

Preapplication Review Comment Form

The purpose of the Land Use Review Board's preapplication review of a draft regional plan is to provide comments to the regional planning commission on whether draft regional plan conforms with 24 V.S.A. § 4302, 4348a, 5803, and 5804.

This comment form lays out the statutory requirements for a regional plan to receive an affirmative determination from the Board. This form does not need to be completed in its entirety, and a commentor can elect to complete only certain sections. If you have no comments under the given section, leave that section blank.

Commentor Information

1. Select the Regional Planning Commission you are providing comments for.

Central Vermont – RPC03

2. Name of commentor.

Thomas Weiss, P.E.

3. Commentor email address.

P. O. Box 512, Montpelier, Vermont

Comments without questions on the Form

Comment A. I acknowledge the CVRPC's intent to leave regional policy largely unchanged as stated in the "2026 Notable Updates Summary. I can understand the intent if the commission had actually updated its plan in 2024. However, the commission did not update its plan in 2024. The commission merely re-adopted its 2016 plan in 2024 and is now again postponing the work of bringing its plan up to date in all aspects. I disagree that the stated intent is valid.

Comment B. This plan exhibits one of the common lacks of plans. It lacks an evaluation of each of the goals, policies, and strategies; of the successes and failures of the previous plan. Were they successful? Did they fail? Should they be carried forward into the new plan? Should they be amended? This is compounded by the CVRPC's failure to amend its plan on schedule in 2024, instead readopting the 2016 plan. If this comment is not germane to the LURB review, then perhaps it could be considered in a revision to the application guidelines.

Comment C. Please do not use AI-generated responses. My previous experience with such responses is that they fail to address all comments and they fail to address specifics of comments. Rather they generalize the comments, causing AI generated responses to be inadequate.

4. Partner Agency (if representing a partner agency).

Not applicable

Section 2 – Part A – Consistency with State

Planning Goals (15 Goals)

Per 24 V.S.A. § 4348(h)(4), for the Land Use Review Board to issue a determination of plan compliance, it must find that the plan is consistent with the State planning goals as established in 24 V.S.A. § 4302. The application must describe plan compliance.

In this section, the RPC was required to provide detailed information about how the plan meets the general and specific goals out-lined in 24 V.S.A. §§ 4302(a), (b) and (c).

5. The draft plan must meet the general purpose of 24 V.S.A. § 4302(a), which states: "It is the intent and purpose of this chapter to encourage the appropriate development of all lands in this State by the action of its constituent municipalities and regions, with the aid and assistance of the State, in a manner which will promote the public health, safety against fire, floods, explosions, and other dangers; to promote prosperity, comfort, access to adequate light and air, convenience, efficiency, economy, and general welfare; to enable the mitigation of the burden of property taxes on agricultural, forest, and other open lands; to encourage appropriate architectural design; to encourage the development of renewable resources; to protect residential, agricultural, and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking and the invasion of through traffic, and from the loss of peace, quiet, and privacy; to facilitate the growth of villages, towns, and cities and of their communities and neighborhoods so as to create an optimum environment, with good civic design; to encourage development of a rich cultural environment and to foster the arts; and to provide means and methods for the municipalities and regions of this State to plan for the prevention, minimization, and future elimination of such land development problems as may presently exist or which may be foreseen and to implement those plans when and where appropriate. In implementing any regulatory power under this chapter, municipalities shall take care to protect the constitutional right of the people to acquire, possess, and protect property."

Not evaluated for these comments.

6. 4302(b) - GENERAL GOALS

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

Not evaluated for these comments.

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7. 4302(c) - SPECIFIC GOALS

Goal 1: To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside. Are the proposed designated areas (downtown and village centers, planned growth areas, and village areas) adequate to accommodate the regional housing targets as required by 24 V.S.A. § 4302(c)(1)(A)?

(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.

Goal 1: B, C, and D are not evaluated for these comments.

8. Are the proposed designated areas (downtown and village centers, planned growth areas, and village areas) adequate to accommodate the regional housing targets as required by 24 V.S.A. § 4302(c)(1)(A)?

Comment 8.A. Regional planning commissions should be asked to answer this question. There is a mismatch between this preapplication review and comment form and the information requested of the CVRPC in the draft regional plan review checklist. The question "Are the proposed designated areas (downtown and village centers, planned growth areas, and village areas) adequate to accommodate the regional housing targets as required by 24 V.S.A. § 4302(c)(1)(A)?" is not in the checklist provided to regional planning commissions. This is a worthy and valid question whether in statute or not.

It is worthy for the RPC's to answer this question. It is inappropriate to ask this question only of the commenters. RPC's have the skills and resources to evaluate the question. Most commenters lack the skills and resources needed to answer the question. If more land is devoted to the designated areas than is needed to meet the regional targets, it is harder to further other specific goals (e.g., 4302(c)(5), (6), and (9)).

Comment 8.B. I find that the draft regional plan is not consistent with Goal 1 (A). The draft plan defines 60% of the regional growth as a substantial majority to be accommodated in the four land use categories for intensive development. It is not clear that 60% is a substantial majority. Anyway, the draft plan allocates the regional target as follows: 20% in downtown centers; 20% in planned growth centers, 10% in village centers, and 10% in village areas. The remaining 40% based on population, apparently meaning in the other land use categories. The plan should

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evaluate whether the regional targets can be achieved within the distribution.

Comment 8.C. On a regionwide basis, the 2030 target is 2540 housing units and the 2034 target (linearly interpolated) is 3641. The RPC's target is that by the year 2034 728 units will go into the five downtown centers. Questions that I think should be answered. What will it take to place those 728 units into the downtown centers? Is there sufficient unbuilt-upon land? Will existing buildings need to be demolished to make room for larger units? The same questions should be answered for the 728 units targeted for the planned growth areas in 7 municipalities; the 364 targeted for the village centers in 19 municipalities; and the 364 targeted for the village areas in 13 municipalities.

Comment 8.D. Comments related specifically to Montpelier are provided in response to no. 49.

9.Goal 2: To 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).

Not evaluated for these comments.

10. Goal 3: To 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).

Not evaluated for these comments.

11. Goal 4: To 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.

(A) Highways, air, rail, and other means of transportation should be mutually supportive, balanced, and integrated. 24 V.S.A. § 4302(c)(4).

Not evaluated for these comments.

12. Goal 5: To 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).

Not evaluated for these comments.

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13. Goal 6: To 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).

Comment 13.A. I find that the draft regional plan is not consistent with goal 6(A). Goal 6(A) is to have all planning be in accordance with the principles of Act 250 at all times, not just when an Act 250 permit is required. Nor does the CVRPC's "Summary: Regional Plan Approval Criteria" show how the regional plan is consistent with this part of goal 6(A). The principle of criterion 1 is "Will not result in undue water or air pollution", for example. The draft plan does not mention how its planning supports the principles of the Act 250 criteria in all locations and all topics, whether or not an Act 250 permit is required.

Comment 13.B. The draft plan mentions Act 250 15 times. Every mention of Act 250 is about the CVRPC's participation in relation to permitting. And that CVRPC will participate in Act 250 when housing is involved. Yet Tier 1A areas are exempt from Act 250 permits and Tier 1B areas are exempt from most Act 250 permitting for housing and for mixed use developments (up to 60% of which may be non-residential).

14. Goal 7: To 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).

Comment 14.A. Page 85 of the draft plan states that Vermont's Weatherization Assistance Program has adopted a zero deferral program. Looking into the program in March 2026 showed that zero deferral for the presence of vermiculite applies only to units that are occupied by the owner. The 2020 Technical Policies & Procedures Manual, published by the Office of Economic Opportunity, requires deferral for vermiculite at properties that are rented by those who are eligible for weatherization assistance. That manual was still on that site as of March 2026 Appendix G states "The presence of vermiculite shall be treated as cause for automatic deferral of services in rental properties only. It is the responsibility of the owner of the rental to remediate vermiculite prior to the receipt of WAP services. The draft plan also quotes the annual "Performance Indicators for the Weatherization Assistance Program" Report to the Vermont Legislature

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Beginning next year, the report is required to provide information on deferrals and rental deferrals. The text should be corrected to note the limits of the zero deferral policy.

15. Goal 8: To 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).

Comment 15.A. The Outdoor Recreation Goal (p. 223), policy 5, identifies access to lakes and streams as a need in the region. This policy is unchanged from 2016. Has this policy achieved anything in the last 10 years?

Comment 15.B. The policy does not indicate who will identify these access locations.

Comment 15.C. Two water based access and uses (Kingsbury Branch and Coburn Pond, both in East Montpelier) have not been added to the "Central Vermont Public Recreational Resources Map".

Comment 15.D Some symbols in the legend do not match the symbols on the map.

These all should be corrected.

16. Goal 9: To 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).

Not evaluated for these comments.

17. Goal 10: To 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).

Comment 17.A. This is another example of a failure to update the plan. General Land Use Goal 2 is "To preserve the aesthetic quality of the Region. Policy 11 is that "CVRPC will track indicators that show impacts on aesthetic quality and natural beauty in Central Vermont." This policy is from 2016. The 2026 plan has no indication that the indicators have been tracked and what has been

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accomplished as a result of the regional plan's policy. This information should be added.

18. Goal 11: To 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 multi-family and manufactured housing should be readily available in locations similar to those generally used for single-family dwellings.

(D) Accessory dwelling units 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).

Comment 18.A The draft plan likely is not consistent with Goal 11 (B) with regard to co-ordinating new and rehabilitated housing with the provision of necessary public facilities and utilities. I found nothing in chapters 6 (housing), 8 (implementation plan), and 5 (utilities, facilities, and services) discussing such co-ordination.

19. Goal 12: 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).

Comment 19.A The draft plan likely is not consistent with goal 12. I find nothing in the plan that discusses financing of water supply and sewerage or of any other public facilities and services.

20. Goal 13: To ensure the availability of safe and affordable childcare and to integrate childcare issues into the planning process, including childcare financing, infrastructure, business assistance for child care providers, and childcare work force development. 24 V.S.A. § 4302(c)(13).

Not evaluated for these comments.

21. Goal 14*: To encourage flood resilient communities.

(A) New development in identified flood hazard and river corridor protection areas should be avoided. If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.

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(B) The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.

(C) Flood emergency preparedness and response planning should be encouraged.

24 V.S.A. § 4302(c)(14).

*This goal is effective until 1/1/28, after which it is replaced with updated language accounting for the forthcoming statewide minimum flood hazard area standards established by rule by the Agency of Natural Resources

Comment 21.A. This no. 21 and no. 34 both cover the topic of flood resilience. The two responses by the CVRPC in the checklist have some identical items and many differences. I think that the two responses in the checklist should be better aligned.

22. Goal 15: With development of the regional plans, the regional planning commissions are required "[a]t the outset of the planning process and throughout the process, 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). Additionally, goal 15 requires the regional 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."

"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). Please provide any comments you have as to whether the development of the draft regional plan meets these requirements.

Comment 22.A. The outreach to the public is limited and appears to be inconsistent with the goal of holding informal working sessions for participation by local citizens throughout the process.

The checklist provides page numbers in four locations. It also provides a table with outreach activities. That table (pages 4 and 5 of the checklist) has information essential to this comment that is not included in the draft plan (pages 25 and 26). The table includes the timing of the outreach activities. The outreach to local citizens is limited in time and scope. The activities occurred in April and May 2025 (ten library round table discussions); spring 2025 (a survey with limited public outreach); and April 2026 (tabling event at Waterbury LEAP, which is focused on energy efficiency and electric vehicles). So the draft plan and checklist describe very little public participation in the 12 months before the draft plan was submitted to the LURB. The scope of

local citizen events is limited to ten geographically distributed round table discussions, one tabling event, and one survey. That does not seem to be a robust outreach effort.

It appears that the solicitation used was limited. The draft plan has no indication on how effective the solicitation was. Questions to be answered. How many local citizens were reached at the library round table discussions? How many at the LEAP tabling? How many surveys were completed? How many "interested members of the public" are sent the "Weekly Roundup"? And how large is that mailing? 600 (as on p. 4 of the checklist) or 200 (as on p. 25, no. 7 of the draft plan)?

One can't go back on undone public participation. However, all the above questions can be answered. And the LURB can make sure that the CVRPC does robust solicitation of public participation at the remaining stages of the regional plan review and approval process.

Comment 22.B. Ten library round table discussions were held. Table 37 of the draft plan shows that there are 13 public libraries in the region. Which libraries did not have round table discussions. How does that relate to reaching target populations? For example, Roxbury has a public library.. Map X in appendix E shows that Roxbury has an environmental justice focus population based on more than 1% of households with limited English proficiency. That raises the question of whether a round table discussion was held in Roxbury. If there was a discussion there, that raises the question of how the outreach and the round table discussion were adjusted to account for the reduced English proficiency. The regional plan should discuss this issue as it applies throughout the region.

Section 3 – Part B – Consistency with the Purposes of a Regional Plan

Per 24 V.S.A. § 4348(h)(4), for the Land Use Review Board to issue a determination of plan compliance, it must find that the plan is consistent with the purposes of a regional plan as established in 24 V.S.A. § 4347. "Consistency" is defined in 24 V.S.A. § 4302(f)(1).

The application must provide detailed information describing how the plan is consistent with the purposes of a regional plan.

23. 24 V.S.A. § 4347 - Purposes of a Regional Plan: 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

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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.

Comment 23.A. The draft plan likely is not consistent with part of purpose 5. I find no goal, policy, or strategy that promotes the production of food And production of fiber is not mentioned in the draft plan at all.

The closest that I find are two policies from 2016 with no indication on whether the policies were implemented. And if they were implemented, was the result accomplished?

- Natural Resources and Working Lands Goal 2, policy 5 calls for considering methods to determine the amount of agricultural land required to meet the Region's long -term requirements under a "worst case scenario" regarding food importation This does not promote food or fiber.

- Economic Goal 5, policy 18 calls for fostering collaborative partnerships among regional food system stakeholders. This doesn't really promote production of food or fiber.

These policies were also in the 2016 plan. What has been done in the meantime?

Section 4 – Part C – Required Elements of a Regional Plan

The draft regional plan must include the following elements. 24 V.S.A. § 4348a(a).

24. 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).

Not evaluated for these comments.

25. 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**

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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).

It appears that the draft plan does not fully meet the requirements of the natural resources and working lands element.

Comment 25.A. (A) The maps in appendix A of the draft plan appear to be missing the following elements: , vernal pools, rare and irreplaceable natural areas, river corridors, agriculture using the agricultural lands identification process established in 6 V.S.A. § 8, open spaces, areas reserved for flood plain, aquifer protection; wetland protection;

Comment 25.B (D) The draft plan does not mention rare or irreplaceable natural areas.

Comment 25.C. The maps do not show earth resource operations. The draft plan states "that we must accommodate them even as we guard against their more harmful aspects." It is hard to guard against their more harmful aspects if we do not know where they are.

Comment 25.D. The policies, goals, and strategies are essentially the same as from 10 years ago, the 2016 plan. This is despite changes in conditions within the region and changes in laws. There is no indication of the means used to implement the strategies. Nor is there any indication of how successful the strategies were and why they were retained. I would hope that some of the goals, policies, and strategies had actually been achieved and could be eliminated from this draft plan. As examples:

The 2016 plan has a strategy to "develop a clearinghouse of resources that could be used by teachers and other groups working with youth to provide education on" "watershed functions, protection, and restoration." That strategy is still in the draft plan (p. 46). How has the clearinghouse been received by teachers and the other groups? Is this strategy still needed 10 years later? Should it be changed? Removed?

The 2016 plan has a strategy to perform audits of municipal websites and communications methods on request. The strategy is still in the draft plan (p. 46). How many audits were

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requested and what municipal actions were taken as a result? Is the strategy useful 10 years later? Should it be changed? Removed?

The 2016 plan has a strategy to coordinate region-wide trainings related to flood resilience with DEC. The strategy is still in the draft plan. How many trainings were offered and what actions were taken as a result of the training? Is it still useful after 10 years? Change it? Remove it?

26. 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(a)(3).

Comment 26.A. The energy element of the draft plan states that "The supplement provides an extended table by town documenting local constraints, unsuitable locations, preferred sites, preferred project characteristics siting policies, and municipal generation projects cited in current town plans." I could not find this table which would contain important and relevant information.. Thus it appears that the supplement submitted as part of the pre-application is incomplete.

Comment 26.B. Goal 8 of the draft plan is partly about constraints to potential renewable energy location. The text of the energy element mentions the section 248 process for siting of renewable energy generation. There is no strategy to work with municipalities so that they can craft their town plans to be specific about sites where renewable resources are not allowed, in order to hold up during a section 248 proceeding. This could go into an expanded strategy e, along the lines of . "e) Work with municipalities, as requested, to evaluate and prioritize future renewable energy generation technologies and locations to best suit municipal needs and policies This includes how to write municipal plans to be strong enough to withstand the Act 248 process."

27. 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).

It appears that the draft plan does not fully meet the requirements of the transportation element.

Comment 27.A. This transportation element (chapter 4) was rewritten in a major way. Yet none of the goals, policies, and strategies have changed. It seems that at least some of the changes in text would result in the need for changes to at least some of the goals, policies, and strategies. There is no explanation of why none of them changed.

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Comment 27.B. The section on highways in the draft plan omits the poor condition of many of our asphalt roads. These conditions are ruts that have worn through the top layer of asphalt; lengthwise cracks and settling along the outer edges of the driving lines because the old, narrower concrete was left in place when the wider asphalt was placed on top of the concrete; potholes; culverts and bridges too small for the increased intensity of storm runoff.

Comment 27.C. Transportation goal 2, policy 3 refers to levels of service C and D. The draft report should have a table describing the various levels of service.

Comment 27.D. The transportation element omits discussion of passenger rail. Amtrak makes two stops in the region: Montpelier Jct. and Waterbury. Passengers using those stations mostly to and from points south, New York City and Washington, D.C. Schedules do not allow same-day connections to other trains heading to Chicago (and points west), Florida, or New Orleans. Altering the schedules to allow those connections would allow transportation alternatives to motor vehicles and airplanes while saving energy. The plan also omits discussion of the effects and timing of the plans for extending the passenger service north of St. Albans to Montreal.

Comment 27.E. The transportation element does not discuss the State-owned railroad between Montpelier Jct. (in Berlin) to Barre Town, via Montpelier, Berlin, and Barre City.

Comment 27.F. There appears to be no discussion on costs and methods of financing transportation needs. Nor is there discussion on priorities.

28. 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).

Comment 28.A. It seems that the utility and energy element in the draft regional plan is missing some items required by 24 V.S.A. § 4348a(a)(5).

The five relevant maps in appendix A are used to show some of the items required by statute, as provided above. Other items are not shown and need to be shown: Also, some items are incorrectly identified.

- Central Vermont Energy and Communication Map. The gas turbine plant in Berlin, the larger solar photovoltaic plants (perhaps those 500 kW or more), and the wind plants are not shown.
- Central Vermont Water Supply & Wastewater Systems
- Central Vermont Emergency Management. Health centers (e.g. Plainfield) and urgent care facilities probably should be shown in addition to hospitals..
- Central Vermont Educational Facilities. The map incorrectly identifies Roxbury's school district.

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It incorrectly identifies Northfield and Williamstown as belonging to different school districts. Goddard College no longer exists. It is not clear whether the property's present use still qualifies for it to be shown as a college / post secondary school.

- Central Vermont Public Recreational Resources. See comment 15.C.

State office buildings are not shown on any map. Neither are libraries.

Comment 28.B. The utility and facility element fails to identify future needs of any of the systems or facilities and fails to make recommendations. This lack is glaring because of the population growth expected from the housing targets.

Comment 28.C. Table 32: wastewater treatment facilities (p. 181) lost a lot with the removal of table 1 (page 5-6) of the readopted report. That table includes the additional columns of sludge treatment and sludge disposal location. The missing information is essential in order to provide a more complete description of the facilities.

Comment 28.D. The element has lost a lot with the removal of table 2 on larger subsurface disposal systems from the 2016 plan (page 5-10)

Comment 28.E. All goals, policies, and strategies of the utility and facility element are the same as in the 2016 edition of the plan. They should be updated.

29. 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).

Comment 29.A. The checklist states that this is covered in chapter 8, implementation plan (pages 286 through 289). It turns out that chapter 8 (except for the first two paragraphs and four of the Actions/Strategies) is the same as appendix A.6 of the 2016 plan. Appendix A.6 and chapter 8 list the same progress measures. I find no evaluation in the draft plan of the progress made since 2016. Thus it is not clear whether anything has been accomplished since the 2016 plan.

Comment 29.B. I find no capacity study and no investment strategy in either pages 286 through 289 or anywhere else in the draft plan.

Comment 29.C. The draft plan contains some 500 goals, policies, and strategies in chapters 1 through 7. The implementation plan (chapter 8) has only 14 items in its table of actions and strategies. The table does not show how its actions and strategies relate to the goals, policies, and strategies. So it is not clear which of the hundreds of goals, policies, and strategies will be implemented and which others will be left to languish.

Comment 29.D. It seems that the draft plan fails to conform with 24 V.S.A. § 4348a(a)(7).

30. 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).

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Not evaluated for these comments.

31. 24 V.S.A. § 4302(f)(2) defines “compatibility” as follows:

(2) As used in this chapter, for one plan to be “compatible with” another, the plan in question, as implemented, will not significantly reduce the desired effect of the implementation of the other plan. If a plan, as implemented, will significantly reduce the desired effect of the other plan, the plan may be considered compatible if it includes the following:

(A) a statement that identifies the ways that it will significantly reduce the desired effect of the other plan;

(B) an explanation of why any incompatible portion of the plan in question is essential to the desired effect of the plan as a whole;

(C) an explanation of why, with respect to any incompatible portion of the plan in question, there is no reasonable alternative way to achieve the desired effect of the plan; and

(D) an explanation of how any incompatible portion of the plan in question has been structured to mitigate its detrimental effects on the implementation of the other plan.

Not evaluated for these comments.

32. 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).

Comment 32.A. Figure 19 of the draft report shows the distribution of housing units by municipality. Adding a table showing the number of each type of unit in each municipality will be useful.

Comment 32.B Where is the breakout on the needed supply? The draft plan appears to provide only some of the information to estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district. It appears that the draft plan does not fully comply

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with the housing element.

Comment 32.C. The draft plan shows a total housing target for 2030 of 2540 new units and a target of 8045 new units by 2050. Linearly interpolating between 2030 and 2050 means 275 new units per year or 1101 units between 2030 and 2034. That means 3641 new units during the validity of the regional plan, the eight years 2026 through 2034. It seems that the plan should be built around achieving that target.

Comment 32.D. The draft report fails to provide statistics on existing housing stock and existing demographics (household sizes, incomes). Without this information, one cannot determine the validity of the charts on pages 259 through 261.

Comment 32.E. The draft plan then fails to take the required next step of going from the charts to an estimate of 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 investment estimate should be complete, including everything needed to go from current conditions on the parcels to having the new units available and move-in ready with all utilities available, whether on the parcel or off the parcel.

Comment 32.F. The 2016 plan's equivalent to table 38 appears to have only the three towns in Orange County. Including only the three towns in Table 38 (p. 237) seems more appropriate than proportioning based on the entire county. Orange, Williamstown, and Washington are demographically quite different from Orange County as a whole.

Comment 32.G. What is a householder? (p. 237 and following) At first reading, I think a householder is a resident. On looking more closely at the numbers, it appears that the term "householder" means what other jargon calls "heads of households". This should be clarified in the draft.

Comment 32.H. Why does table 40, the Projected Number of Vermont Households by Age of Householder not extend to 2034, the end of the planning period?

Comment 32.I. Why does table 48 put 100% of the 2030 housing target into the four high-density future land use categories, which are listed as having only 60% of the target? Conversely, where does a housing target of 4233 ($2540 / 0.6$) come from?

33. An 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).

Comment 33.A. Page 270. (Education). It seems that the closure of the New England Culinary Institute and Goddard College should be addressed.

Comment 33.B. Page 270. (Education) And the conversion of the Vermont College of Fine Arts to the Greenway Institute should be addressed.

Comment 33.C. Page 273. (Challenges) Omitting the July 2024 flood is a slap in the face to Plainfield and to the other communities flooded then.

34. A flood resilience element that:

- 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
- 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.

A flood resilience element may reference an existing regional hazard mitigation plan approved under 44 C.F.R. § 201.6. See 24 V.S.A. § 4348a(a)(11).

Comment 34.A. It appears that the draft plan is not consistent with 24 V.S.A. § 4348a(a)(11). I do not find a specific flood resilience element. Rather, the narrative in the checklist (p. 28) lists four locations in the draft plan that relate to flood resilience. That list is not complete. Flood resilience is so scattered within the draft plan, that it is hard to determine whether the plan has a comprehensive flood resilience element or not. There is some discussion on pages not in the checklist that relate reducing the risk of flood damage. The flood resilience element needs to be more cohesive, more complete, and easier to find and comprehend as a whole.

Comment 34.B. The draft plan identifies the flood hazard areas and fluvial erosion areas on Natural Resources Maps 2 and 3. The draft plan does not appear to designate which of those areas are to be protected.

Section 5 – Future Land Use Element

The draft regional plan must include a future land use element. 24 V.S.A. § 4348a(a)(12). As the Board reviews the future land use map and land use categories, the Board will be relying on the land use categories listed in 24 V.S.A. § 4348a(a)(12) and on the Mapping Process and Standards v 3.0, which summarizes the methodology and planning considerations followed by the RPCs in developing the future land use map.

35. A future land use element, based upon the elements in this section, 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 using the land use categories as defined by 24

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V.S.A. § 4348a(a)(12).

Not evaluated for these comments.

36. Downtown Center - The traditional and historic central business and civic centers within planned growth areas, village areas, or may stand alone. 24 V.S.A § 4348a(12)(A).

Share any comments you have on proposed downtown centers.

Not evaluated for these comments.

37. Village Center - 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(12)(A).

Share any comments you have on proposed village centers.

Not evaluated for these comments.

38. Planned Growth Area - These areas include the 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. 24 V.S.A § 4348a(12)(B).

Share any comments you have on proposed planned growth areas.

The response to this question is based on Montpelier's proposed planned growth area and is contained in no. 49. Comments made in no. 49 might also apply to other planned growth areas.

39. Village Area - 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. 24 V.S.A § 4348a(12)(C).

Share any comments you have on proposed village areas.

Not evaluated for these comments.

40. Transition or infill Area - These areas include areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a planned growth or village area or a

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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(12)(D).

Share any comments you have on proposed transition or infill areas.

The response to this question is based on converting part of Montpelier's proposed planned growth area into transition or infill. The response is contained in no. 49. Comments made in no. 49 might also apply to altering parts of other planned growth areas into transition or infill areas.

41. Resource-based Recreation Area - These areas include 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(12)(E).

Share any comments you have on proposed resource-based recreation areas.

Not evaluated for these comments.

42. Enterprise Area - These areas include 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(12)(F).

Share any comments you have on proposed enterprise areas.

Not evaluated for these comments.

43. Hamlets - 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(12)(G).

Share any comments you have on proposed hamlets.

Not evaluated for these comments.

44. Rural; General - These areas include areas that promote the preservation of Vermont's

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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(12)(H).

Share any comments you have on proposed rural - general elements.

Not evaluated for these comments.

45. Rural; Agriculture 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(12)(I).

Share any comments you have on proposed rural - agriculture and forestry elements.

Not evaluated for these comments.

46. 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. Any portion of this area that is approved by the LURB as having Tier 3 area status shall be identified on the future land use map as an overlay upon approval. 24 V.S.A § 4348a(12)(J).

Share any comments you have on proposed rural - conservation elements.

Not evaluated for these comments.

47. Do the Rural Conservation areas identified on the plan's FLU map help meet the requirements of the Community Resilience and Biodiversity Act (10 V.S.A. Chapter 89) (see 24 V.S.A. 4348a(12)(J))?

Comment 47.A. The draft plan lacks sufficient information to evaluate how the identified areas help to meet the requirements of 10 V.S.A. chapter 89. It would help greatly for the regional plan to have a table providing the total land areas and the areas of each future land use category. The table would provide regional totals and amounts for each municipality in the region. One could then use that information to determine whether the region might be close to providing a

reasonable share to the 30x30 goal and the 50x50 goal. One could also use the information to see whether the environmental justice focus populations might be disproportionately affected with environmental burdens or benefits.

Comment 47.B. The table of land areas in Appendix D does not match the areas obtained by clicking on parcels on the future land use map.

Section 6 – Part E – New Tier 1B Status Requests

With Tier 1B Status Requests, the Board's review has two subparts: first, whether each municipality with proposed Tier 1B status areas meets the requirements of 10 V.S.A. § 6033(c)(1)-(6); and, second, whether the underlying proposed Tier 1B area/s as designated in the Future Land Use Map meets 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).

48. Subpart 1 - Requirements of 10 V.S.A 6033(c)

Instructions: to the extent that you have comments on whether the municipality/ies with proposed Tier 1B status areas meet the requirements of 10 V.S.A. § 6033(c), list the municipality, and if it does not meet the requirements of 10 V.S.A. 6033(c), any additional comments.

The subsections of 10 V.S.A. § 6033(c) are as follows:

- (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.

Comment 48.A. (1) This comment is specifically for Montpelier, although it does apply to all municipalities. Has the municipality requested to have the area mapped for tier 1B? The CVRPC is not providing copies of the actual requests from municipalities for tier 1B status. Instead, the

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CVRPC is providing a sheet for each municipality. The sheet covering Montpelier checks the box that a municipal resolution requesting tier 1B status for downtown center and planned growth area is "anticipated for final" Thus, it appears that no municipality has yet requested to apply for tier 1B status.

Comment 48.B. (4) are flood hazard areas excluded? This comment is specifically for Montpelier, although it does apply to all municipalities. It relates to the box for "Excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development." It seems inappropriate to lump the exclusion and exception together. It would be more accurate to split this row into two: "Excludes identified flood hazard and fluvial erosion areas" and "Contains identified flood hazard and fluvial erosion areas containing preexisting development in areas suitable for infill development". This would be accompanied by maps showing where the exclusions are.

Comment 48.C. This comment applies specifically to Montpelier, although it can apply to the other municipalities. (5) does Montpelier have water, sewer, or soils in all of the tier 1B area? The box for "Yes has been checked with notes "Water Supply: Montpelier Wastewater System"; Wastewater Infrastructure: Montpelier Wastewater System"; and "Soils Class I, II, and/or III on-site septic soils generally available in the areas identified as tier 1 eligible that are not served by municipal water or wastewater infrastructure." Soils are irrelevant except in village centers and village areas. Downtown centers are required to have both public water and public wastewater, because village centers (in the same subdivision of statute) are not required to have both. The description for planned growth areas does not allow for reliance on on-site systems. So the note on soils should be removed.

49. Subpart 2 - Underlying Future Land Use Map Designations

To the extent that you have comments on whether any FLU area as proposed on the Future Land Use Map and underlying a proposed Tier 1B area does not meet the requirements for a downtown or village center, planned growth area, or village area as described in 24 V.S.A. § 4348a(12)(A)-(C), list the municipality, description of the Tier 1B area, any underlying FLU map areas, and if it does not meet the requirements, any additional comments.

Comment 49.A. This comment refers to Montpelier's planned growth area shown on the draft FLU map. Portions of the planned growth area shown on the FLU map appear to be incorrectly included. They might be more appropriately shown as transition or infill.

Montpelier's planned growth area was created for its 2025 Plan. That was before Act 152 (2026) simplified and shortened the process to amend future land use maps and to make Tier 1B status requests. Thus, the areas of overreach on the region's future land use map should be removed now. The areas can be amended in later through the simplified process when they actually meet the criteria" a definite plan for public water and wastewater and the appropriate documents to be a planned Complete Streets area.

A planned growth area includes "the high-density existing settlement and future growth areas" and

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is required to be "served by public water or wastewater infrastructure". (24 V.S.A. §4348a(12)(B)(ii))

A transition or infill area is required to be "served by, or planned for, public water or wastewater, or both". (24 V.S.A. §4348a(12)(D))

The areas that appear to be improperly included in the planned growth area lack both public water and public wastewater, so they cannot be said to be "served by public water or wastewater infrastructure". Rather they might meet the condition for designation as a transition or infill area of "planned for public water and wastewater". The VAPDA mapping conditions for what it means to be "planned for" are specific, so it is not clear if the areas in question even meet the definition of "planned for".

VAPDA's mapping process for a planned growth area has four steps.

Step 1 Let's assume that Montpelier meets the requirements of Step 1 (administrative requirements relating to the City plan and zoning and subdivision).

Step 2 of the VAPDA mapping process for a planned growth area is to include all existing downtown development districts and growth centers.

Step 3 is to add the 1/2 mile interim Act 250 exemption.

Step 4 is to review whether the areas mapped in steps 2 and 3 should be expanded or reduced using six criteria (lettered a through f). The proposed planned growth area contains all the legacy growth center (1054 acres) plus additional land (totaling 1995 acres).

Criterion a. Is the area planned for higher density residential and mixed-use development? The municipal future land use map shows the area in question to be designated as planned growth area. The term "higher density" is never defined: not in chapters 151, 117, 76A or 139. The closest is that an existing settlement "has significantly higher densities than densities that occur outside the center" (10 V.S.A. §6001(16)(A)(ii)). Chapter 117 has a similar statement for downtown and growth center zoning districts (24 V.S.A. §4414(1)(A)(i)). Chapters 76A and 139 have nothing relevant. The expansions are shown on Montpelier's Future Land Use map as planned growth area.

Portions of the planned growth area are presently zoned as rural, meaning they are not planned for higher density.

Criterion b. Is the area served by public water or wastewater systems? Portions of the proposed planned growth area are served by neither public water nor public wastewater. Act 181 (2024) made all areas served by public water and wastewater into higher density areas. Thus they can be added to the planned growth areas. Areas not served by public water and wastewater should not have been added to the planned growth area. These should be removed from the proposed planned growth area. Please note that legacy growth centers are also subject to reduction,

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because of their initial inclusion in Step 2.

Criterion c. Is the area served by existing or planned Complete Streets Infrastructure? The VAPDA mapping process states "To be considered planned, it must be included in a capital budget, or other municipally adopted infrastructure plan that includes information on financing the planned infrastructure, such as an official map, annual municipal budget, or capital improvement program." I have not found any of the required supporting documents for planned Complete Streets infrastructure.

Criterion d. Snap the boundary of the planned growth area to parcel lines where reasonable.

Criterion e. Exclude flood hazard and corridor areas. The areas suggested for removal in this comment are not within or near either flood hazard areas or river corridors. So this will not affect the areas to be removed.

Criterion f. Verify the area is large enough to provide for a substantial portion of new housing. This can be done generally be a visual comparison of parcel boundaries and sizes in the remaining portions of the planned growth area to existing parcel boundaries and sizes in the legacy growth center. Montpelier's 2030 low housing target is 529 units. Montpelier's 2050 low housing target is 1676 housing units. The high housing targets were based on an unsustainable, short term surge during the early COVID years. That surge crested and is ebbing, so the low range targets are appropriate. The year 2030 will be the middle of the planning period of this regional plan. The regional plan will expire 4 years into the 2030 to 2050 period, or 1/5 of the 20 years. The incremental 2030 to 2050 target is $1676 - 529 = 1147$. One fifth of that increment is 229 units. So the target when the plan expires is $529 + 229 = 758$ units. The regional plan calls for 40% to be built outside the downtown center and planned growth area. Then 60% of the 2034 target would be built inside the downtown center and the planned growth area. That means that the target of units to be built in those two land use categories is $0.6 \times 758 = 455$ units. A visual inspection makes it appear that there is ample area in the remaining planned growth area to provide the 2034 target.

It is likely that the areas removed from the planned growth area would be designated as transition or infill. The areas to be removed lack both public water and wastewater. Transition or infill areas are not required to have either public water or wastewater.

Figure 1 shows the legacy growth area, the planned growth area, water lines, the sewer service area, and parcels. Parcels that do not appear to be eligible are bordered in blue and labelled A through E. The text on the figure explains each of the criteria that the parcel has not met.

Submit this form by email to the Land Use Review Board at act250.Board@vermont.gov.

Most of Parcel B is not eligible for planned growth area because most of it is served by neither public water nor public wastewater. It is not a high density area, being zoned rural. It has no streets and lacks the documents required for it to be considered a planned Complete Streets area.

Parcel D is ineligible because it is served by neither public water nor public wastewater. It is not a high density area, being zoned rural. It has no streets and lacks the documents required for it to be considered a planned Complete Streets area.

All these parcels likely are eligible for transition or infill status.