LAND USE REVIEW BOARD
PREAPPLICATION RESPONSE

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

Sent Via Electronic Mail to Recipient List

The Land Use Review Board has completed its preapplication review of the Central VT Regional Planning Commission preapplication RPC03-0001 that was deemed complete on 07/08/2026. A meeting occurred on 07/23/2026. Separately, the Board requested comments from state partner agencies and the public. Copies of those comments can be found on the database: https://anrweb.vt.gov/ANR/Act250/RPDetail.aspx?AppNum=RPC03-0001

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

I. Board Review

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

This preapplication response addresses the statutory standards and identifies areas where the: (1) the draft plan appears to conform, (2) the draft plan appears not to conform and likely needs revision, or (3) draft plan is insufficient for the Board to make a determination. If the CVRPC disagrees with a negative assessment, the Board will need additional information about why the CVRPC believes the statutory standard is met. Such additional information should be included with the adopted regional plan application. This preapplication response includes advisory recommendations of the Board that the CVRPC 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 1.300 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)

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

24 V.S.A. § 4302(a).

<u>BOARD RESPONSE</u>: The draft regional plan appears to conform with the general purposes of 24 V.S.A. § 4302(a).

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

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

(1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and State agencies.
(2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.

(3) To consider the use of resources and the consequences of growth and development for the region and the State, as well as the community in which it takes place.
(4) To encourage and assist municipalities to work creatively together to develop and implement plans."

24 V.S.A. § 4302(b).

BOARD RESPONSE: The draft regional plan appears to conform with 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.

(A) Intensive residential development should be encouraged primarily in downtown centers, village centers, planned growth areas, and village areas as described in section 4348a of this title, and strip development along highways should be avoided. These areas should be planned so as to accommodate a substantial majority of housing needed to reach the housing targets developed for each region pursuant to subdivision 4348a(a)(9) of this title.

(B) Economic growth should be encouraged in locally and regionally designated growth areas, employed to revitalize existing village and urban centers, or both.

(C) Public investments, including the construction or expansion of infrastructure, should reinforce the planned growth patterns of the area.

(D) Development should be undertaken in accordance with smart growth principles as defined in subdivision 2791(13) of this title."

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

BOARD RESPONSE: The draft regional plan appears to conform with Goal 1.

Goal 2:

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

BOARD RESPONSE: The draft regional plan appears to conform with Goal 2. Also see element #10.

Goal 3:

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

BOARD RESPONSE: The draft regional plan appears to conform with Goal 3.

Goal 4:

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

BOARD RESPONSE: The draft regional plan appears to conform with Goal 4. Also see element #4.

Advisory Recommendation: Consider including information on microtransit in the region.

Goal 5:

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

(A) significant natural and fragile areas;

(B) outstanding water resources, including lakes, rivers, aquifers, shorelands, and wetlands;

(C) significant scenic roads, waterways, and views;

(D) important historic structures, sites, or districts, archaeological sites, and archaeologically sensitive areas."

24 V.S.A. § 4302(c)(5).

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

Required Revisions:

- Scenic resources (page 37) are not well detailed and additional information is required to determine compliance with Goal 5. Historic and archaeological

resources are detailed on page 217; however, too briefly to determine compliance with Goal 5. Rare and irreplaceable natural areas (RINAs) are not mentioned in the plan but may overlap with resources identified as fragile areas. Many RINAs are mapped as significant natural communities on the ANR atlas and should be included in one of the natural resources maps and/or referenced in the text of the plan.

- Add a new map (or add to an existing map) ANR atlas layers that identify river corridors, vernal pools, and rare, threatened, and endangered species.

Advisory Recommendation: Wetlands: the Wetlands Program is updating the National Wetlands Inventory maps. The CVRPC should consult the draft maps prior to adjusting FLUAs to better understand the current extent of mapped wetlands and development potential.

Goal 6:

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

(A) Vermont's air, water, wildlife, mineral, and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. § 6086(a).

(B) Vermont's water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

(C) Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.

24 V.S.A. § 4302(c)(6).

BOARD RESPONSE: The draft regional plan appears to conform with Goal 6.

Goal 7:

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

(A) General strategies for achieving these goals include increasing the energy efficiency of new and existing buildings; identifying areas suitable for renewable energy generation; encouraging the use and development of renewable or lower emission energy sources for electricity, heat, and transportation; and reducing transportation energy demand and single occupancy vehicle use.

(B) Specific strategies and recommendations for achieving these goals are identified in the State energy plans prepared under 30 V.S.A. §§ 202 and 202b."

24 V.S.A. § 4302(c)(7).

BOARD RESPONSE: The draft regional plan appears to conform with Goal 7. Also see element #3.

Goal 8:

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

(A) Growth should not significantly diminish the value and availability of outdoor recreational activities.

(B) Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate."

24 V.S.A. § 4302(c)(8).

BOARD RESPONSE: The draft regional plan appears not to conform with Goal 8.

Required Revision: Outdoor recreation is detailed on page 213 in brief. Additional information, for example, on ski areas, the Cross Vermont Trail, and other public access to noncommercial outdoor recreation is required to determine compliance with Goal 8.

Goal 9:

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

(A) Strategies to protect long-term viability of agricultural and forestlands should be encouraged and should include maintaining low overall density.

(B) The manufacture and marketing of value-added agricultural and forest products should be encouraged.

(C) The use of locally-grown food products should be encouraged.

(D) Sound forest and agricultural management practices should be encouraged.

(E) Public investment should be planned so as to minimize development pressure on agricultural and forest land.

24 V.S.A. § 4302(c)(9).

BOARD RESPONSE: The draft regional plan appears to conform with Goal 9. Also see element #2.

Goal 10:

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

BOARD RESPONSE: The draft regional plan appears not to conform with Goal 10. The region is rich in mineral resources with quarrying playing a significant part in the area's history, built environment, and economy. Pages 42 to 43 of the draft plan focus on mineral resources but lack adequate detail about how to mitigate the potential impact of the utilization of those resources.

Required Revision: The draft regional plan must be revised to include guidance or policy on appropriate earth resource extraction and reclamation practices.

Advisory Recommendations:

- Consider reporting on the number of gravel pits and quarries and including a map of sand and gravel deposits and active and inactive extraction sites.
- Consider regional plan policies that encourage the evaluation of important deposit areas prior to development that would preclude future use of this finite resource.

Goal 11:

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

(A) Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income, and consistent with housing targets provided for in subdivision 4348a(a)(9) of this title.

(B) New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.

(C) Sites for multifamily and manufactured housing should be readily available in locations similar to those generally used for single-family dwellings.

(D) Accessory dwelling units (ADU) within or attached to single-family residences that provide affordable housing in close proximity to cost-

effective care and supervision for relatives, elders, or persons who have a disability should be allowed."

24 V.S.A. § 4302(c)(11).

BOARD RESPONSE: The draft regional plan appears to conform with Goal 11. Also see element #9.

Goal 12:

The twelfth goal requires the draft plan:

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

(A) Public facilities and services should include fire and police protection, emergency medical services, schools, water supply, and sewage and solid waste disposal.

(B) The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

24 V.S.A. § 4302(c)(12).

BOARD RESPONSE: The draft regional plan appears to conform with Goal 12. Also see element #5.

Goal 13:

The thirteenth goal requires the plan" [t]o ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development."

24 V.S.A. § 4302(c)(13).

BOARD RESPONSE: The draft regional plan appears to conform with Goal 13.

Goal 14:

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

BOARD RESPONSE: The draft regional plan appears to conform with Goal 14. Also see element #11.

Goal 15:

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

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

3 V.S.A. § 6003.

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

3 V.S.A. § 6002(6).

BOARD RESPONSE: The draft regional plan appears not to conform with Goal 15. Environmental Justice Focus Populations (EJFP) are mapped and an environmental benefits and burdens analysis is presented in Appendix E. However, the analysis is incomplete.

Required Revisions: Complete the Environmental Benefits and Burdens Analysis by reporting the results of the analysis in the table in Appendix E.

Advisory Recommendation: Add discussion of environmental benefits and burdens to transportation cost as it relates to housing in Chapter 12.

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.

BOARD RESPONSE: The draft regional plan appears consistent with the purposes of 24 V.S.A. § 4347.

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)

BOARD RESPONSE: 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).

BOARD RESPONSE: The draft regional plan appears to meet this requirement.

2. Natural Resources and Working Lands

A regional plan must contain:

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

(A) Indicates those areas of significant natural resources, including existing and proposed for forests, wetlands, vernal pools, rare and irreplaceable natural areas, floodplains, river corridors, recreation, agriculture using the agricultural lands identification process established in 6 V.S.A. § 8, residence, commerce, industry, public, and semipublic uses, open spaces, areas reserved for flood plain, forest blocks, habitat connectors, recreation areas and recreational trails, and areas identified by the State, regional planning commissions, or municipalities that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes.

(B) Indicates those areas that have the potential to sustain agriculture and recommendations for maintaining them that may include transfer of

development rights, acquisition of development rights, or farmer assistance programs.

(C) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the regional planning commission.

(D) Encourages preservation of rare and irreplaceable natural areas, scenic and historic features and resources.

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

24 V.S.A. § 4348a(a)(2).

BOARD RESPONSE: The Board is unable to determine whether the draft regional plan meets this requirement. Additional information is necessary for the Board to determine compliance.

Additional information required:

Appendix A: Maps – Natural resources maps, 1, 2, and 3 were created in 2007, 2008, and 2018. Additional information is required to ensure the natural resources maps reflect up to date information.

3. Energy

The draft regional plan must contain:

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

24 V.S.A. § 4348a(3).

BOARD RESPONSE: The draft regional plan appears to meet this requirement.

Advisory Recommendation: Consider including a discussion of how the energy burden for the area compares to the State's.

4. Transportation

A regional plan must include the following:

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

24 V.S.A. § 4348a(a)(4).

BOARD RESPONSE: The draft regional plan appears not to conform with this requirement.

Required Revision: The prioritization of projects, including bridge assessment, is required as additional information necessary to determine compliance with Element 4.

5. Utility and Facility

The Draft Regional Plan must contain:

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

24 V.S.A. § 4348a(a)(5).

BOARD RESPONSE: The draft regional plan appears to meet this requirement.

Advisory Recommendations:

- PFOAs or PFAS are not mentioned in relation to potable water or ground water. At the preapplication meeting, the RPC noted that this was not an issue in the region. It would be beneficial to state this in the plan.
- **On page 68, policy #2** would benefit from adding a reference to the CHIP program.
- **Appendix A Energy and Communication Map.** Consider including an updated broadband/wifi/cell tower facilities location map or coverage map. The map showing these services is 18 years old.
- **Appendix A Central Vermont Water Supply and Wastewater Systems.** The map was created 18 years ago. Consider updating the map to reflect the current extent of municipal water and wastewater facilities in the region.
- **Appendix A Central Vermont Educational Facilities.** The map was created 19 years ago. Consider updating the map to reflect current school district boundaries and facilities.

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).

<u>BOARD RESPONSE:</u> The draft regional plan appears to meet this requirement.

8. Compatibility with Other Plans

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

<u>BOARD RESPONSE</u>: The draft regional plan appears <u>not</u> to conform with this requirement.

Required Revision: Revise the draft plan to include an evaluation of compatibility with adjacent regional plans including level of coordination and description of similarities and differences between regions, particularly at the borders.

9. Housing

The draft regional plan must include:

> A housing element that identifies the regional and community-level need for housing that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and not more than 15 percent on transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types, and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it. The regional planning commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and shall disaggregate regional housing targets or ranges by municipality. The housing element shall include a set of recommended actions to satisfy the established needs.

24 V.S.A. § 4348a(a)(9).

BOARD RESPONSE: The draft regional plan appears to conform with this requirement.

Advisory Recommendations:

- **Page 260, Figure, Housing Targets by Unit Size.** Consider further explanation of housing targets by type and by unit size. Alternatively, consider adjusting the unit type target to reduce the percentage of single-family detached homes. There appears to be a disconnect between the housing targets by unit type on page 269 (overwhelmingly single-family detached) and the housing targets by unit size (overwhelmingly 0-2 bedrooms). Single-family detached homes tend to be 3+ bedrooms, so it doesn't make sense that 78% percent of new housing will be 0-2 bedrooms if 68% of new housing is comprised of single-family detached homes (includes mobile homes).
- There is also a mismatch of household size to housing units that should be further detailed.
- Infrastructure planning necessary to accommodate density should be further detailed in the housing chapter.
- **Appendix G, Substantial Regional Impact Definition.** Explain why the critical need for housing leads CVRPC to participate in Act 250 reviews of the

types of housing listed. Isn't such housing what is needed to address the critical need?

- Consider providing additional information on the location of affordable units.
- **Appendix A. Central Vermont Percent Town Change in Population 1995-2005.** Consider updating the map to show population change through either 2020 (decennial Census) or most recent and reliable American Community Survey data (e.g., 5-year ACS).
- **Appendix A Central Vermont Zoning by Town.** The map was created 18 years ago. Consider updating the map to show current allowable densities in the region.

10. Economic Development

The draft regional plan must include "[a]n economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth." 24 V.S.A. § 4348a(a)(10).

BOARD RESPONSE: The draft regional plan appears to meet this requirement.

11. Flood Resilience

The draft regional plan must include:

(A) A flood resilience element that:

(i) identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and

(ii) recommends policies and strategies to protect the areas identified and designated under this subdivision (A) and to mitigate risks to public safety, critical infrastructure, historic structures, and public investments.

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

24 V.S.A. § 4348a(a)(11).

BOARD RESPONSE: The draft regional plan appears not to meet this requirement.

Required Revision: Include river corridor mapping and ensure the flood hazard area map reflects the most recent FEMA flood insurance rate mapping.

12. Future Land Use

The draft plan must include:

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

24 V.S.A. § 4348a(a)(12).

BOARD RESPONSE: The draft plan appears not to meet this requirement.

Required Revisions:

Page 66, Rural Conservation Areas, Policy #2. Possible mandatory provision issue which could conflict with the housing element in statute, and ability to meet housing targets established in the plan. The mandatory provision in Policy 2 on page 66 requiring mitigation is standardless and must be removed, revised to use non-mandatory language, or standards must be included that adequately justify the mandatory policy.

Unmapped areas: Address various unmapped areas across the region by assigning an FLU type. For example, some road areas in Barre Town have no FLU type (i.e., data holes) – e.g., Richardson Road, Rudd Farm Drive, etc. Similarly for multiple roads in Cabot – e.g., Danville Hill Road. Similarly for some but not all roads in many other municipalities. Another example is along the Marshfield, Plainfield border, along Main Street extending from Plainfield into Marshfield.

(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 Centers**

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

BOARD RESPONSE: Pursuant to the preapplication checklist, the FLU map depicts the following 5 downtown centers:

> Barre City, Berlin, Montpelier, Northfield, and Waterbury.

The 5 proposed downtown centers in Barre City, Berlin, Montpelier, Northfield, and Waterbury all appear to meet the statutory standards for downtown centers.

Advisory Recommendations:

> **Page 57, Downtown and Village Centers, Policy #6.** Consider revising prioritization of public funding for affordable housing and assisted living facilities to also include planned growth areas and village areas associated with the centers.

- **Village Centers**

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

BOARD RESPONSE: Pursuant to the preapplication checklist, the FLU map depicts the following 30 village centers in 19 municipalities throughout the region:

> Barre Town (East Barre Village Center, Lower Graniteville Village Center, South Barre Village Center, and Upper Websterville Village Center); Berlin (Berlin Corners Village Center and Riverton Village Center); Cabot (Cabot Village Center, Lower Cabot Village Center); Calais (Adamant Village Center, East Calais Village Center, Maple Corner Village Center, North Calais Village Center); East Montpelier (East Montpelier Village Center, North Montpelier Village Center); Marshfield Village Center; Middlesex (Middlesex Village Center, Putnamville Village Center); Moretown Village Center; Northfield Falls Village

Center; Orange Village Center; Plainfield Village Center; Roxbury Village Center; Waitsfield Village Center; Warren Village Center; Washington Village Center; Waterbury Center Village Center; Williamstown Village Center; Woodbury (South Woodbury Village Center, Woodbury Village Center); Worcester Village Center.

28 proposed village centers appear to meet the statutory standards for village centers.

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

Required Revisions or additional supporting information:

Cabot - Lower Cabot: Although it is the location of the Town wastewater facility, the proposed Lower Cabot village center appears to be more of a hamlet. An alternate FLU type revision or additional supporting information is required to demonstrate this area is or will be a mixed-use center bringing together community economic activity and civic assets.

Middlesex - Putnamville: An alternate FLU type revision or additional supporting information is required to demonstrate this area is or will be a mixed-use center bringing together community economic activity and civic assets.

Advisory Recommendations:

Berlin – Riverton: Consider mapping Riverton as a hamlet rather than a village center. It has a legacy village center designation, but functionally appears to be more of hamlet with limited additional development potential.

Cabot - Lower Cabot: A new Village Center is proposed for Lower Cabot but it is split by river corridor and a better connection should be explored.

Calais - Adamant: Consider expanding the village center to include the adjacent rural conservation area that is already developed south of Haggett Road.

Calais - North Calais: North Calais has a legacy village center with village area to the west and south. A parcel to the south that was included in the legacy center is not included in the proposed Village Center and additional information is requested.

Orange: In the vicinity of the Village Center, a park is shown as Rural Conservation which results in the Center being bisected. Consider including some portion of the park in the Center to create consistency and connection.

Plainfield: A legacy village center and neighborhood surrounding it are proposed to be an expanded Village Center with some of the legacy neighborhood becoming Village Area. Village area to the north of the Center and along Marshfield border should be considered for Village Center. Village area along East Hill Road and to the south along Brook Road and Barre Hill Road may also be considered for Village Center.

Waterbury - Waterbury Center: Village Area surrounds the Village Center. Expansion of the Center should be explored.

Williamstown: Consider expanding the village center to include the schools and more of the area identified as village in the 2016 Town Plan.

Woodbury – South Woodbury: The new Village Center proposed for South Woodbury is split with an area to the south along Dog Pond Road. Additional information on connectivity is requested.

(B) Planned Growth Areas

The statute describes “planned growth areas” as:

> …high-density existing settlement and future growth areas with high concentrations of population, housing, and employment in each region and town, as appropriate. They include a mix of historic and nonhistoric commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations; public water or wastewater, or both; and multimodal transportation systems. These areas include new town centers, downtowns, village centers, growth centers, and neighborhood development areas previously designated under chapter 76A of this title. These areas should generally meet the smart growth principles definition in chapter 139 of this title and the following criteria:
>
> (i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title and has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.
> (ii) This area is served by public water or wastewater infrastructure.
> (iii) The area is generally within walking distance from the municipality’s or an adjacent municipality’s downtown, village center, new town center, or growth center.
> (iv) The area excludes identified flood hazard and river corridor areas, except those areas containing preexisting development in areas suitable for infill development as defined in section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.
> (v) The municipal plan indicates that this area is intended for higher-density residential and mixed-use development.

(vi) The area provides for housing that meets the needs of a diversity of social and income groups in the community.

(vii) The area is served by planned or existing transportation infrastructure that conforms with "complete streets" principles as described under 19 V.S.A. chapter 24 and establishes pedestrian access directly to the downtown, village center, or new town center. Planned transportation infrastructure includes those investments included in the municipality's capital improvement program pursuant to section 4430 of this title.

24 V.S.A. § 4348a(a)(12)(B).

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

BOARD RESPONSE: Pursuant to the preapplication checklist, the FLU map depicts the following 6 planned growth areas:

Barre City PGA Area, Barre Town (South Barre PGA Area), Berlin PGA Area, Montpelier PGA Area, Northfield PGA Area, Waterbury PGA Area.

The following 5 proposed planned growth areas appear to meet the statutory standards for a planned growth area:

Barre City, Barre Town, Montpelier, Northfield, and Waterbury

The proposed planned growth area in Berlin appears not to meet the statutory standards for a planned growth area.

Required Revision or additional information required:

The PGA area across Route 62 along Airport Road does not have sidewalks. Additional information on complete streets planning is required or the area should be considered for another FLU area category such as Transition Infill or Enterprise.

Advisory Recommendations:

Page 58. Planned Growth Areas. Last Paragraph. Consider expanding factors used, similar to the language used in the Village Area type - i.e., presence of water/sewer, etc. Also consider adding any relevant policies for planned growth areas and village areas.

(C) Village Areas

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

> These areas include the traditional settlement area or a proposed new settlement area, typically composed of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. These areas include existing village center designations and similar areas statewide, but this area is larger than the village center designation. Village areas shall meet the following criteria:
>
> (i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title.
> (ii) The municipality has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.
> (iii) Unless the municipality has adopted flood hazard and river corridor bylaws, applicable to the entire municipality, that are consistent with the standards established pursuant to 10 V.S.A. § 755b (flood hazard) and 10 V.S.A. § 1428(b) (river corridor), the area excludes identified flood hazard and river corridors, except those areas containing preexisting development in areas suitable for infill development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.
> (iv) The municipality has either municipal water or wastewater. If no public wastewater is available, the area must have soils that are adequate for wastewater disposal.
> (v) The area has some opportunity for infill development or new development areas where the village can grow and be flood resilient.

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

A regional planning commission may request that the Board approve designation of areas on the FLU map as designated neighborhoods. Areas eligible for neighborhood designation include village areas. 24 V.S.A. § 5804(a)(1). For the purposes designation, a “designated neighborhood” “…means a contiguous geographic area approved as part of the Land Use Review Board review of regional plan future land use maps that is compact and adjacent and contiguous to a center.” 24 V.S.A. 5801(13). The mapped village areas must meet the requirements of 24 V.S.A. § 4348a(a)(12)(C). The neighborhood designation recognizes that “the vitality of downtowns and villages is

supported by adjacent and walkable neighborhoods and that the benefits structure must ensure that investments for sprawl repair or infill development within a neighborhood is secondary to a primary purpose to maintain the vitality and livability and maximize the climate resilience and infill potential of centers." 24 V.S.A. § 5804(a)(1).

BOARD RESPONSE: Pursuant to the preapplication checklist, the FLU map depicts 23 village areas in 12 municipalities as follows:

> Barre City; Barre Town (East Barre, Lower Graniteville. Upper Graniteville, Upper Websterville); Berlin (Berlin Corners, Riverton); Calais (Adamant, East Calais, Maple Corners, North Calais); East Montpelier (East Montpelier and North Montpelier); Marshfield (Marshfield and Plainfield); Moretown (Moretown, Waterbury); Northfield (Northfield Falls); Plainfield (Plainfield Village Area); Waitsfield (Irasville); Warren (Warren), Waterbury (Waterbury and Waterbury Center).

22 proposed village areas appear to meet the statutory standards for village areas.

The proposed village area in Barre Town - Upper Graniteville Village Area appears not to meet the statutory standards for a village area.

Required Revision: This appears to be a village area without a corresponding village center or downtown center. Revise the FLU mapping. Use an alternate FLU area such as village center with village area around it or rural general.

Advisory Recommendations:

Barre Town: The Village Area east and north of the Barre City PGA in the vicinity of Cassie Street lacks sidewalks and should be considered for Transition Infill or additional information provided on complete streets planning.

Plainfield: A legacy village center and neighborhood surrounding it are proposed to be an expanded Village Center with some of the legacy neighborhood becoming Village Area. Village area to the north of the Center and along Marshfield border should be considered for Village Center. Village area along East Hill Road and to the south along Brook Road and Barre Hill Road may also be considered for Village Center.

(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).

BOARD RESPONSE: The proposed transition/infill areas appear 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).

BOARD RESPONSE: The proposed resource-based recreation areas appear to meet the statutory standards for resource-based recreation areas.

(F) Enterprise Areas

The statute describes "enterprise areas" as:

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

24 V.S.A. § 4348a(a)(12)(F).

BOARD RESPONSE: The proposed enterprise areas appear to meet the statutory standards for enterprise areas.

(G) Hamlets

The statute describes "hamlets" as:

> small historic clusters of homes and may include a school, place of worship, store, or other public buildings not planned for significant growth; no public water

supply or wastewater systems; and mostly focused along one or two roads. These may be depicted as points on the future land use map.

24 V.S.A. § 4348a(a)(12)(G).

BOARD RESPONSE: There are currently no proposed hamlets and no requirement that there be any hamlets.

(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).

BOARD RESPONSE: The proposed rural - general areas appear to meet the statutory standards for rural - general areas with the following exceptions requiring revisions:

Required Revisions: Revise rural general FLU area mapping to eliminate very small polygons that appear to be "leftover" or interstitial space between other FLU types. Many examples across the region – e.g., 751 Granger Road, Berlin; areas around the Barre City downtown center.

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).

BOARD RESPONSE: The proposed rural – agricultural and forestry areas appear to meet the statutory standards for rural – agricultural and forestry areas.

Rural - Conservation. These are areas of significant natural resources, identified by regional planning commissions or municipalities based upon existing Agency of Natural Resources mapping that require special consideration for aquifer protection; for wetland

protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes. The mapping of these areas and accompanying policies are intended to help meet requirements of 10 V.S.A. chapter 89. 24 V.S.A. § 4348a(a)(12)(J).

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

BOARD RESPONSE: The proposed rural – conservation areas appear to meet the statutory standards for rural - conservation areas with the following exceptions:

The following proposed rural - conservation areas appear not to meet the statutory standards for rural - conservation areas. Although in the flood hazard or river corridor areas, these areas do not fit the rural conservation FLU area definition. Many of these areas could be suitable for redevelopment or infill if designed properly for flooding impacts (e.g., elevation, flood proofing, etc.).

Required Revisions:

Barre City: Revise the rural conservation FLU area mapping for already highly developed areas around the downtown center. Use an alternate FLU area such as downtown center, planned growth area, or enterprise.

Berlin: Revise the rural conservation FLU area mapping for already highly developed areas along Route 302. Use an alternate FLU area such as transition/infill or enterprise.

Marshfield: Revise the rural conservation FLU area mapping for already developed areas along Creamery Street, Route 215, and Gilman Street. Use an alternate FLU area such as village center or village area.

Montpelier: Revise the rural conservation FLU area mapping for already developed areas like the high school and along Green Mountain Drive. Use an alternate FLU area such as downtown center, planned growth area, or enterprise.

Washington: Revise the rural conservation FLU area mapping for already developed areas along Route 110 in the center of the proposed village center. Use an alternate FLU area such as village center.

Waterbury: Revise the rural conservation FLU area mapping for already developed areas along Winooski Street, Randall Street, Main Street (Route 2),

Armory Drive. Use an alternate FLU area such as downtown center or planned growth area.

Woodbury: Revise the rural conservation FLU area mapping for already developed areas along Church Street, Valley Lake Road, and Route 14. Use an alternate FLU area such as village center.

BOARD RESPONSE: The Board is unable to determine whether the following proposed rural - conservation areas appear to meet the statutory standards for rural - conservation areas.

Additional information required:

Warren: A legacy village center is expanded to be a larger Village Center with Village Area to the north and south with a portion of Main Street in Rural Conservation. Additional information on the choice of Rural Conservation for this proximate area is required.

Advisory Recommendations:

Barre Town: Consider placing the Barre Town school in alternate FLU type, rather than rural conservation.

Orange: In the vicinity of the Village Center, a park is shown as Rural Conservation which results in the Center being bisected. Consider including some portion of the park in the Center to create consistency and connection.

Page 65, Rural Areas, Policy #3. Consider changing language to enable landowners to realize the financial benefit of resource protection. Landowners bear not only the financial responsibility for resource protection, but also the benefits.

(I) Special Use Category

BOARD RESPONSE: The following proposed special use category areas appear to not meet the statutory standards for the special use category.

Required Revisions:

General: Use an alternate FLU area for the interstate highway and State highways. Instead of mapping as a special use FLU area, the mapping of these highways should be like other roads in the region – i.e., generally consistent with the surrounding FLU area in keeping with the VAPDA mapping methodology for road rights of way.

Barre Town: Revise the special use FLU area mapping for the railroad corridor or right of way area. Use an alternate FLU area consistent with the surrounding FLU area.

BOARD RESPONSE: The Board is unable to determine whether the following proposed special use category areas appear to meet the statutory standards for the special use category.

Additional supporting information required:

General: Provide more information supporting the various areas mapped in the special use FLU type. This draft regional plan future land use map uses this FLU type much more and for a wider variety of land uses than any other region in the state. Provide more rationale for including land uses such as the old landfill property in Moretown, Norwich University campus in Northfield, etc.

Montpelier: A Special Use District is proposed for the Capital that will exclude it from the Downtown Center (it is part of the legacy Downtown). Additional information is required on why this historic asset is removed from the Downtown while the rest of the capital complex is included in the Downtown Center.

Moretown: Note the general/overall comment about wanting more information on special use FLU areas.

Northfield: Note the general/overall comment about wanting more information on special use FLU areas – e.g., Norwich University (particularly the undeveloped forested area to the northwest of the campus).

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)

BOARD RESPONSE: The Commission identified the following 15 Tier 1B eligible municipalities:

Barre City, Barre Town, Berlin, Cabot, Calais, East Montpelier, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Plainfield, Waitsfield, Warren, Waterbury.

At this time, all 15 of the proposed Tier 1B areas appear to meet the requirements for Tier 1B status as enumerated in 10 V.SA. 6033(c), pending timely receipt of municipal resolutions. However, to the extent, that the underlying future land use areas appear not to meet the requirements of 24 V.S.A. § 4348a(a)(12)(A)-(C) as described in Section I(D)(12)(A)-(C) of this preapplication response, revisions may be necessary before Tier 1B status can be conferred.

II. Conclusion

To the extent that a statutory standard as indicated above appears not to be met, the Board requires 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 the email address below with any questions about this regional plan and Tier 1B requests preapplication response.

Dated this September 8, 2026

By /s/ Sarah Hadd
Sarah Hadd, Vice-Chair
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Adopted by the Board at the September 8, 2026 meeting.

Recipient List

A copy of the foregoing **Preapplication Response for RPC03-0001** has been sent on this September 8, 2026 as follows. To the extent that an email is not listed, the document has been sent by U.S. First Class mail.

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Dated September 8, 2026.

/s/ Catherine Gott
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