

**PREAPPLICATION REVIEW: COMMENT FORM
DRAFT REGIONAL PLAN**

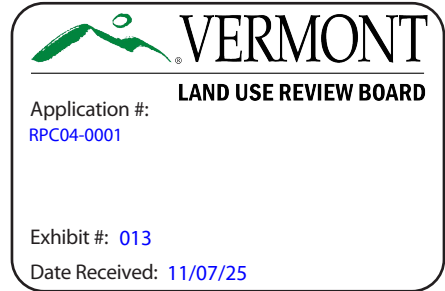
Regional Planning Commission: CCRPC

Submission Date: November 7, 2025

State Agency: NA

Name of Reviewer: Andrew Gill, O'Brien Brothers Agency

Reviewer Email: andrew@obrienbrothersvt.com



INSTRUCTIONS

Who can submit this form?

If a state agency wishes to make comments on a filed preapplication, this form **must** be used. Members of the public may also use this form to provide written comments or can provide verbal comments at a Board meeting during the preapplication 60-day review period.

How to submit this form?

This comment form must be submitted electronically by emailing a PDF copy to **Act250.Board@vermont.gov** within **30 days** from notification that the Board has deemed a preapplication complete.

What is the scope of comments?

The purpose of the 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 a given section, leave that section blank.

What does conformance mean?

Because the draft regional plan is prospective in nature, the Board will review the preapplication to determine if the draft regional plan were implemented in its entirety:

	Would the draft regional plan lead to substantial progress toward meeting the state goals in 24 V.S.A. 4302;
	Whether the draft regional plan contains the requirements of 24 V.S.A. § 4348a;
	If the draft regional plan includes neighborhood designations, whether the requirements of 24 V.S.A. §§ 5803 and 5804 are met.
	If the draft regional plan includes proposed s Tier 1B areas, whether the requirements of 10 V.S.A. § 6033(c) are met.

OUTREACH AND NOTIFICATION

COMMUNITY OUTREACH AND MEANINGFUL PARTICIPATION IN PLAN DEVELOPMENT

24 V.S.A. § 4348 calls on Regional Planning Commissions to “allow for meaningful participation” in the adoption and amendment of a regional plan. Meaningful participation is defined in 3 V.S.A. § 6002. This section reports on the community outreach efforts undertaken for this plan’s development that advance meaningful participation, including information about engagement of Environmental Justice Focus populations, also defined in 3 V.S.A. § 6002.

Does the preapplication include information about the outreach strategy, how the RPC sought to reach Environmental Justice Focus populations in the development of this plan, and the results of these efforts?

No Comment

PART A – CONSISTENCY WITH STATE PLANNING 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 applicant must provide detailed information about how the plan meets the general and specific goals outlined in 24 V.S.A. § 4302(b) and § 4302(c).

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.

Comments: No Comment

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.

- (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.

Comments: No Comment

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. § 4202(c)(1)(A)?

Comments: The requirements to designate a planned growth area appear to include that the area must be slated for growth in the Town Plan. In a singular instance, the land that is owned by O'Brien Brothers in Shelburne, VT, 110 acres adjacent to Irish Hill Road and Thomas Road, that has planned growth of 375 dwelling units, has been omitted, because the Town Plan has not yet caught up to newly adopted zoning regulations put in place in conformance with new state laws. The Town is currently working on a singular amendment to the Town plan to adjust the future growth map to include the 110 acre O'Brien owned parcel, and we expect that process to be complete by March. Given this, we are requesting that the parcel be included as a planned growth area in the mapping. We have spoken to the RPC about this issue and are hopeful that it can be resolved. The parcel in question is zoned for growth, the municipality has executed with the developer a development agreement to achieve that growth, and has extended water and sewer to that end. With 375 dwelling units planned and active permitting work underway, it seems this area should be included in the growth areas mapped.

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.

Comments: No comment

Goal 3: To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

Comments: No comment

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.**

Comments: No comment

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.**

Comments: No Comment

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.**

Comments: No Comment

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.**

Comments: No Comment

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.

Comments: No Comment

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.

Comments: No Comment

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.

Comments: No Comment

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.**

Comments: No Comment

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.

Comments: No Comment

Goal 13: To 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.

Comments: No Comment

*** Goal 14:** (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.

(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.

**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*

Comments: No Comment

Goal 15: To equitably distribute environmental benefits and burdens as described in 3 V.S.A. chapter 72

Comments: No Comment

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), and above.

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

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 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.

Comments: No Comment

PART C – REQUIRED ELEMENTS 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 regional plan elements as described in 24 V.S.A. § 4348a, except that the requirements of 24 V.S.A. § 4352 related to enhanced energy planning are under the sole authority of the Department of Public Service.

The application must provide details about how the regional plan is consistent with the regional plan elements listed below.

(1) 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

Comments: No Comment

(2) 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.

Comments: No Comment

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))?

No Comment

(3) 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.

Comments: No Comment

(4) 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.

Comments: No Comment

(5) 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.

Comments: No Comment

(7) 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.

Comments: No Comment

(8) A statement indicating how the regional plan relates to development trends, needs, and plans and regional plans for adjacent municipalities and regions.

Comments: No Comment

(9) 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.

Comments: No Comment

(10) 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.

Comments: No Comment

(11)(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.

Comments: No Comment

(12) 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 V.S.A. § 4348a(a)(12)

Applicants must use the following mapping checklist to demonstrate conformance with this required element of the regional plan.

Definitions for each land use category can be found in [24 V.S.A. § 4348a\(a\)\(12\)](#). In addition, [Mapping Process and Standards v 3.0](#) summarizes the methodology and planning considerations followed by RPCs in developing the future land use map.

Comments: No Comment

Downtown Center

Municipalities with a Downtown Center:

Municipality	Downtown Center Name	Boundary Note (optional)
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: No Comment

Village Center

Municipalities with a Village Center:

Municipality	Village Center Name	Boundary note (optional)
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: No Comment

Planned Growth Area

Municipalities with a Planned Growth Area:

Municipality	Planned Growth Area Name/Description	Boundary note (optional)
Shelburne	Planned Growth Area	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: As noted above, we believe that the RPC mapped this area consistent with mapping and process standards, but that with the adoption of new zoning in conformance with State law, many communities may have densely zoned areas where the Town plans have not yet caught up. In our case, there is a specific process in place to catch up the maps, and so we are requesting at the spring submission, the RPC adjust the growth area boundary to include our lands, which by that time should be included in an updated Town map.

Village Area

Municipalities with a Village Area:

Municipality	Village Area Name/Description	Boundary note (optional)
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: No Comment

Enterprise Areas

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: NO Comment

Transition Areas

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: No Comment

Resource-based Recreation Areas

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: NO Comment

Hamlets

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: No Comment

Rural Areas: General

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: No Comment

Rural Areas: Agriculture and Forestry

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: No Comment

Rural Areas: Conservation

- RPC mapped this area consistent with the mapping process and standards.
- RPC mapped this area consistent with the mapping process and standards with the following modifications to address local and regional context:

Comments: No Comment

PART D – COMPATIBILITY WITH ADJACENT REGIONAL PLANNING AREAS

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 compatible with adjacent regional planning areas. 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.

Comments: No Comment

Tier 1B Status Requests (see Tier 1B form)