



State of Vermont
Land Use Review Board
10 Baldwin Street
Montpelier, VT 05633-3201
<https://act250.vermont.gov/>

SENT VIA EMAIL ONLY

June 16, 2026

Bennington County Regional Commission
Attn: Bill Colvin

Re: Bennington County Regional Commission Preapplication Response

Dear Bill Colvin:

The Land Use Review Board has completed its preapplication review of the Bennington County Regional Commission preapplication that was deemed complete on May 8, 2026. A meeting occurred on May 29, 2026. Separately, the Board requested comments from our state partners and the public. Copies of those comments can be found on the database:

<https://anrweb.vt.gov/ANR/Act250/RPDetail.aspx?AppNum=RPC02-0001>

The Board's preapplication review does not encompass nor reflect its position with respect to comments received. The comments received are provided for Bennington County Regional Commission information and consideration for potential revisions to its draft plan or Tier 1B requests, as the Bennington County Regional Commission may elect. When the plan is finalized and submitted for Board approval, the Board will consider "objector" comments, if any during the adopted plan review process.

I. BOARD REVIEW

The purpose of the preapplication process is for the Board to: (1) coordinate comment on the draft 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. 24 V.S.A § 4348(b), (3) provide preliminary assessment as to whether the draft regional plan is consistent with the purposes 24 V.S.A. § 4347. 24 V.S.A. § 4348(h)(4)(B), and (4) to provide preliminary assessment as to whether any Tier 1B status request meets the requirements of 10 V.S.A. § 6033(c) and 24 V.S.A. § 4348a(a)(12)(A)-(C).

This preapplication response addresses the statutory standards and identifies areas where the: (1) the draft plan appears to comply, (2) the draft plan appears deficient and likely needs revision to comply, or (3) additional information will likely be necessary for the Board to make a determination of compliance. If the BCRC disagrees with a negative assessment, the Board will need additional information about why the BCRC believes the statutory standard is met. Such additional information should be included with the adopted regional plan application. This response includes optional recommendations of the Board that the BCRC may choose to address within the adopted regional plan. **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 1.200 of the Board's *Regional Planning Commission Application Guidelines*.**

A. Further the State Planning Goals 24 V.S.A. § 4302

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

1. Conformance with 24 V.S.A. § 4302(a)

The draft plan reflects appropriate development of land in a manner to promote public health, safety, welfare, comfort, and prosperity in the Wellbeing and Recreation Chapter (p. 309-320). The Landscape and Character (Rural) Chapter (p. 92-116) notes the importance of mitigating property tax burden on agricultural, forested, and other open lands. The plan encourages appropriate architectural design in the Landscape and Character Chapter (p. 118-150) and renewable energy resource development in the Energy Chapter (p.239-284). It addresses traffic congestion in the Mobility and Transportation Chapter (p.206-238), encourages growth in communities to create an optimum natural, built, and cultural environment, and plans for the prevention of negative impacts of growth in the Landscape and Character Chapter (p.118-150). **The draft regional plan appears to adequately consider and reflect the general purposes of 24 V.S.A. § 4302(a).**

2. Conformance with 24 V.S.A. § 4302(b)

A comprehensive planning process and policy framework is detailed in the Introduction Chapter (p.10-27) and Governance and Coordination Chapter (p. 345-356) that considers the use of resources and consequences of growth while encouraging municipal collaboration. Citizen participation is encouraged at all levels as encapsulated in the plans' purpose and vision (p.10-11). **The draft plan appears to reflect furtherance of the goals listed in 24 V.S.A. § 4302(b).**

3. Conformance with 24 V.S.A. § 4302(c)

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,” including

- (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).

The Landscape and Character (Rural) and (Growth) Chapters (p. 92-150) and the Utilities, Facilitates, and Infrastructure Services Chapter (p. 285-307) comprehensively plan development that maintains the historic settlement pattern. **The draft plan appears to be consistent 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).

The Local Economy Chapter (p. 183-204) and Landscape and Character (Rural) Chapter (p.92-150) address this goal. **The draft plan appears to be consistent 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). The Education Chapter (p. 327-343) and Local

Economy Chapter (p. 183-204) address this. **The draft plan appears to be consistent with Goal 3.**

Advisory Recommendation: Fix the title of figure 33 to reflect enrollment by school not by district. Note Burr and Burton Academy serves as the de facto public high school for several northshire towns in the region .

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).

The Mobility and Transportation Chapter (p. 206-238) addresses this goal. The plan thoroughly considers four theme areas including transportation infrastructure, each with a description of current conditions followed by a statement of goals, actions, and policies. In Exhibit 12 “AOT Comment Form” the Vermont Agency of Transportation (Agency) also concurs that the plan’s transportation section addresses this required goal. In this exhibit, VTrans also details the Act 145 transportation impact fee study and limits on the Agency’s ability to review projects in Tier 1 areas. **The draft plan appears to be consistent 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).

The Natural Resources Chapter (p. 31-64), Landscape and Character (Growth) Chapter (p.125-129), and Mobility and Transportation Chapter (p.215-216) address this goal. **The draft plan appears to be consistent with Goal 5.**

Advisory Recommendations: Scenic resources are noted in different areas of the plans such as in the Natural Resources Chapter (p. 45) with regard to local scenic ordinances (p.105) and with regard to roads and bridges (p.215-216). Consider

mapping these resources (include scenic roads and bridges in mapped transportation infrastructure).

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).

The Natural Resources Chapter (p. 31-51), Climate Resilience Chapter (p. 71-75) and Landscape and Character (Rural) Chapter (p. 99-106) address this goal. **The draft plan appears to be consistent with Goal 6.**

Advisory Recommendation: On page 31 in the natural resources box remove errant “Water Resources” at end. On page 44 remove repeated “low impact” from the link for “low impact development.”

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).

The Energy Chapter (p. 239-284) and Appendix B (p. 382-387) address this goal. The Public Service Department observed that the plan discusses the efficient use of energy

and development of renewable energy resources in support of statewide emissions reduction requirements. The Department noted that it is separately reviewing the plan for conformance with the Department's enhanced energy planning standards pursuant to Act 174 of 2016 and will provide relevant comments from that review to BCRC directly. **The draft plan appears to be consistent with Goal 7.**

Advisory Recommendation:

- (1) On page 250 it is detailed that only 75 commercial heat pumps are currently installed per year and yet thousands are called for between 2020 and 2025. How will this be achieved? Similarly 15,000 commercial heat pumps are called for by 2050 when there were only 4000 in 2025. Consider addressing how the BCRC will help work to accomplish the commercial heat pump targets.
- (2) On page 245 correct Count to County.

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).

The Natural Resources Chapter (p. 60-64) and Wellbeing and Recreation Chapter (p. 315-319) address this goal. **The draft plan appears to be consistent with Goal 8.**

Advisory Recommendations:

- (1) Consider mentioning Northshire Civic Center (Hunter Park) for indoor winter hockey and skating and early spring soccer and lacrosse in the winter sports paragraph (p. 314).
- (2) Consider updating information on facilities available at the Dana Thompson Memorial Park in Manchester (p.317).

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).

The Natural Resources Chapter (p.46-50 and p.63-64), Landscape and Character (Rural) Chapter (p. 92-106 and p.114-115), and Local Economy Chapter (p. 191-192 and p.200-202) address this goal. **The draft plan appears to be consistent with Goal 9.**

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).

The Natural Resources Chapter (p. 49-51 and p.58-64) and Landscape and Character (Rural) Chapter (p. 105) address this goal. **The draft plan appears to be consistent with Goal 10.**

Advisory Recommendation: Consider including sites as detailed in the plan that predate regulation and are in need of restoration on Map 8 and the policy on page 64.

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).

The Housing Chapter (p. 151-182) and Landscape and Character (Growth) Chapter (p. 118-150) address this goal. **The draft plan appears to be consistent with Goal 11.**

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).

The Utilities, Facilities, and Infrastructure Services Chapter (p. 285-307) addresses this goal. The plan notes the region is short on volunteer emergency services. Some towns have mutual aid agreements with other states with shortfalls on insurance coverage from one state to the other. Police coverage is mostly done in the County by Vermont State Police, with only two towns with full-time police departments. Vermont Emergency Management recommends continued coordination within the Regional Emergency Management Committee with the REMC and Vermont Emergency Management Regional Coordinator. **The draft plan appears to be consistent with Goal 12.**

Advisory Recommendations:

- (1) On page 294 in the small quantity generators paragraph clarify what materials and what time interval for the 220 pounds of materials.
- (2) On map 40, note what the light blue circle in Peru is (not on key).
- (3) Map 38 should be revised to address the following issues:
 - Shows fire station in Manchester Village. There is no fire station in Manchester Village. Perhaps that is meant to represent the village garage?
 - Manchester town fire station should be collocated with police in the town.
 - Manchester's town office seems to be mislocated. It should be next to fire/police, not south of it.
 - Transfer station is shown on Arlington-Sunderland town line instead of Manchester-Sunderland town line. Should be shown on the Manchester-Sunderland town line.
 - No town garage shown for Stamford, Woodford, Sandgate, Rupert, Peru. Do these towns lack town garages?

- The icons for City Hall, Town Office, Government Building, State Government Office, US Government Office are indistinguishable. Perhaps just use Government Office instead of breaking them down.
- Should the map include the US Forest Service Manchester Ranger Station for the GMNF on route 30/11?

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).

The Education Chapter (p. 333-335 and p.343-344) addresses this goal. **The draft plan appears to be consistent with Goal 13.**

Goal 14:

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

The Natural Resources Chapter (p. 41-43) and Climate Resilience Chapter (p. 75-80 and p. 86-91) address this goal. **The draft plan appears to be consistent 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).

The Introduction Chapter (p. 23-25) and Appendix A (p. 377-381) address this goal. **The draft plan appears to be consistent with Goal 15.**

Advisory Recommendations:

- (1) Solid waste transfer facilities are noted in the plan on page 296; however, the destination of waste is not specified. Consider indicating where solid waste is transferred to and note any impacts on environmental justice focus populations.
- (2) On page 377, clarify why 1.5 times was selected as a threshold for disproportionate burden.
- (3) On page 241 reverse the word order of “focus justice” in the following sentence: “Accordingly, this energy plan includes a focus on improving access to environmental benefits, and mitigating burdens for environmental focus justice populations, as ...”.
- (4) At the end of same paragraph update map reference: “See Map – EJFP” in the Introduction to Map 4.

B. Consistency with the Purposes of a Regional Plan 24 V.S.A. § 4347

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.

The draft plan appears to be consistent with the purposes of 24 V.S.A. § 4347.

Advisory Recommendations:

- (1) On page 16 in Table 1 the 2020 Population column shows population counts for the villages of North Bennington, Old Bennington, and Manchester with dashes in front of the number which may be confusing and perhaps instead parentheses could be used with a note under the table to indicate that the town counts for Bennington and Manchester include the village counts.
- (2) A note should also be added to the table indicating that Bennington County includes the towns of Winhall, Readsboro, and Searsburg, which are not part of the region.
- (3) Page 79, end of sentence in first paragraph of the second column concludes with an errant "25F" before footnote 15. Similarly on page 84 there is an errant "41F" before footnote 30, and "42F" before footnote 31. Page 88 has "43F" before footnote 33. Also on page 334 "9F3" instead of footnote 3. Page 81 first paragraph in second column has errant space before footnote 21.
- (4) Page 88, insert bullet before step 5: "Adoption of River Corridor Bylaws, or enrollment in the FEMA Community Rating System (CRS)."
- (5) Formatting of Table 5 (page 97) is awkward. Also, it is given an errant "photo credit" under the table. Consider revising the formatting. Map 17 (page 99) add streams (yellow lines) to Key.

C. Conformance with Outreach Requirements of 24 V.S.A. § 4348(a)

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).

The Introduction Chapter (p.10-11), Governance Chapter (p. 345-356), Appendix C (p.388), as well as the Regional Plan Engagement Strategies (Exhibit 4) address outreach requirements. **The draft regional plan appears to have been developed with the participation of its member municipalities, and the RPC appears to have provided for meaningful participation to communities throughout the region.**

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).

The Introduction Chapter (p. 10-11) and Implementation Matrix (p.357-375) address this requirement. **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).

The Agency of Natural Resources observed that the plan includes a thorough discussion of various natural resources in the region and their benefits, as well as a suite of goals, actions, and policies to minimize potential impacts to the resources and maintain and improve their functions. The plan's implementation matrix includes numerous tools to achieve the Region's natural resource goals and address environmental justice issues. The breadth of recreational opportunities within the region are detailed in the plan as well as the importance of natural resources in supporting these activities and user experiences and the need to balance access to recreational opportunities for all users to address conflicts. The Plan includes a thorough discussion of the principles of Vermont Conservation Design, the importance of landowner education, and the role of private land holders in environmental stewardship. A significant portion of the region is within the Green Mountain National Forest and private landowners play an important role in maintaining forested lands to promote the ecological integrity of the Region and in providing forested connections to GMNF lands. The importance of forested and vegetated buffers along waterways for aquatic and terrestrial habitat, flood resilience and water quality benefits are detailed in the plan. The Natural Resources Chapter (p. 31-51), Climate Resilience Chapter (p. 71-75) and Landscape and Character (Rural) Chapter (p. 99-106) address this requirement. **The draft regional plan appears to meet this requirement.**

Advisory Recommendations:

- (1) The Agency of Natural Resources is updating the National Wetlands Inventory maps. Consider reviewing these draft maps prior to finalizing future land use areas to better understand present extents of mapped wetlands and development potential.

- (2) As a general formatting note, many of the state website addresses changed when they were revamped. The links should be confirmed prior to final publication of the plan.
- (3) Reference the relevant basin plans on pages 31 to 41 and address how the regional plan is informed by or augments these basin plans.
- (4) Consider discussion of forest blocks and habitat connectors as distinct features in the Natural Resources Chapter.

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).

The Energy Chapter (p. 239-284 and p. 382-387) serves as BCRC's enhanced energy plan. Supplemental information can be found in Appendix B. The Public Service Department observed that the plan generally includes required aspects of an energy element. The Department is also undertaking a separate review of the plan for enhanced energy planning standards and Act 174 compliance. **The draft regional plan appears to meet this requirement.**

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).

The Mobility and Transportation Chapter (p. 206-238) includes statements of present and prospective transportation and circulation facilities, along with infrastructure improvement priority projects, some of which are connectivity-focused including multimodal connectivity. This section includes helpful guidance and best practices for transportation infrastructure growth, such as access management principles, traffic calming, parking management, and roadway maintenance. The walking and bicycling section of the plan is robust. Existing and prospective bike and pedestrian facilities are included in Maps 27-29. The narrative discussion of safety hazards and other unique considerations for nonmotorized transportation is also useful. The **Board requires more information to determine whether the draft regional plan meets this requirement.**

Requested Additional Information: The Board requests that the plan be revised to provide cost estimates for improvement priorities to indicate the relative high, medium, or low cost to implement.

Advisory Recommendations:

- (1) Include major highway numbers and road names and label limited access highways on Map 25 or comparable map.
- (2) Map 25 includes all the region's transportation infrastructure. The map becomes crowded in certain areas, notably the urban areas of Bennington and Manchester. Maps 26-29, while displaying fewer data layers, depict finer scale transit routes and bicycle and pedestrian paths, which also become crowded in urban areas. Consider including detail map insets for the areas with higher transportation infrastructure complexity.
- (3) The plan would benefit from additional discussion and mapping of points of congestion in the region, known or anticipated. This is particularly relevant with respect to areas mapped as planned growth areas in the Future Land Use Map. Such a discussion could include reflections on roadway and intersection safety issues observed in the region (e.g., high crash locations, truck turning constraints, multimodal concerns). This would further support the plan's existing notes on safety best practices for each transportation mode.
- (4) Under the discussion of bridges on page 216, conditions are mentioned but a listing of VTrans evaluated bridges and their ratings is not provided. Consider including a table with priority project bridges to show improvement priorities.

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).

Vermont Emergency Management affirms that the plan supports the efforts of the Regional Emergency Management Committee as well as telecommunication improvements to help improve Health and Safety concerns. The Utilities, Facilities, and Infrastructure Services Chapter (p.285-307 and p.327-343) addresses this requirement. **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).

The Implementation Matrix Chapter (p.357-375) and the Governance and Coordination Chapter (p.345-356) meets this requirement. **The draft regional plan appears to meet this requirement.**

Advisory Recommendations:

- (1) Consider adding columns to the implementation matrix to identify which implementation items address the top two issue areas identified by the community. Consider adding priorities, time horizons, or fiscal needs to the matrix.
- (2) Significant regional impacts are noted as large scale on page 355. Definition of this term in context would be helpful as would a definition for regionally significant natural or cultural resources.
- (3) Under significant regional impact, consider clarifying how it is determined that a development would affect affordability of housing or energy.

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).

The Governance and Coordination Chapter (p.344-356) addresses this requirement. **The draft regional plan appears to meet this requirement.**

Requested Additional Information: The comparison of abutting regions lacks specifics in evaluating planned land use differences. Provide information on abutting regional future land use areas specifically where differences occur.

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).

The Housing Chapter (p. 151-182) addresses this requirement. **The draft regional plan appears to meet the housing element requirement.**

Advisory Recommendations:

- (1) On page 176 delete "As of this writing, county 2050 targets have not yet been established by the VHFA." The 2050 targets are referenced on the prior page.
- (2) A relatively large portion (~20%) of targets are proposed to be accessory dwelling units (ADUs). Include planned actions such as the 10% for Vermont program that provides low interest loans for ADU development that BCRC is partnering with the Bank of Bennington on.

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).

The Local Economy Chapter (p. 183-204) addresses this requirement. **The draft regional plan appears to meet this requirement.**

Advisory Recommendations:

- (1) On page 185, top of 2nd column – typo, “Another 11.7 jobs are in either Arlington or Dorset, and both towns reported noteworthy job increases between 2012 and 2022.” Add the word “percent” after 11.7.
- (2) On page 187, top of 1st column “interstate or commuter rail route, its economy is tied to its neighbors.” Find and add the missing beginning of this sentence.

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).

The plan includes a broad range of goals, policies, and action items to address flood resilience within the region. Inclusion of the table of structures within Flood Hazard Areas and River Corridors, along with the encouragement of municipal use of the Transportation Resilience Planning Tool, is especially helpful in identifying areas of risk and prioritizing structure replacement. The Plan identifies regulatory and non-regulatory tools, such as implementing flood hazard area and river corridor bylaws and enrolling parcels in the River Corridor Easement Program, to reduce flood risk and improve resilience within the Region. The Climate Resilience Chapter (p. 41-43) and Natural Resources Chapter (p. 41-43) address this requirement. **The draft plan appears to meet this requirement.**

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). The Landscape and Character (Rural) and Landscape and Character (Growth) Chapters (p.92-150) and Future Land Use Map address this requirement. **The draft plan appears to meet this requirement.**

Advisory Recommendations:

- (1) On page 120 there is an error in the text, "Downtowns and planned growth areas are also eligible for consideration as Tier 1A jurisdictions. Add village centers, which are also eligible for Tier 1A.
- (2) On page 142 update Tier 1A and 1B box per S. 325 and correct "where Tier 1 was potentially chose not to participate at the time of plan submission to the Land Use Review Board, Manchester Village and Pownal."
- (3) Planned Growth areas should only include flood hazard and river corridor where infill is possible.
- (4) The Planned Growth Area definition should be updated per S.325 changes.
- (5) The Transition/Infill Areas section on page 142 provides "The BCRC also uses Transition Areas to identify industrial areas adjacent to Planned Growth Areas where utilities are not currently present, but Enterprise mapping is not allowed in statute..." Consider shifting these Transition/Infill Areas to Enterprise as other regions have done for Enterprise areas adjacent to PGAs and centers.
- (6) There are two subsections with the same title "Environmental Benefits + Burdens" that should be clarified on pages 112 and 113.
- (7) From page 106: "Wetlands constitute the most common instance of Rural Conservation mapping on the Future Land Use map." Please confirm or offer a qualifier, as wetlands do not appear to be the most predominant land type within the Rural Conservation FLUA.
- (8) On page 107 development densities of up to two acres per dwelling unit in valley areas is noted. This is unusually specific and clarification of allowances for development in rural areas that are not valley areas could be added.
- (9) On page 115 the third bullet on rural lot size of one two acres seems overly prescriptive as the text talks about density instead of lot size. Additional information would be useful.

(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 of 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 Center

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).

The FLU map depicts the following downtown centers: Bennington. The Landscape and Character Growth Chapter details downtown future land use area on pages 121 to 122. The legacy downtown of Bennington is expanded in all directions with the most substantive expansion to the north. It is noted that the flood hazard area of the Roaring Branch of the Walloomsac Brook encapsulates much of the legacy downtown area.

The proposed Bennington downtown center appears to meet the statutory standards for a downtown center.

- Village Centers

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

The FLU map depicts the following village centers: Arlington, Arlington (East Arlington), Dorset (East Dorset), Dorset (South Dorset), Dorset (West Dorset), Landgrove, Manchester, Manchester Village, North Bennington, Old Bennington, Peru, Pownal (North Pownal), Pownal (Pownal Center), Pownal (South Pownal), Rupert (West Rupert), Rupert, Sandgate, Shaftsbury (North Center Shaftsbury), Shaftsbury (South Shaftsbury), Stamford, Sunderland, Woodford. The Landscape and Character Growth Chapter of the plan details villages on pages 122 to 127.

The proposed Arlington village center appears to meet the statutory standards for a village center.

The proposed East Arlington village center appears to meet the statutory standards for a village center.

The proposed East Dorset village center appears to meet the statutory standards for a village center.

The Board requires more information to determine whether the proposed South Dorset Village Center appears to meet the statutory standards for a village center.

Requested Additional Information: The Raptor Lane village center (South Dorset Village Center) is not indicated as a new center in the Town Plan. Submit additional information to demonstrate progress and community consensus on the plan for this area or consider mapping as a different future land use area.

Advisory Recommendation: The Department of Fish and Wildlife (DFW) indicates that the Raptor Lane parcel contains high-quality rare fen wetlands, bear habitat, and the only known population of a state-listed plant species. Although these resources are not mapped in the ANR Atlas, they were identified through the Dorset's master planning process. Given the presence of these significant natural resources, the BCRC may wish to consider further refining the boundary of the village center to exclude areas containing the rare wetlands, listed species, and associated habitat, while focusing development toward the southwestern and downslope portions of the parcel. The planned unit development provisions within the municipality's bylaws support the possibility of a conservation subdivision allowing for development balanced with resource protections.

The proposed West Dorset village center appears to meet the statutory standards for a village center.

The proposed Manchester village center in the Town of Manchester appears to meet the statutory standards for a village center.

Advisory Recommendation: Consider "Downtown" for the Town of Manchester rather than Village Center. It has water/sewer and it is quite extensive and is the economic and cultural center for the Northshire.

The proposed Manchester Village village center appears to meet the statutory standards for a village center.

The proposed North Bennington village center appears to meet the statutory standards for a village center.

Advisory Recommendation: As noted at the preapplication meeting, while the North Bennington Village Center includes the Park McCullough House, the grounds are open to the public. Consider adding this detail to the plan.

The proposed Old Bennington village center appears to meet the statutory standards for a village center.

The proposed Peru village center appears to meet the statutory standards for a village center.

The proposed North Pownal village center appears to meet the statutory standards for a village center.

The proposed Pownal Center village center appears to meet the statutory standards for a village center.

The proposed South Pownal village center appears to meet the statutory standards for a village center.

Advisory Recommendations: Consider expanding the village center to the northwest along Main Street and Lincoln Street, or mapping this as village area. This area appears to be part of and integral to the village.

Consider adjusting boundaries to match with parcel lines in two locations: 1) northwest corner of the village center area, and 2) east side of the Village Area, east of Route 7.

The proposed West Rupert village center appears to meet the statutory standards for a village center.

The proposed Rupert village center appears to meet the statutory standards for a village center.

The proposed Sandgate village center appears to meet the statutory standards for a village center.

The proposed South Shaftsbury village center appears to meet the statutory standards for a village center.

The proposed Sunderland Village North village center appears to meet the statutory standards for a village center.

Advisory Recommendation: Consider reducing large expansion by removing flood hazard and river corridor area on the south side of Route 7A.

The proposed Stamford village center appears to meet the statutory standards for a village center.

The proposed Woodford village center appears to meet the statutory standards for a village center.

(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).

The FLU map depicts the following planned growth areas: Bennington and Manchester. The Landscape and Character Growth Chapter details planned growth areas on pages 130 to 136.

The proposed Bennington planned growth area appears to meet the statutory standards for a planned growth area.

The proposed Manchester planned growth area appears to meet the statutory standards for a planned growth area.

(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).

The FLU map depicts the following village areas: Arlington, Dorset, Manchester Village, North Bennington, Peru, Pownal, Shaftsbury, and Sunderland. The Landscape and Character Growth Chapter details village areas on pages 137 to 141.

The Board cannot determine whether the proposed Arlington village area appears to meet the statutory standards for a village area.

Requested Additional Information: The village area west of the Batten Kill River along Route 313 is separated from the center by the Batten Kill River and its associated flood hazard area (proposed rural general and rural agriculture and forestry land use areas). The connection to the Village Center is a State Highway (Route 313) that appears to have no pedestrian infrastructure. Please provide information on existing or planned connections.

The Board cannot determine whether the proposed West Dorset village area appears to meet the statutory standards for a village area.

Requested Additional Information: Please provide additional information on municipal plans or zoning that reinforce the proposed village area. The area around the legacy village center (west) appears to have rural zoning and the town plan does not call for additional density in this area.

The proposed Manchester Village village area appears to meet the statutory standards for a village area.

The proposed North Bennington village area appears to meet the statutory standards for a village area.

Advisory Recommendations:

- (1) The village area along Park Street between Route 67A includes two manufacturing sites. At the preapplication meeting, staff from BCRC explained that while this area could be transition/infill, manufacturing sites that have meaningful redevelopment potential were included in village area or transition as opposed to enterprise. Consider including this explanation in the plan.
- (2) Information on planned connections, especially pedestrian infrastructure, for the eastern and southeastern village area to the center is requested.

The proposed Peru village area appears to meet the statutory standards for a village area.

Advisory Recommendation: Please provide additional information on the planning status of areas currently zoned RR-2 and RR-5.

The proposed North Pownal village area appears to meet the statutory standards for a village area.

The proposed South Pownal village area appears to meet the statutory standards for a village area.

The Board cannot determine whether the proposed Pownal Center village area appears to meet the statutory standards for a village area.

Requested Additional Information: The northeastern portion of the village area appears to be disconnected from the center and additional information on planned connections, particularly pedestrian infrastructure, is requested.

The Board cannot determine whether the proposed South Shaftsbury village area associated with the South Shaftsbury Village Center appears to meet the statutory standards for a village area.

Additional Information Requested: For the Twitchell Hill Road vicinity, please provide information on existing or planned connections to the village center as this area along Route 67 appears to lack pedestrian infrastructure.

The proposed South Shaftsbury village area associated with the North Bennington Village Center appears to meet the statutory standards for a village area.

The proposed South Sunderland village area appears to meet the statutory standards for a village area.

(D) Transition or Infill Area

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).

The FLU map depicts the following transition/infill areas: Arlington, Bennington, Dorset, Manchester, and Pownal. The Landscape and Character Growth Chapter details transition / infill areas on pages 142 to 144.

The proposed Arlington transition/infill area appears to meet the statutory standards for a transition/infill area.

Advisory Recommendation: At the preapplication meeting, staff from BCRC noted that while this area could be enterprise that manufacturing areas that have meaningful redevelopment potential were included in village area or transition as opposed to enterprise. Consider including this information in the plan.

The proposed Bennington transition/infill area appears to meet the statutory standards for a transition/infill area.

The proposed Dorset transition/infill area appears to meet the statutory standards for a transition/infill area.

The proposed Manchester transition/infill area appears to meet the statutory standards for a transition/infill area.

The proposed Pownal transition/infill area appears to meet the statutory standards for a transition/infill area.

(E) Resource-Based Recreation Area

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)(E).

The FLU map depicts the following resource-based recreation areas: Peru (Bromley). The Landscape and Character Rural Chapter details this area on page 111.

The proposed Peru resource-based recreation area appears to meet the statutory standards for a resource-based recreation area.

(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).

The FLU map depicts the following enterprise areas: Arlington, Bennington, Dorset, Manchester, Pownal, Rupert, Shaftsbury, Stamford, Sunderland, and Woodford. The Landscape and Character Growth Chapter details Enterprise areas on pages 144-147. The Agency of Transportation affirms the classification of the William H. Morse State Airport, railyards, and rail sidings in the region as part of the enterprise land use

category. Rail sidings, even if not currently used, can in the future be developed into rail-related enterprise land use functions.

The proposed Arlington enterprise area appears to meet the statutory standards for an enterprise area.

The proposed Bennington enterprise area appears to meet the statutory standards for an enterprise area.

The proposed Dorset enterprise area appears to meet the statutory standards for an enterprise area.

The proposed Manchester enterprise area appears to meet the statutory standards for an enterprise area.

The proposed Pownal enterprise area appears to meet the statutory standards for an enterprise area.

The proposed Rupert enterprise area appears to meet the statutory standards for an enterprise area.

The proposed Shaftsbury enterprise area appears to meet the statutory standards for an enterprise area.

The proposed Stamford enterprise area appears to meet the statutory standards for an enterprise area.

The proposed Sunderland enterprise area appears to meet the statutory standards for an enterprise area.

The proposed Woodford enterprise area appears to meet the statutory standards for an enterprise area.

(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).

The FLU map depicts the following hamlets: Arlington, Arlington (West Arlington), Landgrove, Sandgate, Sandgate (West Sandgate), Shaftsbury, Shaftsbury Hollow, Sunderland (Clarksville Landgrove), and Sunderland Borough. Hamlets are detailed in the Landscape and Character Rural Chapter of the plan (p.112).

The proposed Arlington hamlet appears to meet the statutory standards for a hamlet.

The proposed West Arlington hamlet appears to meet the statutory standards for a hamlet.

The proposed Landgrove hamlet appears to meet the statutory standards for a hamlet.

The proposed Sandgate hamlet appears to meet the statutory standards for a hamlet.

The proposed West Sandgate hamlet appears to meet the statutory standards for a hamlet.

The proposed Shaftsbury hamlet appears to meet the statutory standards for a hamlet.

The proposed Shaftsbury Hollow hamlet appears to meet the statutory standards for a hamlet.

(H) Rural

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.

The FLU map depicts the following rural general areas: Arlington, Bennington, Dorset, Landgrove, Manchester, Manchester Village, North Bennington, Old Bennington Village, Peru, Pownal, Rupert, Sandgate, Shaftsbury, Stamford, Sunderland, Woodford. Rural general is detailed in the Landscape and Character (Rural) Chapter (p.106-111).

The proposed Arlington rural general areas appear to meet the statutory standards for rural general areas.

Advisory Recommendation: Consider changing the developed area along the south side of Route 313 from rural general to transition/infill instead. This area is between village areas.

The proposed Bennington rural general areas appear to meet the statutory standards for rural general areas.

The proposed Dorset rural general areas appear to meet the statutory standards for rural general areas.

The proposed Landgrove rural general areas appear to meet the statutory standards for rural general areas.

The proposed Manchester rural general areas appear to meet the statutory standards for rural general areas.

The proposed Manchester Village rural general areas appear to meet the statutory standards for rural general areas.

Advisory Recommendation: Given its proximity to the village center, consider mapping the Longview Drive neighborhood as village area instead rural general. Consider mapping more rural general areas as village area given the presence of municipal water service and proximity to the center. Conversely, given its separation from the village center, consider mapping the Equinox on the Batten Kill neighborhood as rural general instead of village area.

The proposed North Bennington rural general areas appear to meet the statutory standards for rural general areas.

Advisory Recommendation: Consider changing the developed area along the east side of Route 67A from rural general to transition/infill instead. This area is between village areas

The proposed Old Bennington rural general areas appear to meet the statutory standards for rural general areas.

The proposed Peru rural general areas appear to meet the statutory standards for rural general areas.

The proposed Pownal rural general areas appear to meet the statutory standards for rural general areas.

The proposed Rupert rural general areas appear to meet the statutory standards for rural general areas.

The proposed Sandgate rural general areas appear to meet the statutory standards for rural general areas.

The proposed Shaftsbury rural general areas appear to meet the statutory standards for rural general areas.

The proposed Stamford rural general areas appear to meet the statutory standards for rural general areas.

Advisory Recommendation: The area around the village center is rural general and could be village area as it appears to have suitable soils, bylaws, and a plan (unsure if confirmed). Please address why rural general is used as opposed to village area around the village center or consider adding village area.

The proposed Sunderland rural general areas appear to meet the statutory standards for rural general areas.

The proposed Woodford rural general areas appear to meet the statutory standards for rural general areas.

The FLU map depicts the following rural agricultural and forestry areas: Arlington, Bennington, Dorset, Glastonbury, Landgrove, Manchester, North Bennington Village, Peru, Pownal, Rupert, Sandgate, Shaftsbury, Stamford, Sunderland, Woodford. Rural agricultural and forestry is detailed in the Landscape and Character (Rural) Chapter (p.95-103).

The proposed Arlington rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Bennington rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Dorset rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Glastonbury rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Landgrove rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Manchester rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed North Bennington rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Peru rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Pownal rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Rupert rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Sandgate rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Shaftsbury rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Stamford rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Sunderland rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The proposed Woodford rural agriculture and forestry areas appear to meet the statutory standards for rural agriculture and forestry areas.

The FLU map depicts the following rural conservation areas: Arlington, Bennington, Dorset, Glastonbury, Landgrove, Manchester, Manchester Village, North Bennington , Old Bennington Village, Peru, Pownal, Rupert, Sandgate, Shaftsbury, Stamford, Sunderland, Woodford. Rural conservation is detailed in the Landscape and Character (Rural) Chapter (p.103-106).

The proposed Arlington rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Bennington rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Dorset rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Glastonbury rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Landgrove rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Manchester rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Manchester Village rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed North Bennington Village rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Old Bennington Village rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Peru rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Pownal rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Rupert rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Sandgate rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Shaftsbury rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Stamford rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Sunderland rural conservation areas appear to meet the statutory standards for rural conservation areas.

The proposed Woodford rural conservation areas appear to meet the statutory standards for rural conservation areas.

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 area/s as designated in the Future Land Use Map met the requirements for a "downtown or village centers", "planned growth areas", and "village areas" as described in 24 V.S.A. § 4348a(12)(A)-(C). Below details whether the Tier 1B is consistent with six subsections of 10 V.S.A. § 6033(c). The Commission will also need to reference back to Section I(D)(12)(A)-(C) of this preapplication response related to the land use categories and make any necessary changes to conform with the requirements of 24 V.S.A. § 4348a(a)(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)

The Commission requested Tier 1B status for 5 municipalities: Arlington (East), Bennington, Manchester, North Bennington Village, and Shaftsbury (South). Tier 1B is detailed in the Landscape and Character (Growth) Chapter on pages 118 to 121.

To the extent, that the underlying future land use areas did 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, additional revision may be necessary before Tier 1B status can be conferred.

At this time, East Arlington appears to meet the requirements for Tier 1B status as enumerated in 10 V.S.A. 6033(c).

At this time, Bennington appears to meet the requirements for Tier 1B status as enumerated in 10 V.S.A. 6033(c).

At this time, Manchester appears to meet the requirements for Tier 1B status as enumerated in 10 V.S.A. 6033(c).

At this time, North Bennington appears to meet the requirements for Tier 1B status as enumerated in 10 V.S.A. 6033(c).

At this time, South Shaftsbury appears to meet the requirements for Tier 1B status as enumerated in 10 V.S.A. 6033(c).

II. CONCLUSION

To the extent that a statutory standard as indicated above does not appear to be met, the Board requests the Commission revise the plan to address the deficiency or provide additional information with the adopted regional plan application that addresses the deficiency. Recommendations for revision indicated above are optional. 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 1.200 of the Board's Regional Planning Commission Application Guidelines.

Please contact the Board via email at Act250.Board@vermont.gov with any questions about this regional plan and Tier 1B request preapplication response.

Dated this June 16, 2026

Sincerely,

/s/ Sarah Hadd

Sarah Hadd

Adopted by the Board at the June 16, 2026 meeting.

cc: *See Attached Distribution List*

RECIPIENT LIST

A copy of the foregoing **Preapplication Response Letter** for RPC02-0001 has been sent on June 16, 2026, to the following individuals by electronic mail:

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Dated June 16, 2026,
/s/ Catherine Gott
Land Use Review Board, Legal Services
Specialist
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