units produced annually and does not even factor in the large portion of households that are cost burdened (i.e., pay more than 30% of their income toward housing costs - the affordability threshold). Nonetheless, the plan acknowledges that putting forth a plan to address housing needs is necessary. Reducing homelessness and sheltering the unhoused in the region is also addressed. The chapter concludes by enumerating dozens of goals, policies, and recommendations for meeting the region's housing needs. See also Goal 11 in Part A of this preapplication response.

The Board is unable to determine whether the draft regional plan appears to meet this requirement and additional information is required to demonstrate that the housing element is compliant with 24 V.S.A. § 4348a(a)(9) as described in the bulleted items below.

Required Information:

- **Page 8-15, Policy #7.** This affordability policy appears to create an inclusionary zoning requirement for certain Act 250 projects in the region. Creating affordable housing through inclusionary zoning requirement is complicated and is typically done via municipal zoning regulations that are subject to several statutory

requirements per 24 V.S.A. § 4414. **Revise the policy or provide additional information to demonstrate statutory compliance.**

- **Page 8-15, Policy #9.** This policy requiring an affordability period of at least 30 years is different from the minimum 15-year affordability period outlined for “affordable housing developments” in State statute - 24 V.S.A. § 4303(2). The statutory definition permits a longer affordability period, but only as provided in municipal bylaws. **Remove the policy, revise the policy to mirror State statute, or provide additional information to support the 30-year minimum affordability period.**
- **Page 8-16, Policy #12.** This policy would appear to prohibit Act 250 housing projects on gravel roads. This would be problematic for new housing development that triggers Act 250 and would be even more problematic for small housing projects on jurisdictional properties that require an Act 250 permit amendment. This could greatly disadvantage property owners on unpaved roads, and the region’s ability to meet the housing targets that anticipate development in both Rural – General and Rural – Agriculture and Forestry areas. **Remove the policy, revise it to make it nonmandatory, or provide more information to demonstrate that it does not conflict with other critical policies in the plan and that it has the support of TRORC constituencies.**
- **Page 8-16, Policy #19.** This policy appears to unduly limit where Act 250 housing projects for the elderly, disabled, and low or moderate income households can be located. The result could be discriminatory in that it deprives certain groups access to the same environmental benefits of housing in rural areas that others enjoy, especially given that so much existing housing stock is already in rural areas. **Remove the policy, revise it to make it nonmandatory, or provide information to demonstrate that it does not conflict with other critical policies in the plan and that it has the support of TRORC constituencies.**

Advisory Recommendations:

- Consider discussing why the 2050 regional housing targets are not referenced in this chapter. Page 8-3, column 3.
- It is difficult to distinguish between the two Orange County curves in Figure 8-6. They appear to be same color and thickness. Consider revising to make the distinction clear.
- It was the HOME Act of 2023, not Act 181 of 2024, that led to regional housing targets and requirements that regional plans refer to them and municipalize them. Correct this reference on page 8-3. Page 8-5 too attributes to Act 181 what was HOME Act. Correct that reference too.

10. Economic Development

The draft regional plan must include “[a]n economic development element that describes present economic conditions and the location, type, and scale of desired economic

development, and identifies policies, projects, and programs necessary to foster economic growth.” 24 V.S.A. § 4348a(a)(10).

Board Response:

Chapter 5: Economic Development provides a comprehensive description of economic conditions and activities in the region and describes desired conditions across various sectors and variables (workforce development, housing development, transportation and other infrastructure) for the region. The rural nature of the region is acknowledged highlighting the importance of home occupations and natural resourced-based industries (forestry, farming, outdoor recreation).

The plan notes that the regional economy is intricately tied to the economy of the larger Upper Valley regional economy with Lebanon and Hanover, New Hampshire, at its core. The plan identifies the most significant employment sector in the region as: “... educational services and health care and social assistance, with academic institutions like Vermont Law and Graduate School and Vermont [State] University, and medical centers like Gifford Medical Center and the VA Medical Center among the largest employers in the Region, along with Dartmouth-Hitchcock and Dartmouth College nearby” (page 5-7).

The plan indicates the region is part of the East Central Vermont Economic Development District (ECVEDD) and ascribes to the 5-year comprehensive economic development strategy for the ECVEDD. Economic development goals, policies, and recommended actions are enumerated at the end of the chapter. See also goal 2 in Part A of this preapplication response.

The draft regional plan appears to meet this requirement, however, the plan makes reference to a recent court case, *In re 8 Taft Street DRB & NOV Appeals* (2025 VT 27), in which the Vermont Supreme Court ruled that municipalities possess the authority to enforce local zoning bylaws on small-scale agricultural and cannabis-cultivation activities, determining that state agricultural rules do not automatically grant total immunity from local zoning.

In response to the Taft Street decision, the Vermont General Assembly passed H.941 (Act 166 of 2026) - An act relating to municipal regulation of agriculture, which clarifies and narrows municipal authority over agricultural activities. The Act states that the Legislature’s intent is to reaffirm that municipalities generally may not regulate farming activities or the construction of farm structures through local zoning when those activities are subject to Vermont’s Required Agricultural Practices (RAPs). It also creates several targeted exceptions.

Required Revisions:

- **On page 5-5 of the Economic Development - Agriculture section: Strike the sentence: “The Court conclusion creates the opportunity for municipalities to regulate all aspects of farming that do not relate to water quality, upsetting the prior understanding that farming was exempt from municipal zoning regulations.19”**
- **On page 5-12 strike footnote 19: “19 <http://www.ruralvermont.org/from-the-statehouse-blog/2025/7/23/the-vermont-supreme-court-rules-that-farming-is-not-exempt-from-municipal-regulation>”**

Advisory Recommendations:

- Consider encouraging member municipalities to review zoning bylaws and agricultural provisions to ensure consistency with Act 166 updated limits on local regulatory authority which became effective on July 1, 2026.
- On page 5-11: Strike: “Recommendation 10: TRORC should give testimony to the State legislature to advise on the matter of municipal zoning and the ‘agriculture exemption.’”
- The plan points out that regional agriculture, forestry, wildlife, and mining jobs increased by 9.7% while farms in the region decreased in number and acreage in the last decade (page 5-4). Consider discussing the implications of this for the regional economy and adding goals, policy, and recommended actions to address it.
- The plan points out that the region experienced lower log exports and increasing imports (page 5-6). Consider discussing the implications of this for the regional economy and adding goals, policies, and recommended actions to address it.

11. Flood Resilience

The draft regional plan must include:

(A) A flood resilience element that:

- (i) identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and
- (ii) recommends policies and strategies to protect the areas identified and designated under this subdivision (A) and to mitigate risks to public safety, critical infrastructure, historic structures, and public investments.

(B) A flood resilience element may reference an existing regional hazard mitigation plan approved under 44 C.F.R. § 201.6.

24 V.S.A. § 4348a(a)(11).

Board Response: As discussed under Goal 14 in Part A of this preapplication response, the plan includes a Hazard Resilience section within the land use chapter that identifies flood hazards as the primary natural hazard in the region. Flood and fluvial erosion hazards are comprehensively explained and strategies and practices to mitigate both are described. A map (Map 6) displaying state-mapped river corridors is linked to at the end of the plan. The importance of protecting wetlands, upland forests and riparian areas is emphasized in the hazards section as well as in the natural resources chapter. A goal of increased flood resilience is established with enumerated policies to support the goal (see page 3-27) along with recommended actions in line with these policies (see page 3-28). **The draft regional plan appears to meet this requirement.**

Advisory Recommendations:

- Page 3-24 indicates that “...several areas in the Region are in the process of bank failure.” Consider identifying these areas on a map.
- It is very difficult to discern mapped river corridors on Map 6. Subwatershed boundaries are also depicted on the map, but difficult to discern because the color is so similar to that of other depicted elements. Consider removing highways from the map, and/or depicting river corridors, subwatershed boundaries, and highways in more distinctly different colors.

12. Future Land Use

The draft plan must include:

A future land use element...that sets forth the present and prospective location, amount, intensity, and character of such land uses in relation to the provision of necessary community facilities and services and that consists of a map delineating future land use area boundaries for the land uses in subdivisions (A)–(J) of this subdivision (12) as appropriate and any other special land use category the regional planning commission deems necessary; descriptions of intended future land uses; and policies intended to support the implementation of the future land use element...

24 V.S.A. § 4348a(a)(12).

Board Response: The draft plan includes Chapter 3: Land Use, which outlines the patterns and types of development that are envisioned for the various areas delineated on the regional future land use map (Map 4) according to the future land use categories described by Act 181 of 2024 (24 V.S.A. § 4348a(a)(12) (A)–(J)). Six overall land use goals are reflective of the statewide planning goals (see page 3-3).

The draft regional plan appears to meet this requirement, however, insofar as individual mapped FLUA are described below as appearing not to comply with statute, those mapped elements of the regional FLU map will require revision in line with the guidance provided by the Board in this response unless the TRORC provides additional information that demonstrates statutory compliance.

Furthermore, insofar as individual future land use policies are described below as appearing not to comply with statute, appearing to be at odds with other key plan policies, or appearing not to have the support of TRORC constituencies, the FLU policies will require revision in line with the guidance provided by the Board in this response unless the TRORC provides additional information that demonstrates statutory compliance.

Advisory Recommendations:

- Consider adding a definition of core settlement areas in the definitions section. Although core settlement areas are described on pages 3-3 and 8-3 as including downtown and village centers, planned growth areas, transition areas, and village areas, the term is used in other sections of the plan without indicating what it encompasses. Therefore, it would be helpful to include the term in the definitions section. Furthermore, reconcile the definition – on page 3-3 core settlements are said to include hamlets, but on page 8-3 they are not.
- Various references to Tier 2, Tier 3, and the “Road Rule” are made in the land use (e.g., page 3-21) and other sections of the plan. Tier 2 and 3 and the “Road Rule” were all repealed effective July 1, 2026, per Act 152 of 2026. Consider removing reference to these repealed aspects of Act 181 of 2024 throughout the regional plan.

(A) Downtown Centers and Village Centers:

The FLU map contains downtown and village centers, which are defined as:

Downtown or village centers. These areas are the mixed-use centers bringing together community economic activity and civic assets. They include downtowns, villages, and new town centers previously designated under chapter 76A and downtowns and village centers seeking benefits under the Community Investment Program under section 5804 of this title. The downtown or village centers are the traditional and historic central business and civic centers within planned growth areas, village areas, or may stand alone. Village centers are not required to have public water, wastewater, zoning, or subdivision bylaws.

24 V.S.A § 4348a(a)(12)(A). The reference to section 5804 appears to be a typo, as it is titled “Designated neighborhood” whereas section 5803 is titled “Designation of downtown and

village centers.” For the Board’s review of downtown and village centers, section 5803 has been incorporated.

A regional planning commission may apply to the LURB for approval and designation of all centers by submitting the regional plan future land use map adopted by the regional planning commission. The regional plan future land use map shall identify downtown centers and village centers as the downtown and village areas eligible for designation as centers. The Department and State Board shall provide comments to the LURB on areas eligible for center designation as provided under this chapter.

24 V.S.A. 5403(a).

The statute directs the Board to “allow for the designation of preexisting, designated downtowns, village centers and new town centers in existence on or before December 31, 2025.” 24 V.S.A. § 5803(b). For all other areas mapped as downtown centers, the Board used the following parameters. First, whether the mapped area reflects a traditional and historic central business and civic center. *Id.* Second, whether the mapped area is consistent with the VAPDA mapping process and standards. Finally, the Board evaluated whether areas mapped as downtown or village center include development that is disconnected from a center and that lack pedestrian connections to the center via a complete street. 24 V.S.A. § 5803(c).

With the exception for preexisting, nonconforming designations approved prior to the establishment of the program under this chapter or areas included in the municipal plan for the purposes of relocating a municipality’s center for flood resiliency purposes, the areas eligible for designation benefits upon the LURB’s approval of the regional plan future land use map for designation as a Center shall not include development that is disconnected from a Center and that lacks a pedestrian connection to the Center via a complete street.

24 V.S.A. § 5803(c).

Additionally, the Community Investment Program defines a “State Designated Downtown or Village Center” or “Center” as:

...a contiguous downtown or village a portion of which is listed or eligible for listing in the national register of historic places area approved as part of the LURB review of regional plan future land use maps, which may include an approved preexisting designated downtown, village center, or designated new town center established prior to the approval of the regional plan future land use maps.

24 V.S.A. 5801(12) see *also* 24 V.S.A. § 5803(b).

- **Downtown Centers**

The downtown centers depicted on the FLU Map must meet the requirements of 24 V.S.A. § 4348a(a)(12)(A). Downtown centers are required to have zoning and subdivision bylaws and public water or sewer services. 24 V.S.A. § 4348a(a)(12)(A) *see also* 24 V.S.A. § 5803(f)(3).

Board Response: The draft regional FLU map depicts two downtown centers in Randolph and White River Junction (Town of Hartford). The plan notes that these are the only centers in the region that potentially meet the requirements for Tier 1A status (see page 3-4). The land use chapter includes goals, policies and recommended actions for the region's two downtown centers. Downtown centers should have public water, wastewater, zoning, and subdivision bylaws. **The proposed downtown centers in Randolph and White River Junction appear to meet the statutory standards for downtown centers.**

Advisory Recommendation:

- Some of the recommendations in the goals, policies, and recommendations table for downtown centers on page 3-5 are suggestions for state and municipal entities. Consider rewording these recommendations to focus on what the TRORC will do.
- **Village Centers**

The village centers depicted on the FLU map must meet 24 V.S.A. § 4348a(a)(12)(A).

Board Response:

The FLU map depicts 63 village centers in 30 towns throughout the region:

Barnard Village Center, Bethel Village Center, East Bethel Village Center, Bradford Village Center, East Braintree Village Center, South Braintree Village Center, West Braintree Village Center, Bridgewater Village Center, Bridgewater Corner Village Center, Brookfield Center Village Center, Brookfield Pond Village Center, Chelsea Village Center, Cookeville Village Center (Corinth), East Corinth Village Center (Corinth and Topsham), Fairlee Village Center, Granville Village Center, Lower Granville Village Center, Hancock Village Center, Hartford Village Center, Quechee Village Center (Hartford), West Hartford Village Center, Wilder Village Center (Hartford), Hartland Village Center, Hartland Four Corners Village Center, North Hartland Village Center, Newbury Village Center, South Ryegate Village Center (Newbury), Wells River Village Center (Newbury), Norwich Village Center, Union Village Center (Norwich and Thetford), Pittsfield Village Center, Plymouth Union Village Center, Tyson Village Center (Plymouth), South Pomfret Village Center, East Randolph Village Center, Randolph Center Village Center, Rochester Village Center, Talcville Village Center (Rochester), Royalton Village Center, South Royalton Village Center, Sharon Village Center, South Sharon Village Center, Strafford Village Center, South Strafford Village Center, Stockbridge Common Village Center, Gaysville Village Center (Stockbridge), Riverside Village Center (Stockbridge), East Thetford Village Center, North

Thetford Village Center, Post Mills Village Center (Thetford), Thetford Center Village Center, Thetford Hill Village Center, Topsham Village Center, Waits River Village Center (Topsham), West Topsham Village Center, North Tunbridge Village Center, Tunbridge Village Center, South Woodstock Village Center, Taftsville Village Center (Woodstock), West Woodstock Village Center, Woodstock Village Center, West Fairlee Village Center, Vershire Village Center.

Forty-seven of these proposed village centers reflect expansions of legacy centers in the region. One is an expansion of a legacy center in the NVDA region (i.e., South Ryegate). Fourteen are proposed new centers to help accommodate regional housing targets according to the TRORC regional plan checklist. Goals, policies and recommendations for village centers are provided on page 3-6 in the plan.

Forty-nine of the proposed village centers appear to meet the statutory standards for village centers.

The Board is unable to determine whether the following 14 proposed village centers appear to meet the statutory standards for village centers and requires additional information to make its determination.

Required Information:

- **East Bethel Village Center.** Provide additional information on “community economic activity and civic assets” to demonstrate that this proposed new village center meets the village center definition.
- **South Braintree Village Center** (on Route 12A). Provide additional information on “community economic activity and civic assets” to demonstrate that this proposed new village center meets the village center definition.
- **Brookfield Center Village Center.** This is a proposed new village center encompassing the elementary school, although little other economic activity or residential density is apparent. Provide additional information on “community economic activity and civic assets” to demonstrate that this meets the village center definition. This area is depicted as village center in the town plan future land use map; however, so is East Brookfield, which is only depicted as a hamlet on the regional future land use map. Explain the discrepancy.
- **Chelsea Village Center.** Provide additional information to support the northerly expansion of the legacy village center area. This expansion extends the village center nearly 2/3 of a mile to the north, the walking distance of which is questionable along Route 110 and along a narrowly paved road like Upper Village Road. Furthermore, the town plan future land use map and the zoning map do not indicate village center in this area.
- **East Corinth Village Center.** Provide additional information to support the large expansion to the south of the legacy village center.

- **Hancock Village Center.** Provide additional information to support the southerly expansion of the legacy village center area, particularly the expansion south of Tunnel Brook Road. This expansion extends the village center nearly 2/3 of a mile to the south, the walking distance of which is questionable along Route 100.
- **Hartland Village Center.** Provide additional information to support the portion of the village center on the east side of Interstate 91. This portion does not appear to be reflected in the town plan future land use map and appears to be disconnected and distant from the core of the village center.
- **Randolph Center Village Center.** Provide additional information to support the eastern portion of the proposed village center area on the north side of Route 66, particularly the portion extending nearly to Interstate 89.
- **Rochester Village Center.** Explain the northwesterly extension on the west side of the river. It appears to be disconnected from the rest on the east side. If pedestrian connections exist, consider mapping as village area instead.
- **Talcville Village Center.** Provide additional information on “community economic activity and civic assets” to demonstrate that this meets the village center definition, or map as a different FLU category (e.g., hamlet).
- **South Ryegate Village Center.** Provide additional information to support this village Center designation, which is tied to the legacy village center in Ryegate. It appears to be somewhat disconnected from the rest of the village center in Ryegate.
- **Sharon Village Center.** Provide additional information to support the inclusion of the area on the south side of the White River or map as a different FLU category.
- **South Sharon Village Center.** Provide additional information on “community economic activity and civic assets” to demonstrate that this meets the village center definition, or map as a different FLU category (e.g., hamlet). The town plan future land use map indicates this area is simply rural residential.
- **North Tunbridge Village Center.** Provide additional information to support the area on the east side of the White River as appropriate for the village center designation.
- **Tunbridge Village Center.** Provide additional information to support the area on the north side of the White River as appropriate for the village center designation.
- **Reword Policy #5 for village centers.** New principal retail may be appropriate in other future land use categories including downtown centers, planned growth areas, village areas, transition areas, resource-based recreation areas, and even hamlets (e.g., general stores in hamlets or resource-based recreation areas). This would also remedy inconsistency with Policy #5 for downtown centers and Policy #3 for village areas.

Advisory Recommendations:

- Four of the five recommended actions for village centers suggest what towns should do to support village center goals and policies. Consider rewording these to indicate how the TRORC will help implement these actions.
- Consider rewording **Policy #7** for village centers without “character of the area.”
- **Hartford** has very extensive sewer and water services – expanding far out of identified center and village areas. Consider additional expansion of the village center and village areas accordingly. The HOME Act requires allowing 5 units per acre in these areas.
- **Wells River Village Center** narrowly extends into Ryegate where it seems to be surrounded by forested areas. Explain how this extension into the NVDA region is appropriate as an extension of the Wells River Village Center. The NVDA will bear the burden of proof for this portion of the village center, but if the TRORC supports the extension, it would be helpful for the Board to know why.

(B) Planned Growth Areas

The statute describes “planned growth areas” as:

...high-density existing settlement and future growth areas with high concentrations of population, housing, and employment in each region and town, as appropriate. They include a mix of historic and nonhistoric commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations; public water or wastewater, or both; and multimodal transportation systems. These areas include new town centers, downtowns, village centers, growth centers, and neighborhood development areas previously designated under chapter 76A of this title. These areas should generally meet the smart growth principles definition in chapter 139 of this title and the following criteria:

- (i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title and has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.
- (ii) This area is served by public water or wastewater infrastructure.
- (iii) The area is generally within walking distance from the municipality’s or an adjacent municipality’s downtown, village center, new town center, or growth center.
- (iv) The area excludes identified flood hazard and river corridor areas, except those areas containing preexisting development in areas suitable for infill development as defined in section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.
- (v) The municipal plan indicates that this area is intended for higher-density residential and mixed-use development.

- (vi) The area provides for housing that meets the needs of a diversity of social and income groups in the community.
- (vii) The area is served by planned or existing transportation infrastructure that conforms with “complete streets” principles as described under 19 V.S.A. chapter 24 and establishes pedestrian access directly to the downtown, village center, or new town center. Planned transportation infrastructure includes those investments included in the municipality’s capital improvement program pursuant to section 4430 of this title.

24 V.S.A. § 4348a(a)(12)(B).

A regional planning commission may request that the Board approve designation of areas on the FLU map as designated neighborhoods. Areas eligible for neighborhood designation include planned growth areas. 24 V.S.A. § 5804(a)(1). For the purposes designation, a “designated neighborhood” “...means a contiguous geographic area approved as part of the Land Use Review Board review of regional plan future land use maps that is compact and adjacent and contiguous to a center.” 24 V.S.A. 5801(13). The mapped planned growth areas must meet the requirements of 24 V.S.A. § 4348a(a)(12)(B). The neighborhood designation recognizes that “the vitality of downtowns and villages is supported by adjacent and walkable neighborhoods and that the benefits structure must ensure that investments for sprawl repair or infill development within a neighborhood is secondary to a primary purpose to maintain the vitality and livability and maximize the climate resilience and infill potential of centers.” 24 V.S.A. § 5804(a)(1).

Board Response:

The draft regional FLU map depicts three planned growth areas in Bradford, Hartford (White River Junction), and Randolph. The draft plan lists goals, policies, and recommendations for planned growth areas in a table on page 3-7.

The proposed Randolph and White River Junction planned growth areas appear to meet the statutory standards for planned growth areas.

The Board is unable to determine whether the proposed Bradford planned growth area appears to meet the statutory standards for a planned growth area.

Required Information:

- **Provide additional information to support that the proposed Bradford PGA meets the planned growth area definition.** Although the proposed Bradford Village Center and the village area depicted immediately adjacent to the village center is served by water and sewer infrastructure, according to available data, the proposed PGA is not. It is unclear what distinguishes the area mapped as PGA from other

areas outside of the water and sewer service area that are mapped as village area. Furthermore, this proposed PGA on the southeast side of Waits River from the village center appears disconnected in terms of pedestrian infrastructure. The stretch of US 5 has signage indicating use of the shoulder by pedestrians and bicyclists and the speed limit decreases from 40 to 25 mph just south of the bridge, but there are no other developed amenities until a Family Dollar store about a third of a mile south of the bridge. Development further south is of mixed use but low density.

- **Randolph Planned Growth Area.** The future land use map shows two village area arms extending from the PGA on its western ends. These areas depicted as village area appear to have municipal water service just as the mapped planned growth area does. **Provide additional information as to why this village area extension of the planned growth area is proposed instead of mapping it as part of the PGA.** (See comments on the Randolph Village Area below.)

(C) Village Areas

The statute describes “village areas” and requires the following:

These areas include the traditional settlement area or a proposed new settlement area, typically composed of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. These areas include existing village center designations and similar areas statewide, but this area is larger than the village center designation. Village areas shall meet the following criteria:

- (i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title.
- (ii) The municipality has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.
- (iii) Unless the municipality has adopted flood hazard and river corridor bylaws, applicable to the entire municipality, that are consistent with the standards established pursuant to 10 V.S.A. § 755b (flood hazard) and 10 V.S.A. § 1428(b) (river corridor), the area excludes identified flood hazard and river corridors, except those areas containing preexisting development in areas suitable for infill development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.
- (iv) The municipality has either municipal water or wastewater. If no public wastewater is available, the area must have soils that are adequate for wastewater disposal.
- (v) The area has some opportunity for infill development or new development areas where the village can grow and be flood resilient.

24 V.S.A. 4348a(a)(12)(C).

A regional planning commission may request that the Board approve designation of areas on the FLU map as designated neighborhoods. Areas eligible for neighborhood designation include village areas. 24 V.S.A. § 5804(a)(1). For the purposes designation, a “designated neighborhood” “...means a contiguous geographic area approved as part of the Land Use Review Board review of regional plan future land use maps that is compact and adjacent and contiguous to a center.” 24 V.S.A. 5801(13). The mapped village areas must meet the requirements of 24 V.S.A. § 4348a(a)(12)(C). The neighborhood designation recognizes that “the vitality of downtowns and villages is supported by adjacent and walkable neighborhoods and that the benefits structure must ensure that investments for sprawl repair or infill development within a neighborhood is secondary to a primary purpose to maintain the vitality and livability and maximize the climate resilience and infill potential of centers.” 24 V.S.A. § 5804(a)(1).

Board Response:

The FLU map depicts the following 15 village areas in 10 towns: Bethel Village Area, Bradford Village Area, Fairlee Village Area, Hartford Village Area, North and South Quechee Village Area (Hartford), Village of Newbury Village Area, Wells River Village Area (Newbury), Norwich Village Area, Randolph Village Area, Randolph Center Village Area, Rochester Village Area, Post Mills Village Area (Thetford), Thetford Hill Village Area (very small), West Woodstock Village Area (Town of Woodstock), Woodstock Village Area (Village of Woodstock). Goals, policies and recommended actions are enumerated page 3-9.

The following 11 proposed village areas appear to meet the statutory standards for village areas: Bethel Village Area, Bradford Village Area, Fairlee Village Area, Hartford Village Area, North and South Quechee Village Area (Hartford), Wells River Village Area (Newbury), Randolph Center Village Area, Rochester Village Area, Post Mills Village Area (Thetford), West Woodstock Village Area (Town of Woodstock), Woodstock Village Area (Village of Woodstock).

The Board is unable to determine whether 4 proposed village areas appear to meet the statutory standards for village areas.

Required Information:

- **Newbury Village Area. Provide additional information to support the village area within the river corridor area north of the village center or map this area as a different category. Provide additional information to support the long linear portions of the village area to the north and south along Route 5.** Both appear to be indicated as mixed use areas on the town plan future land use map; however, both are also nearly 2/3 of a mile distant from the village center along a State

Highway (Route 5) – likely beyond a reasonable walking distance to the village center.

- **Norwich Village Area. (1) Provide additional information to support the village area within the river corridor northwest of the village center** (Bloody Brook & Charles Brown Brook) or map this area as a different category. **(2) Provide additional information to support the village area along Turnpike Road, north of the Moore Lane intersection.** This area is distant from the village center and is not indicated as village residential area on the Norwich town plan future land use map or the town's zoning map. **(3) Provide additional information to support the inclusion of the Hawk Pine Road neighborhood in the village area.** It appears to be disconnected from the village center due to prohibitively steep slopes along the north side of Cliff Street.
- **Randolph Village Area.** The Randolph Center village area appears to comply, but the proposed Randolph village area is not adjacent to the downtown center but rather separated by planned growth area. **Provide additional information as to why this village area extension of the planned growth area is proposed instead of mapping it as part of the PGA.** See also comments under Randolph planned growth area above.
- **Thetford Hill Village Area. Provide additional information to support the easterly village area that extends to Interstate 89.** This area appears to be indicated as a rural area on the town plan future land use map, although it is a neighborhood residential district on the zoning map. It is nearly 2/3 of mile distant from the village center along a State Highway (Route 113) – likely beyond a reasonable walking distance to the village center.

Advisory Recommendations:

- **Hartford** has very extensive sewer and water services – expanding far out of identified centers and village areas. Was further expansion of the village areas around Quechee, Hartford, and White River Junction centers considered? Some of these areas are mapped as transition, but others are mapped as Rural – General. The HOME Act requires allowing 5 units per acre in these areas.
- **Fairlee.** The village area is very narrow. Could it be expanded to include a few more whole parcels?

(D) Transition or Infill Areas

The statute describes “transition or infill areas” as:

...of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a planned growth or village area or a new stand-alone transition or infill area and served by, or planned for, public water or wastewater, or both. The intent of this land use category is to transform these areas into higher-

density, mixed-use settlements, or residential neighborhoods through infill and redevelopment or new development. New commercial linear strip development is not allowed as to prevent it negatively impacting the economic vitality of commercial areas in the adjacent or nearby planned growth or village area. This area could also include adjacent greenfields safer from flooding and planned for future growth.

24 V.S.A. § 4348a(a)(12)(D).

Board Response:

The land use chapter indicates that transition/infill areas “will become more dense, mixed commercial and residential areas ... (page 3-8).” The stated goal for these area is that they will “create additional core settlements without sprawl (page 3-8).” However, the plan also indicates that land-intensive commercial uses are appropriate in these areas because they are not desired in “core” areas. This seems internally inconsistent and at odds with the statutory intent “to transform these areas into higher-density, mixed-use settlements, or residential neighborhoods through infill and redevelopment or new development.”

The draft regional FLU map depicts 14 transition/infill areas in Bethel (extending into Royalton), Bradford, Chelsea, Harford (4), Norwich (2), Randolph (3), and the Town of Woodstock (2). **Only two of the proposed 14 transition/infill areas clearly appear to meet the statutory standards for transition/infill areas: (1) The Woodstock transition/Infill area depicted north of the Village of Woodstock and (2) the transition/infill area depicted in Chelsea both have water and sewer service. The eligibility of the remaining 12 transition/infill areas is uncertain because the status of public water or sewer services for these areas is not indicated. However, other than the water and sewer service status the transition/infill areas depicted on the draft regional FLU map appear to meet the statutory description for transition/infill areas.**

Aside from the mapping of transition/infill areas on the draft regional FLU map, the draft regional plan policies for transition/infill areas do not appear to reflect the statutory description for transition/infill areas.

Required Revision and Information:

- **Revise the plan to reflect that transition/infill areas are not to be reserved for land consumptive uses, but rather that they will transform into additional core settlement areas over time.**
- **Provide information to demonstrate that the 12 transition/infill areas in Bethel (extending into Royalton), Bradford, Harford (4), Norwich (2), Randolph (3), and the Town of Woodstock (south of the Village of Woodstock) are served by or planned to be served by public water or sewer services.**

(E) Resource-Based Recreation Areas

The statute describes “resource-based recreation area as “...large-scale resource-based recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, that may provide infrastructure, jobs, or housing to support recreational activities.” 24 V.S.A. § 4348a(a)(12)(c).

Board Response: Six Resource-based Recreation areas are identified in the draft regional plan: Saskadena Six (Hancock), Lake Morey shorelines (Fairlee), Lake Fairlee shorelines (Thetford, West Fairlee, Fairlee), Quechee Lakes shorelines (Hartford), Woodstock Resort Ski Area (Pomfret), and Woodward Reservoir shorelines (Plymouth). The goal for these areas is to “protect their natural resource base while providing employment and outdoor recreation (page 3-11).” Policies and recommendations are also provided on page 3-11. **The proposed Resource-based Recreation areas as depicted on the draft regional FLU map appear to meet the statutory standards for Resource-based Recreation areas. However, six of these areas are depicted, not four as reported in the Resource-based Recreation section of the land use chapter. Furthermore, insofar as mandatory policy #1 for Resource-based Recreation areas may be at odds with other key policies in the draft regional plan or with approved municipal plans the Board requires revision or additional information to justify the mandatory provisions.**

Required Revisions or Information:

- **Policy #1** prohibits principal retail use in Resource-based Recreation areas. **Revise this policy to make it nonmandatory or demonstrate that it has the support of member municipalities, does not conflict with plan policies that encourage rural enterprise, and is compatible with adopted municipal plans.**
- **Revise the Resource-based Recreation section of the land use chapter to reflect that six of these areas are depicted on the regional FLU map, not four as currently reported in the draft plan.**

Advisory Recommendations:

- The draft plan includes recommendations for Resource-based Recreation areas in the region that suggest what entities other than the TRORC should do (i.e., towns should ensure transportation systems are adequate to handle traffic, and towns and DEC should ensure water quality is protected. Consider rewording these recommendations to indicate what the TRORC’s role should be to ensure these ends.

(F) Enterprise Areas

The statute describes “enterprise areas” as:

...locations of high economic activity and employment that are not adjacent to planned growth areas. These include industrial parks, areas of natural resource extraction, or other commercial uses that involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.

24 V.S.A. § 4348a(a)(12)(F).

Board Response: The enterprise subsection in the land use chapter includes goals, policies, and recommendations for enterprise areas (see page 3-11). Several enterprise areas are depicted on the regional FLU map generally in the vicinity of interstate exchanges and state highway transportation corridors. Some of them appear to offer available lands for new industrial development, but there is not much discussion of the enterprise areas depicted on the FLU map in the plan. The draft regional plan includes goals, policies and recommendations for enterprise areas on page 3-11. **The proposed enterprise areas appear to meet the statutory standards for enterprise areas.**

Advisory Recommendations:

- Consider incorporating discussion of the region's enterprise areas into the economic development chapter of the plan to provide an understanding of whether these areas can accommodate desired industrial development in the region.
- It is difficult to locate individual enterprise areas depicted on the draft regional FLU map on the Board's map viewer. Consider identifying each proposed enterprise area within the enterprise subsection by name and municipality and describing its current use and capacity for new industrial development.
- Enterprise area is included twice in the definitions section. Eliminate the entry that appears out of alphabetical order on page 13-5.

(G) Hamlets

The statute describes "hamlets" as:

small historic clusters of homes and may include a school, place of worship, store, or other public buildings not planned for significant growth; no public water supply or wastewater systems; and mostly focused along one or two roads. These may be depicted as points on the future land use map.

24 V.S.A. § 4348a(a)(12)(G).

Board Response: The land use chapter goal for hamlets is that they should retain their existing settlement patterns and historic functions as small, local community hubs (see page 3-10). It appears that 18 hamlets are depicted on the FLU map in the following municipalities: Barnard, Bradford, Bridgewater (2), Brookfield (2), Corinth, Granville,

Newbury (2), Norwich (2), Pomfret, Randolph (2), Royalton, Tunbridge, and Woodstock. The hamlets typically fall within a larger Rural – General area. **The proposed hamlets appear to meet the statutory standards for hamlets.**

Advisory Recommendations:

- Because there is a Hamlet subsection in the land use chapter with goals and policies, the hamlet subsection should identify each of the hamlets depicted on the FLU map by hamlet name and municipality.
- Because of their relatively small size, it is very difficult to find the hamlets on the Board's Future Land Use Map Viewer. Identifying them within the narrative of the land use chapter would be all the more helpful for this reason. An alternative to consider is to provide the hamlets as point data in a separate digital data layer. This would make it easy to find each hamlet on the map viewer.

(H) Rural Areas

The statute has three categories of rural: Rural – General, Rural – Agricultural and Forestry, and Rural – Conservation. 24 V.S.A. § 4348a(a)(12)(H)-(J). They are described as follows:

Rural – General. These areas include areas that promote the preservation of Vermont's traditional working landscape and natural area features. They allow for low-density residential and some limited commercial development that is compatible with productive lands and natural areas. This may also include an area that a municipality is planning to make more rural than it is currently. 24 V.S.A. § 4348a(a)(12)(H).

Rural – Agricultural and Forestry. These areas include blocks of forest or farmland that sustain resource industries, provide critical wildlife habitat and movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty, and contribute to economic well-being and quality of life. Development in these areas should be carefully managed to promote the working landscape and rural economy, and address regional goals, while protecting the agricultural and forest resource value. 24 V.S.A. § 4348a(a)(12)(I).

Rural – Conservation. These are areas of significant natural resources, identified by regional planning commissions or municipalities based upon existing Agency of Natural Resources mapping that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes. The mapping of these areas and accompanying policies are intended to help meet requirements of 10 V.S.A. chapter 89. 24 V.S.A. § 4348a(a)(12)(J).

Mapped flood hazard areas should be excluded from planned growth areas and village areas, and mapped as Rural – Conservation, unless the municipality has adopted flood hazard and river corridor bylaws consistent with 24 V.S.A. § 4348a(a)(12). Per the VAPDA methodology, wetlands over five acres in size should be mapped as Rural – Conservation. Smaller wetlands should be mapped the same as the surrounding future land use area.

Board Response: Rural – General

Rural – General areas are depicted encompassing low density development along roadways and largely following parcel lines outside of the region’s core developed areas. Occasional hamlets are encompassed by Rural – General areas. **The proposed Rural – General areas appear to meet the statutory standards for Rural – General areas. However, insofar as mandatory policies for Rural – General areas are at odds with statutory goals and with other key policies in the draft regional plan the Board requires revision or additional information to justify the mandatory provisions.**

Required Revisions or Information:

- **Page 3-12, Policy #3.** The prohibition of new multi-unit buildings with six or more dwelling units is more akin to a municipal zoning regulation. **Provide additional information as to whether this conflicts with any member municipality zoning allowances.** This policy could potentially conflict with other policies and recommendations that encourage conservation subdivision, and the retention of agricultural soils and working forest lands. Furthermore, it seems inconsistent to allow for land intensive commercial uses in some Rural – General areas (see Policy #5) but prohibit new multi-unit buildings with six or more dwelling units in the same areas. **Remove the policy or revise it to be nonmandatory and provide more information to support it even if nonmandatory.**
- **Page 3-13, Policy #11.** The prohibition of principal retail in Rural – General areas is overly proscriptive and would prohibit potentially appropriate rural land use such as general stores. **Remove the policy, make it nonmandatory, or allow for defined principal retail enterprises that are appropriate in rural communities. Provide more information to support the policy if it is retained in any form.**
- **Provide more information to demonstrate that member municipalities are supportive of Policy #2, a mandatory policy prohibiting density over one principal structure per two acres.**

Advisory Recommendations:

- **Bradford.** Provide additional information to support the large Rural – General area on the west side of town, bounded by Hackett Hill Road, South Road, Chelsea Road. Explain why it doesn’t follow parcel lines on the east side. The town plan future land use map doesn’t appear to explain this.

- **Woodstock.** Provide additional information to support the extent of the large Rural – General area south of the Woodstock Village Center and West Woodstock Village Center – Carleton Hill Road, Churchill Road, Randall Road.

Board Response: Rural – Agriculture & Forestry

Rural – Agriculture and Forestry areas are depicted as encompassing “sparsely settled larger tracts of fields, forests, and farms ... along town and state highways (page 3-14).” The plan states that the purpose of this land use category is “to support the working aspect of these lands and help to reduce development pressure that would impinge on these activities (page-3-16). Policies for Rural – Agriculture and Forestry are provided on page 3-15.

The proposed Rural – Agriculture and Forestry areas as depicted on the draft FLU map appear to meet the statutory standards for Rural – Agriculture and Forestry areas; however, it is not clear whether enumerated mandatory policies (particularly #1, #2, #5, and #8) for Rural – Agriculture and Forestry areas are supported by TRORC member municipalities and the regional public. These policies could also have unintended consequences and be at odds with the two goals expressed for Rural – Agriculture and Forestry areas – agriculture remaining important component of the regional landscape and economy and working forests providing sustainable forest products. If public and municipal support is not demonstrated, eliminate these policies or revise them to encourage them but not mandate them.

Required Revisions or Information:

- **Policy #1** requires residential scale development. **Make the policy nonmandatory or demonstrate that the mandatory policy is supported by member municipalities and TRORC communities and is consistent with statutory goals and other policies expressed in the plan.**
- **Policy #2** limits density to 1 principal structure per five acres. **Provide additional information as to whether this density limit conflicts with any member municipality zoning allowances. Make the policy nonmandatory or demonstrate that the mandatory policy is supported by member municipalities and TRORC communities and is consistent with statutory goals and other policies expressed in the plan.**
- **Policy #5** limits development that would require paving roads. **Make the policy nonmandatory or demonstrate that the mandatory policy is supported by member municipalities and TRORC communities and is consistent with statutory goals and other policies expressed in the plan.**
- **Policy #8.** **Revise this policy or provide additional information to demonstrate that these AOFB limitations do not conflict with any member municipality**

zoning allowances, that they comport with legislative intent, including provisions of Act 152 of 2026, and that they have the support of TRORC constituencies. The original intent behind the AOFB statute was to consistently allow for AOFBs across the state, and to allow municipalities to regulate them via standard site plan review considerations. Separate Act 250 review is sometimes also part of that process but having inconsistent Act 250 review provisions for different regions runs counter to the original AOFB intent. An alternative approach could be to change this policy to a recommendation that encourages the Land Use Review Board to consider rules for a consistent statewide approach.

Board Response: Rural – Conservation

Rural – Conservation areas are depicted as encompassing very large tracts of forest lands with very few roads. The plan asserts that protecting against undue parcelization and fragmentation of these lands threatens their functions to provide “timber production, outdoor recreation, flood storage and aquifer recharge, scenic beauty, and wildlife habitat is identified as important pages 3-20 and 3-21).” Policies for Rural – Conservation are provided on pages 3-19 and 3-20.

The proposed Rural – Conservation areas as depicted on the draft FLU map generally appear to meet the statutory standards for Rural – Conservation areas; however, it is not clear whether all enumerated mandatory policies for Rural – Conservation areas are supported by TRORC member municipalities and the regional public. If such support is not demonstrated, eliminate these policies or revise them to encourage them but not mandate them.

Required Revisions or Information:

- **Policy #12.** Limiting new development to no more than one acre of impervious surface seems arbitrary and potentially very limiting, particularly on larger lots. Rural – Conservation areas can include supporting development such as trailhead parking areas. **Revise this policy to make it nonmandatory or demonstrate that it has the support of member municipalities and it is compatible with adopted municipal plans.**
- **Policy #8** requires subdivisions on tracks of 30 acres or more in Rural – Conservation areas to concentrate development at the forest edge with at least 80% remaining undeveloped. **Demonstrate that this mandatory policy has the support of member municipalities or make it nonmandatory.**
- **Policy #9** limits the number of principal structures to 10 for subdivisions in Rural – Conservation areas. **Demonstrate that this mandatory policy has the support of member municipalities or make it nonmandatory.**

- **Policy #16** limits uses in Rural – Conservation areas to agriculture, residential, forestry, outdoor recreation, and conservation **Demonstrate that this mandatory policy is supported by member municipalities or make it nonmandatory.**

Advisory Recommendations:

- Consider mapping more flood hazard and river corridor areas in the Rural – Conservation FLU category. For example, East Bethel Village Center has such areas mapped as Rural – General and Rural – Agriculture and Forestry. Bradford Village Center has a narrow river corridor area on the east side of the river, north of Old Creamery Road, that is mapped as Rural – General. The flood hazard adjacent to Bethel Village Center is mapped as Rural – Agriculture and Forestry instead of Rural – Conservation.
- **Table 3-1** (page 3-18). Consider removing or revising this somewhat inaccurate table. For example, deer are an edge species and are present in smaller forest blocks. The same is true of barred owls and sharp-shinned hawks. If retained, correct the spelling of sharp-shinned hawks.

E. Tier 1B Area Status

With Tier 1B Status Requests, the Board’s review has two parts: first, whether each municipality with proposed Tier 1B status areas meets the six requirements of 10 V.S.A. § 6033(c), and, second, whether the underlying proposed Tier 1B areas as designated in the Future Land Use Map met the requirements for “downtown or village centers,” “planned growth areas,” and “village areas” as described in 24 V.S.A. § 4348a(12)(A)-(C).

For Tier 1B status requests, the Commission must demonstrate the following:

- (1) The municipality has requested to have the area mapped for Tier 1B.
- (2) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350.
- (3) The municipality has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.
- (4) The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development as defined in Section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule unless the municipality has adopted flood hazard and river corridor bylaws applicable to the entire municipality that are consistent with the standards established pursuant to subsection 755(b) of this title (flood hazard) and subsection 1428(b) of this title (river corridor).
- (5) The municipality has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development in the area proposed for Tier 1B.

- (6) The municipality has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area.

10 V.S.A. § 6033(c).

Board Response:

The TRORC requested Tier 1B status for 7 municipalities: Bethel, Fairlee, Hartford, Newbury, Norwich, Randolph, and Woodstock Village. For each of these municipalities all eligible FLU areas appear to be proposed for Tier 1B status and the proposed Tier 1B boundaries appear to correspond to the full extent of each of the eligible FLU areas.

The land use chapter includes language for downtowns that states: “If approved as Tier 1A, these areas would have Act 250 jurisdiction removed from them (page 3-4).” This is a misleading statement. Although new projects would be exempt from Act 250, any previously issued Act 250 permit conditions on a property would need to be incorporated into a new municipal permit for the property. In addition, all existing Act 250 permits for properties in the Tier 1A area remain in effect with the Land Use Review Board retaining enforcement authority until a permit is transferred to the municipality due to new development activity on the property. Furthermore, this discussion in the downtown center section does not indicate that downtown centers are also eligible for Tier 1B status.

The land use chapter includes language for village centers, planned growth areas, and villages areas that states: “Once approved as Tier 1B, these areas would have Act 250 jurisdiction removed from them for housing projects of 50 units or less” (see pages 3-5, 3-7, and 3-8). Again, this is somewhat misleading. Existing Act 250 permits will still apply in these areas. Furthermore, village centers and planned growth areas are eligible for Tier 1A as well as Tier 1B status.

The following Tier 1B status requests appear to meet the requirements for Tier 1B status as enumerated in 10 V.S.A. 6033(c): Bethel, Fairlee, Hartford, Newbury, Norwich, and Randolph.

The following Tier 1B status request does not appear to meet the requirements of 10 V.S.A. § 6033(c): Woodstock Village. The Woodstock village trustees do not appear to have adopted subdivision regulations that meet the standards of 24 V.S.A. § 4418(1)(A)-(D)

The Hartford, Newbury, Norwich, and Randolph selectboards do not appear to have adopted river corridor regulations that meet the standards of 10 V.S.A. § 1428(b). The proposed Tier 1B areas in these municipalities include areas mapped as river corridor. Some of these areas appear to be areas of infill, but others do not. The TRORC maintains that only ANR can remove areas of infill from river corridor areas; however, the

TRORC can remove areas of undeveloped mapped river corridor from areas proposed for Tier 1B status. It appears this has been largely accomplished for Bethel, Fairlee, Hartland, Randolph, and Woodstock Village (which also does not have river corridor regulations) on the draft regional future land use map. **The Board requests that the TRORC revise the mapping for Norwich and Newbury Village to remove undeveloped portions of river corridor from proposed Tier 1B areas and from underlying FLU areas.**

Required Revisions:

- **To the extent that the underlying future land use areas do not appear to meet the requirements of 24 V.S.A. § 4348a(a)(12)(A)-(C) as described in Section I(D)(12)(A)-(C) of this preapplication response, revisions may be necessary before Tier 1B status can be conferred.**
- **If Newbury fails to adopt river corridor regulations that meet standards outlined in 10 V.S.A. § 1428(b) before the regional plan is adopted, revise the mapping to remove undeveloped portions of river corridor from proposed Tier 1B areas and from the underlying FLU areas in Newbury Village.**
- **If Norwich fails to adopt river corridor regulations that meet standards outlined in 10 V.S.A. § 1428(b) before the regional plan is adopted, revise the mapping to remove undeveloped portions of river corridor from proposed Tier 1B areas and from the underlying FLU areas in Norwich.**
- **If Woodstock Village fails to adopt subdivision regulations that meet the standards outlined in 24 V.S.A. § 4418(1) before the regional plan is adopted, the Tier 1B request will need to exclude Woodstock Village.**

Advisory Recommendations:

- Clarify that downtown centers are eligible for Tier 1B as well as Tier 1A status. Page 3-4.
- Clarify that village centers and planned growth areas are also eligible for Tier 1A status. Pages 3-5 and 3-7.
- Clarify that while new development is exempt from Act 250 in Tier 1A areas, existing Act 250 permits remain in effect in these areas (pages 3-4 through 3-8).

Conclusion

To the extent that a statutory standard as indicated throughout this preapplication response does not appear to be met, the Board requests the Commission revise the plan to address the deficiency. To the extent that the Board is unable to assess whether a statutory standard is met as indicated throughout this preapplication response, if sufficient information is not provided with the adopted regional plan application the Board may conclude that the statutory standard is not met. Recommendations for revision indicated as “Advisory Recommendations” are optional and the TRORC may choose to incorporate

them or not. This preapplication response is advisory only and does not guarantee an affirmative determination when the adopted plan or Tier 1B status request is submitted pursuant to Section 1.300 of the Board's Regional Planning Commission Application Guidelines.

Please contact the Board via the email address below with any questions about this regional plan and Tier 1B request preapplication response.

Dated this August 7, 2026

By /s/Janet M. Hurley
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Adopted by the Board at the August 6, 2026 meeting.

Recipient List

A copy of the foregoing **Preapplication Response for RPC10-0001** has been sent on this August 7, 2026, as follows. To the extent that an email is not listed, the document has been sent by U.S. First Class mail.

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