VERMONT
LAND USE REVIEW BOARD
Application #: RPC02-0001
Exhibit #: 026
Date Received: 09-23-2026

Bennington County Regional Commission

210 SOUTH STREET ● SUITE 6 ● BENNINGTON, VERMONT 05201 ● (802) 442-0713

To: Vermont Land Use Review Board

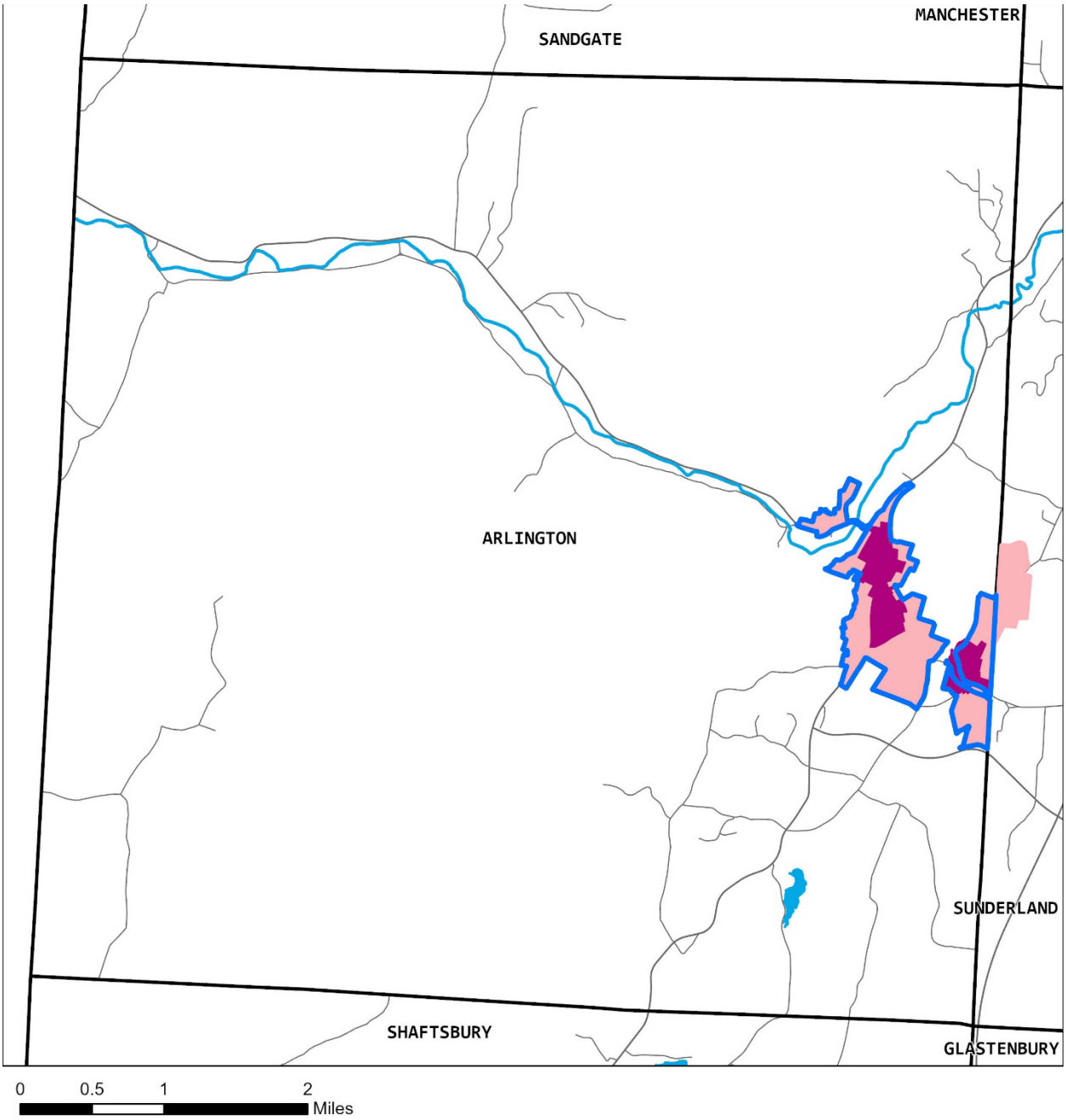
From: Bill Colvin, Executive Director

Date: September 23, 2026

Subject: Tier 1B Memorandum

This memorandum is for the Bennington County Regional Commission's (BCRC) Preapplication Request for Tier 1B Status as outlined in Section 1.102(B)(3) of the LURB Guidelines for Regional Planning Commission Applications. BCRC is requesting Tier 1B approvals for eligible areas in 5 out of 17 municipalities in the region, as summarized below and the map on the following page. Tier 1B eligible areas were mapped in accordance with the 24 V.S.A §4348(a)(12). Documentation on eligibility and compliance with 10 V.S.A §6033(b) for all eligible areas is enclosed.

Tier 1B Opt-In Summary		
Downtown Centers	2	Bennington, Town of Manchester
Village Centers	4	Arlington, East Arlington, North Bennington Village, South Shaftsbury
Planned Growth Areas	2	Bennington, Town of Manchester
Village Areas	3	Arlington, North Bennington Village, South Shaftsbury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ARLINGTON
SUNDERLAND
SHAFTSBURY
GLASTENBURY
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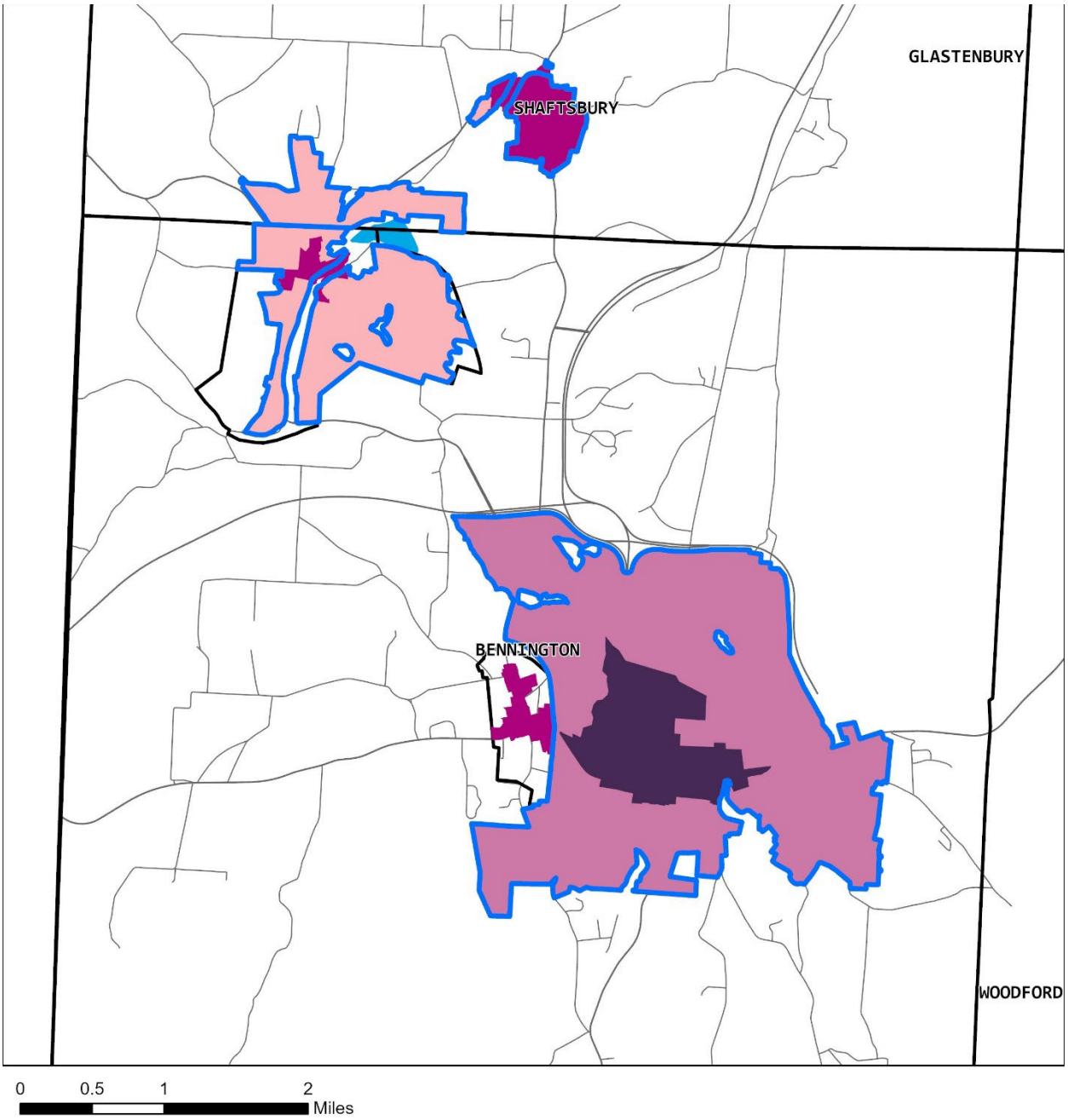
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SHAFTSBURY
BENNINGTON
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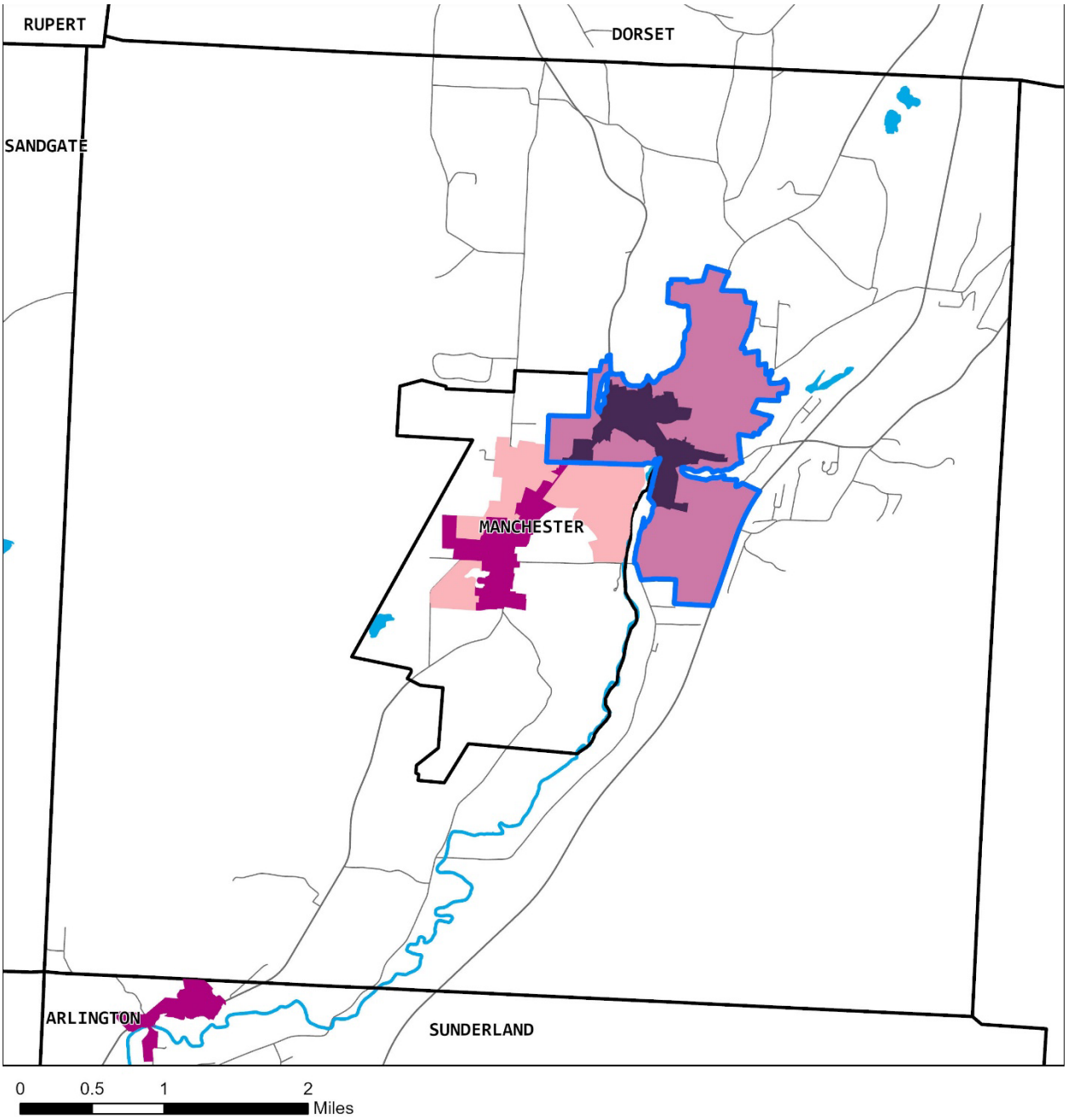
RUPERT
DORSET
SANDGATE
MANCHESTER
ARLINGTON
SUNDERLAND
0
0.5
1
2
Miles

Town of Arlington		
Municipal resolution to opt in 6033(c)(1)		Yes ☒ No ☐ Anticipated for Final ☐
FLU Planning Areas Included:		
Downtown Center		
Village Center(s)	Yes	Both Village Centers
Planned Growth Area		
Village Area(s)	Yes	Both Village Areas
Notes: Boundaries include both Village Centers and Village Areas		
Has duly adopted and approved plan and confirmed planning process 24 VSA § 4350		Confirmation date: 7/16/2020 See enclosed confirmation letter
Has permanent zoning and subdivision bylaws in accordance with 24 VSA §§ 4414, 4418, 4442		Bylaw adoption date: 9/11/2023 Subdivision bylaw adoption date: 9/11/2023
Excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development 6033(c)(3) and (4)		Yes ☒ No ☐
Has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development 6033(c)(5)		Yes ☒ No ☐ Water supply: Arlington Water Dept Wastewater infrastructure: Soils: Class 1 and 2
Has adequate municipal staff, municipal officials, or contracted capacity 6033(c)(6)		Yes ☒ No ☐ See enclosed resolution

Town of Bennington		
Municipal resolution to opt in 6033(c)(1)		Yes ☒ No ☐ Anticipated for Final ☐
FLU Planning Areas Included:		
Downtown Center	Yes	
Village Center(s)		
Planned Growth Area	Yes	
Village Area(s)		
Notes: Boundaries include all of Downtown and PGA		
Has duly adopted and approved plan and confirmed planning process 24 VSA § 4350		Confirmation date: 1/15/2026 See enclosed confirmation letter
Has permanent zoning and subdivision bylaws in accordance with 24 VSA §§ 4414, 4418, 4442		Bylaw adoption date: 6/24/2024 Subdivision bylaw adoption date: 6/24/2024
Excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development 6033(c)(3) and (4)		Yes ☒ No ☐
Has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development 6033(c)(5)		Yes ☒ No ☐ Water supply: Bennington Water Division Wastewater infrastructure: Bennington Wastewater/Sewer Division Soils:
Has adequate municipal staff, municipal officials, or contracted capacity 6033(c)(6)		Yes ☒ No ☐ See enclosed resolution

Town of Manchester		
Municipal resolution to opt in 6033(c)(1)		Yes ☒ No ☐ Anticipated for Final ☐
FLU Planning Areas Included:		
Downtown Center	Yes	
Village Center(s)		
Planned Growth Area	Yes	
Village Area(s)		
Notes: Boundaries include Village Center and Planned Growth Area		
Has duly adopted and approved plan and confirmed planning process 24 VSA § 4350		Confirmation date: 7/17/2025 See enclosed confirmation letter
Has permanent zoning and subdivision bylaws in accordance with 24 VSA §§ 4414, 4418, 4442		Bylaw adoption date: 8/20/2024 Subdivision bylaw adoption date: 8/20/2024
Excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development 6033(c)(3) and (4)		Yes ☒ No ☐
Has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development 6033(c)(5)		Yes ☒ No ☐ Water supply: Manchester Water & Sewer Department Wastewater infrastructure: Manchester Water & Sewer Department Soils:
Has adequate municipal staff, municipal officials, or contracted capacity 6033(c)(6)		Yes ☒ No ☐ See enclosed resolution

Village of North Bennington		
Municipal resolution to opt in 6033(c)(1)		Yes ☒ No ☐ Anticipated for Final ☐
FLU Planning Areas Included:		
Downtown Center		
Village Center(s)	Yes	
Planned Growth Area		
Village Area(s)	Yes	
Notes: Boundaries include Village Center and Village Area		
Has duly adopted and approved plan and confirmed planning process 24 VSA § 4350		Confirmation date: 7/17/2025 See enclosed confirmation letter
Has permanent zoning and subdivision bylaws in accordance with 24 VSA §§ 4414, 4418, 4442		Bylaw adoption date: 6/10/2025 Subdivision bylaw adoption date: 6/10/2025
Excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development 6033(c)(3) and (4)		Yes ☒ No ☐
Has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development 6033(c)(5)		Yes ☒ No ☐ Water supply: North Bennington Water Department Wastewater infrastructure: Bennington Wastewater/Sewer Division Soils:
Has adequate municipal staff, municipal officials, or contracted capacity 6033(c)(6)		Yes ☒ No ☐ See enclosed resolution

Town of Shaftsbury		
Municipal resolution to opt in 6033(c)(1)		Yes ☒ No ☐ Anticipated for Final ☐
FLU Planning Areas Included:		
Downtown Center		
Village Center(s)	One of Two	
Planned Growth Area		
Village Area(s)	Yes	
Notes: North Bennington Village Area in Shaftsbury is distinct from North Bennington Village Area in North Bennington. Excludes legacy Center Shaftsbury Village Center due to lack of infrastructure and adjacent areas of soils suitable for substantial development being conserved lands		
Has duly adopted and approved plan and confirmed planning process 24 VSA § 4350		Confirmation date: 7/16/2020 See enclosed confirmation letter
Has permanent zoning and subdivision bylaws in accordance with 24 VSA §§ 4414, 4418, 4442		Bylaw adoption date: 3/7/2023 Subdivision bylaw adoption date: 3/7/2023
Excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development 6033(c)(3) and (4)		Yes ☒ No ☐
Has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development 6033(c)(5)		Yes ☒ No ☐ Water supply: Shaftsbury Water Department, North Bennington Water Department Wastewater infrastructure: Small area served by Bennington Wastewater/Sewer Division Soils: Class 1 and 2
Has adequate municipal staff, municipal officials, or contracted capacity 6033(c)(6)		Yes ☒ No ☐ See enclosed resolution

Tier 1B Resolutions

Enclosed at time of Preapplication Submission:

Town of Arlington

Town of Bennington

Town of Manchester

Village of North Bennington

Town of Shaftsbury

MUNICIPAL RESOLUTION

Municipality: Arlington

Whereas In accordance with Vermont Statute, 10 V.S.A. Section 6033 a municipality may request Tier 1B status for the purposes of Act 250 jurisdiction.

Whereas The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350.

Whereas The municipality has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.

Whereas The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development.

Whereas 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.

Whereas The municipality has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area in accordance with 6033(c)(6) and as evidenced by ALL of the following:

- ☒ appointed or contracted zoning administrator (may be permanent or acting)
- ☒ yearly budget to support administration of development regulations, including enforcement or appeals as needed
- ☒ municipal staff and volunteers can attend trainings as requested
- ☒ ZA and the DRB (or ZBA and PC) regularly process applications within the required timelines
- ☒ Technical assistance is available for projects that exceed normal capacity or knowledge by one or more of the following:
  - ☒ RPC
  - ☒ Town Attorney
  - ☒ VLCT
  - ☐ Other

Now, therefore be it resolved that:

The municipality hereby requests to have both Arlington and East Arlington Village Centers, and Village Areas mapped for Tier 1B status.

Adopted at a duly noticed public meeting held on December 8, 2025

Attest:

Signature Daniel Harvey

Name DANIEL HARVEY

Title CHAIR (Secretary or Chair)

MUNICIPAL RESOLUTION

Municipality: Bennington

Whereas In accordance with Vermont Statute, 10 V.S.A. Section 6033 a municipality may request Tier 1B status for the purposes of Act 250 jurisdiction.

Whereas The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350.

Whereas The municipality has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.

Whereas The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development.

Whereas 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.

Whereas The municipality has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area in accordance with 6033(c)(6) and as evidenced by ALL of the following:

- ☑ appointed or contracted zoning administrator (may be permanent or acting)
- ☑ yearly budget to support administration of development regulations, including enforcement or appeals as needed
- ☑ municipal staff and volunteers can attend trainings as requested
- ☑ ZA and the DRB (or ZBA and PC) regularly process applications within the required timelines
- ☑ Technical assistance is available for projects that exceed normal capacity or knowledge by one or more of the following:
  - ☑ RPC
  - ☑ Town Attorney
  - ☑ VLCT
  - ☐ Other

Now, therefore be it resolved that:

The municipality hereby requests to have the Downtown Center, and Planned Growth Area mapped for Tier 1B status.

Adopted at a duly noticed public meeting held on February 9, 2026

Attest:

Signature _____

Name Tom Haley

Title Chair

MUNICIPAL RESOLUTION

Municipality: Town of Manchester

Whereas In accordance with Vermont Statute, 10 V.S.A. Section 6033 a municipality may request Tier 1B status for the purposes of Act 250 jurisdiction.

Whereas The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350.

Whereas The municipality has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.

Whereas The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development.

Whereas 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.

Whereas The municipality has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area in accordance with 6033(c)(6) and as evidenced by ALL of the following:

- ☑ appointed or contracted zoning administrator (may be permanent or acting)
- ☑ yearly budget to support administration of development regulations, including enforcement or appeals as needed
- ☑ municipal staff and volunteers can attend trainings as requested
- ☑ ZA and the DRB (or ZBA and PC) regularly process applications within the required timelines
- ☑ Technical assistance is available for projects that exceed normal capacity or knowledge by one or more of the following:
  - ☑ RPC
  - ☑ Town Attorney
  - ☑ VLCT
  - ☐ Other

Now, therefore be it resolved that:

The municipality hereby requests to have the Downtown Center, and Planned Growth Area mapped for Tier 1B status.

Adopted at a duly noticed public meeting held on October 21, 2025

Attest:

Signature

Name IVAN C BEATTIE

Title CHAIR (Secretary or Chair)

MUNICIPAL RESOLUTION

Municipality: North Bennington

Whereas In accordance with Vermont Statute, 10 V.S.A. Section 6033 a municipality may request Tier 1B status for the purposes of Act 250 jurisdiction.

Whereas The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350.

Whereas The municipality has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.

Whereas The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development.

Whereas 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.

Whereas The municipality has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area in accordance with 6033(c)(6) and as evidenced by ALL of the following:

- ☑ appointed or contracted zoning administrator (may be permanent or acting)
- ☑ yearly budget to support administration of development regulations, including enforcement or appeals as needed
- ☑ municipal staff and volunteers can attend trainings as requested
- ☑ ZA and the DRB (or ZBA and PC) regularly process applications within the required timelines
- ☑ Technical assistance is available for projects that exceed normal capacity or knowledge by one or more of the following:
  - ☑ RPC
  - ☑ Town Attorney
  - ☑ VLCT
  - ☐ Other

Now, therefore be it resolved that:

The municipality hereby requests to have the Village Center, and Village Area mapped for Tier 1B status.

Adopted at a duly noticed public meeting held on February 10, 2025

Attest:

Signature Mary Rogers

Name Mary Rogers

Title Trustee Chair (Secretary or Chair)

MUNICIPAL RESOLUTION

Municipality: Shaftsbury

Whereas In accordance with Vermont Statute, 10 V.S.A. Section 6033 a municipality may request Tier 1B status for the purposes of Act 250 jurisdiction.

Whereas The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350.

Whereas The municipality has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.

Whereas The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development.

Whereas 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.

Whereas The municipality has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area in accordance with 6033(c)(6) and as evidenced by ALL of the following:

- ☑ appointed or contracted zoning administrator (may be permanent or acting)
- ☑ yearly budget to support administration of development regulations, including enforcement or appeals as needed
- ☑ municipal staff and volunteers can attend trainings as requested
- ☑ ZA and the DRB (or ZBA and PC) regularly process applications within the required timelines
- ☑ Technical assistance is available for projects that exceed normal capacity or knowledge by one or more of the following:
  - ☑ RPC
  - ☑ Town Attorney
  - ☑ VLCT
  - ☐ Other

Now, therefore be it resolved that:

The municipality hereby requests to have the South Shaftsbury Village Center and Village Area and Village Area associated with the Village of North Bennington Villlage Center mapped for Tier 1B status.

Specifically excluded from this request is historic Shaftsbury Village Center on RT 7A.

Adopted at a duly noticed public meeting held on November 17, 2025.

Attest:

Signature _____

Name Naomi Miller

Title _____ Vice (Chair)