



From: [Kati Gallagher](#)
To: [Act250 - Board](#)
Cc: [jgroveman](#); [Lauren Hierl](#)
Subject: VNRC Comments Re: NRPC Pre-Application
Date: Friday, November 21, 2025 4:10:30 PM
Attachments: [NRPC FLUM Comments - VNRC.pdf](#)
[VNRC NRPC Regional Plan Preapplication Review Comment Form.docx](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Chair Hurley,

On behalf of the Vermont Natural Resources Council, thank you for the opportunity to comment on the Northwest Regional Planning Commission's draft Future Land Use Map.

VNRC's comments can be found in the attached Pre-application Review Form, as well as a separate letter that includes additional general comments and comments specific to Tier 1B eligibility. My apologies in advance - I wasn't able to fix the formatting in the form!

Please let us know if you have any questions.

Sincerely,
Kati Gallagher

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

Regional Planning Commission: Northwest Regional Planning Commission

Submission Date: November 21, 2025

State Agency: N/A

Name of Reviewer: Vermont Natural Resources Council

Reviewer Email: kgallagher@vnrc.org

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?

Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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

Comments: Click or tap here to enter text.

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: [Click or tap here to enter text.](#)

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: [Click or tap here to enter text.](#)

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

*** 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: Several existing and proposed Centers include flood hazard areas, river corridors, wetlands, and RTEs as determined from available data layers (note that DFIRMs were not available for this review). Given that no plan or regulations are required for initial mapping and designation as a Village Center, this alone does not preclude FLU mapping but may limit subsequent village development. Major river corridors (Missisquoi, Lamoille) and associated structures are largely excluded from mapped Village Centers, except for those properties that directly border the river. Affected areas are generally covered under the NFIP, under locally adopted flood hazard regulations, but these were not reviewed to determine if they also meet state flood hazard area standards, especially as applicable to infill development within these areas, since this is not a requirement for initial mapping as a DC or VC.

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

Comments: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

(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: Click or tap here to enter text.

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))?

Click or tap here to enter text.

(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: Click or tap here to enter text.

(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: Click or tap here to enter text.

(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: Click or tap here to enter text.

(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: Click or tap here to enter text.

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

Comments: Click or tap here to enter text.

(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: Click or tap here to enter text.

(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: Click or tap here to enter text.

(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: Click or tap here to enter text.

(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: Click or tap here to enter text.

Downtown Center

Municipalities with a Downtown Center:

Municipality	Downtown Center Name	Boundary Note (optional)
St. Albans City	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.
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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.

- 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: The proposed expansion of St. Albans City’s Downtown Center to include the adjoining St. Mary’s Church property is consistent with the traditional mix of uses found within its historic downtown district. Other areas proposed for inclusion within the expanded Downtown Center, as accessed from Lower Welden Street, are not adjacent to or consistent in character and form with the city’s traditional central business district. While these areas include a mix of residential and a few civic uses (fire and police stations, Houghton Park), this stretch is more characteristic of lower density, auto-oriented commercial and light industrial development – e.g., as mapped to include the A & R Belley packaging plant. For purposes of future downtown or neighborhood redevelopment, these areas would more appropriately remain within the City’s Growth Center FLU designation, allowing for more walkable, higher density, mixed use development and associated neighborhood designations where appropriate

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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.
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- 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: Most of the eighteen legacy Village Centers (VC) proposed for expansion are consistent with the statutory definition of Village Center and relevant state planning goals. As mapped by the NRPC they generally remain representative of smaller, more rural, historic and traditional town centers that, though lacking infrastructure and services, support a mix of uses, including a few homes, businesses, and a civic building or two. They are also for the most part compact and walkable, even absent sidewalks on less travelled roads – generally less than a mile in overall length and width. Several proposed expansions incorporate additional public properties within walking distance of the existing center – e.g., a school, town park, or a municipal or civic building, consistent with a traditional mix of uses. These areas may also include undeveloped land that, where supported by local soils, could allow for additional housing and mixed-use development within walking distance of the existing center. Of note, however:

- Expansions of historic commercial cores (legacy designation areas) well beyond the traditional central business district are proposed for both the Enosburg and Swanton VCs – to incorporate gridded street networks, surrounding residential neighborhoods, and additional commercial areas, including some existing auto-oriented strip development along major routes (e.g., the proposed extension of the Swanton VC by nearly a mile along Grand Street (RT 7)). While both villages are served by water, wastewater, and pedestrian infrastructure – allowing for more walkable, higher density residential and

mixed-use infill and redevelopment – these proposed centers as mapped are not consistent with the statutory description of a Village “Center” as a “traditional and historic central business and civic center”. Areas adjacent and within walking distance of the existing village centers would more appropriately be included in a Village Area (VA) or the bordering Planned Growth Area (PGA), allowing for higher density residential or mixed use development and neighborhood designations where appropriate. • Three of the proposed new VCs clearly meet the statutory definition of a traditional center, including Berkshire Center, Binghamville (Fletcher), and Isle La Motte. Of the remaining:- The proposed Georgia Center VC also generally meets the statutory definition of a traditional center. As mapped it coincides with the Georgia Center historic district and incorporates a representative mix of uses along US 7, including the town office. As extended to the south of Plains Road, however, the proposed center also includes farm and commercial buildings that are not characteristic of a VC. - The proposed South Fairfax VC, located at the intersection of Routes 104 and 128 across the river from the town’s traditional town center, consists almost entirely of lower density commercial development, in an area that is more characteristic of auto-oriented commercial strip development. It is not an historic or traditional center, and lacks connecting pedestrian infrastructure. If proposed for higher density, mixed use infill and redevelopment, it might be better mapped as a Transition Area, or included in the neighboring VA, as an extension of the existing village center to the north. - The proposed Fletcher Center VC, while historically a community center given the presence of the Union Meeting House, has never been the commercial center of the town. It remains a small, residential hamlet, located less than a mile from Binghamville, the town’s traditional center.- The proposed Georgia South VC, located at the intersection of US 7 and 104A just south of the I-89 interchange, does not meet the statutory definition of an historic, traditional town center. Though bordering more recent residential development to the south, as mapped this area consists almost entirely of lower density, auto-oriented commercial businesses fronting along on each road. Given its location along a divided highway near the interchange, the area is also not very walkable or pedestrian friendly. If proposed for higher density, mixed use redevelopment, it would more appropriately be characterized as a Transition Area. - The proposed Grand Isle Station VC, though historically the location of the former Grand Isle railroad station, also does not meet the statutory definition of a village center. The mapped area includes a cemetery, the town garage, and a few houses on larger lots – more characteristic of a rural hamlet.

Planned Growth Area

Municipalities with a Planned Growth Area:

Municipality	Planned Growth 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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- 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: The NRPC FLUM proposes five PGA’s, all associated with municipalities and proposed VCs that are served by municipal wastewater: Enosburg Falls, Fairfax, Richford, St. Albans Town and City, and Swanton. For the most part, these areas are comprised of a wide range of existing land uses and settlement patterns, including historic residential neighborhoods, more recent residential subdivisions, mobile home parks, industrial uses, institutional facilities, commercial strip development and big box retail establishments, and large tracts of undeveloped and/or agricultural land. With the exception of existing or planned access to municipal wastewater disposal, several areas included within proposed PGAs have settlement patterns that are interchangeable with VA’s. This raises several questions:• It is unclear why the distinction between VA and PGA was made. It would be useful to understand if the rationale for designating PGAs in certain locations is to extend existing residential neighborhoods. In these instances, including much of the proposed Richford, Swanton, Enosburg Falls, Fairfax and Georgia PGAs and the St. Albans PGA north of St. Albans City and east of the Missisquoi Rail Trail and south of the City and west of the properties that front on Route 104. These areas seem better suited for VA designation. Substantial portions of some of the proposed PGAs have been developed as predominately commercial land uses, in several instances as commercial strips. Act 181 anticipated that RPCs may choose to plan for the transition of these areas to higher density, mixed use and residential areas. According to 24 VSA (§ 4348a (D) Transition or infill areas:“...include areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a planned growth or village area or a 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.”The clear intent of this land use category is to transform areas characterized predominately by commercial sprawl into a more traditional village pattern. Areas that should be defined as Transition or Infill areas include: - The portion of the

proposed St. Albans PGA north of St Albans City along Route 7 and west of the Missisquoi Rail Trails; and a portion of the area south-east of the City along the Route 104 corridor, which have historically experienced commercial strip development. These areas would more appropriately be designated a Transition Area. - The eastern portion of the Enosburg Falls PGA along Route 105 would also more appropriately be designated a Transition Area. - The northern portion of the Swanton, which is largely comprised of residential neighborhoods, appears better suited for VA designation. We found that the NRPC was generally careful to draw PGA boundaries to be “generally within walking distance from the municipality’s or an adjacent municipality’s downtown, village center, new town center, or growth center,” with two significant exceptions. The walking distance criteria is among the most specific of the requirements under §4348a(B). As is the case regarding Vas, a widely accepted standard for walkability is ¼ to ½ mile from end to end. In this case that ending point associated with the existing center is the “municipality’s or .. adjacent municipality’s downtown, village center, new town center, or growth center.” In many instances, a traditional downtown or traditional village center may be surrounded by residential neighborhoods, which would support a narrow interpretation of walking distance of ¼ mile, as access to services (e.g., shopping, employment, civic and cultural resources) could be an additional ¼ mile or more away through adjacent residential neighborhoods. However, we have taken a much less restrictive interpretation of this standard to measure from the edge of the VC. Arguably, this will result in significantly larger PGAs than what was anticipated in statute. Despite this less restrictive interpretation, two areas do not comply with this standard:- The northern boundary of the St Albans PGA is approximately 1.6 miles to north of the VC/St. Albans City Growth Center – considerably farther than the most extreme interpretation of walking distance. The eastern boundary is approximately 1.0 miles to east of the VC – again, twice the distance of what we consider to be an expansive interpretation of being within walking distance. - The northern boundary of the Swanton PGA along Route 7 is nearly a mile north of the boundary of the expanded VC, and further from the existing VC. We have suggested that the area proposed to be added to the legacy village center would be more appropriately designated as VA or PGA, which would extend the distance from the northern boundary even further. Both of these areas should be scaled back to comply with the walkability standard. As we explained at the beginning of these comments regarding general considerations for reviewing FLUMs, we urge the LURB to avoid making overly expansive boundary determinations. It is important to take into account housing targets and whether the amount of land determined eligible for PGA and VC status will allow for relatively low-density development that will likely be disconnected from the associated VC by pedestrian and complete street infrastructure for years to come, or whether it will result in the efficient use of land and well-planned extension of compact, walkable neighborhoods. Given that regional planning is an ongoing endeavor and that this initial review of FLUMs and regional plans is the beginning of what we anticipate to be a decades long process, we expect that as communities grow there will be many opportunities to expand boundaries in conjunction with ongoing community and infrastructure development.

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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.
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: We are generally pleased with NRPC’s approach to mapping VAs. Such areas were proposed adjacent to the following 23 proposed VCs: BakersfieldBerkshire CenterBinghamvilleEast BerkshireEast FairfieldFairfieldFranklinGeorgia CenterGeorgia South VillageGrand IsleGrand Isle StationHighgate CenterHighgate FallsKeeler BaySt. Albans BayShelden CreekShelden SpringsSouth HeroSouth Fairfax VillageWest Berkshire We reviewed each of the proposed VAs for consistency with the criteria under §4348a and offer the following observations and recommendations. • Nineteen of the proposed VA’s “include a designated village center” – that is, they are contiguous to a VC and will serve to extend traditional village and neighborhood settlement patterns and are generally eligible for “Neighborhood” designation due to the concentration of housing. A possible exception to the VA being contiguous to a VC, however, is Fairfield, where a small section of the proposed VA east of the VC is separated by conservation lands associated with a river corridor. Because the South Fairfax, Fletcher Center, Georgia South and Grand Isle Station VCs do not comply the requirements of 24 VSA § 4348a(A), the associated VA’s likewise do not meet the requirements for VAs as they are not extending an existing traditional center. • It is not clear whether several proposed VAs will consist of areas that are “composed of a cohesive mix of residential, civic, religious, commercial or mixed-use buildings arranged along a main street with intersecting streets...” (note that walking distance is addressed separately, below). As explained in our comments regarding the Rutland FLUM, the review and approval of local policies is not an explicit requirement of the FLUM approval process. It is, however, a critical step in understanding whether the various land use designations will achieve the standards for

approval. A review of the land use policies in communities with proposed VAs indicate that is not possible without significant changes in land use and infrastructure policy. Many of the areas proposed for VA designation are presently comprised of land included in zoning districts that require a one-acre minimum lot size and/or one acre per dwelling unit (Bakersfield, Binghamville, Georgia, Grand Isle, and Highgate). Our concern is that development in these areas, under current regulations, will be low density, land consumptive and not achieve a compact, walkable development pattern. In contrast, it appears as though much of the land comprising the proposed St. Albans Bay VA requires a minimum lot of 8,700 square feet; East Berkshire requires a minimum lot of ¼ acre if served by water, and South Hero does not establish a minimum lot size. While the lack of infrastructure may still prevent the development of reasonably dense neighborhoods in these areas, there are not the regulatory barriers that exist in the other communities. We urge the LURB to determine whether the proposed designation of VAs is consistent with current or anticipated land use policies that are consistent with their ability to achieve the development pattern that is consistent with the statute.

- We found that the NRPC was generally careful to draw VA boundaries that are “within walking distance for residents who live within and surrounding the core.” A key legislative goal in enacting Act 181 was to support longstanding planning and development goals of facilitating the development of compact, walkable communities in and around traditional Village Centers and Downtowns. This requires that areas planned for village expansion be located within what is widely accepted to be a maximum of one-quarter to a half-mile from core services and facilities, and be served with adequate pedestrian infrastructure (e.g., sidewalks, walking and multi-use paths, complete streets). We have no objection to the proposed VAs based on proximity to the adjacent VC. We did not, however, undertake a detailed review of existing or planned pedestrian infrastructure or compliance with complete streets standards. It is clear that several of the proposed VAs do lack pedestrian connections along significant stretches of existing roads. These include:-
 - St. Albans Bay along Lake Street and Church and Little County, which provide access to the bulk of the land proposed as a VA.-
 - South Hero along South Street.-
 - The Grand Isle VA and the associated VC. -
 - Much of Highgate Center.

We recognize the chicken and egg dilemma raised by planning for village expansion that may appropriately involve future development of predominantly undeveloped land and areas with low existing development densities. It is reasonable that pedestrian connections may be developed over time through the municipal capital planning and development review processes. Understanding those local policies and programs to determine whether the local government is committed to achieving walkable neighborhood development patterns is an important consideration. According to the state planning atlas, Highgate and St. Albans both have adopted capital plans, while South Hero and Grand Isle have not.

- The NRPC generally included areas within proposed VAs WITH “soils that are adequate for wastewater disposal.” As we mentioned in our comments on the Rutland FLUM, we are concerned that Group III soils do not meet the statutory definition of “adequate for wastewater disposal,” as the USDA Natural Resources Conservation Service defines these soil categories as being “composed of soil map units that have a greater degree of limitations than Group II. They may require more intensive on-site investigations to locate suitable areas or they may require more sophisticated designs to overcome the limitations. Soil map units with a shallow seasonal high-water table may require seasonal on-site monitoring of the water table to determine if the site is suitable. Some areas of these soil map units may not be suited for soil-based wastewater disposal systems.” Given the limitations of Group III soils to meet these development goals, we would urge the LURB to use caution in considering their inclusion

in VA designations. While most of the land included in the proposed VAs are comprised of Group I and Group II soils types – which are well suited and moderately suited for on-site wastewater disposal, respectively, several of the VAs are comprised of significant areas of soils with seasonal high-water tables and/or shallow depth to bedrock (St. Albans Bay, Fairfield, Franklin and Grand Isle). That said, in most instances there appear to be reasonable soil conditions to accommodate some on-site wastewater in within most proposed VAs.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

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



November 21, 2025

Janet Hurley, Chair
Vermont Land Use Review Board
10 Baldwin Street
Montpelier, VT 05633-3201

Dear Ms. Hurley:

Thank you for the opportunity to comment on the Northwest Regional Planning Commission's (NRPC) draft Future Land Use Map (FLUM). The Vermont Natural Resources Council (VNRC) recently submitted comments regarding the Rutland Regional Planning Commission's draft FLUM. Those comments provided past involvement with the enactment of Act 181, and offered some general recommendations to the LURB that apply to these comments as well. Those include our hope that the LURB:

- Takes a cautious approach to approving boundaries because regional planning is an ongoing process and boundaries will evolve over time to accommodate changing circumstances and opportunities for future expansion.
- Require accountability of local and regional land use decisions to ensure that those decisions are consistent with state planning and development goals set forth in 24 VSA §4302, smart growth principles under 24 VSA §279, and future land use requirements under §4348a.
- Consider legislative intent when interpreting provisions of the Act that may be subject to multiple interpretations or, in some instances, lack specificity.

The following specific comments regarding the NRPC's proposed FLUM's compliance with Act 181 and associated statutes are formatted in the same manner as our comments regarding the Rutland FLUM.

Proposed Downtown & Village Centers (DC, VC)

Conformance with the Regional Plan Future Land Use Element (§ 4348a(A) Centers). For purposes of future land use mapping, Downtown and Village Centers are defined under 24 V.S.A. § 4348a as "... *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* [note: this section pertains to "neighborhood" designation]. *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.

The NRPC FLUM, as proposed, includes 32 separately mapped Downtown and Village Centers:

- **1 legacy Downtown Center – St. Albans City** – which, as proposed for expansion, should meet relevant statutory requirements;
- **5 legacy (previously designated) Village Centers**, which are grandfathered as proposed: Highgate, Highgate Falls, St. Albans Bay, Grand Isle, and North Hero;
- **18 legacy Village Centers** that are proposed for expansion, and should therefore also meet relevant statutory criteria: Bakersfield, East Berkshire, West Berkshire, Enosburg Falls, Fairfax, Fairfield Center, East Fairfield, Franklin, Highgate Springs, Montgomery, Montgomery Center, Richford, Sheldon Creek, Sheldon Springs, Swanton, Alburgh, South Hero, and Keeler Bay (South Hero);
- **8 new Village Centers**, which must meet the statutory definition, including: Berkshire Center, South Fairfax, Binghamville (Fletcher), Fletcher Center, Georgia Center, Georgia South, Grand Isle Station, and Isle La Motte; and

For purposes of future land use mapping, the statutory description of a center under § 4348(12) does not currently differentiate between “downtown” centers that are more urban in form and function, and smaller, often more linear “village” centers that are limited in extent, and in the type and mix of uses present. As noted above, our review of a proposed center also considered whether, as mapped, a center is consistent with relevant state planning goals, including established smart growth principles, and Act 250 criteria – i.e., whether it maintains the historic development pattern of a compact village or urban center separated by rural countryside, generally avoids strip development (as also defined under Act 250), and allows for a mixed-use center at a scale appropriate for the community and the region.

- The five existing (legacy) Village Centers listed above for which no expansions or boundary changes have been proposed were assumed to meet the statutory FLU definition and were not reviewed for this purpose.
- The proposed expansion of **St. Albans City’s Downtown Center** to include the adjoining St. Mary’s Church property is consistent with the traditional mix of uses found within its historic downtown district. Other areas proposed for inclusion within the expanded Downtown Center, as accessed from Lower Welden Street, are not adjacent to or consistent in character and form with the city’s traditional central business district. While these areas include a mix of residential and a few civic uses (fire and police stations, Houghton Park), this stretch is more characteristic of lower density, auto-oriented commercial and light industrial development – e.g., as mapped to include the A & R Belley packaging plant. For purposes of future downtown or neighborhood redevelopment, these areas would more appropriately remain within the City’s Growth Center FLU designation, allowing for more walkable, higher density, mixed use development and associated neighborhood designations where appropriate.

- Most of the eighteen legacy Village Centers (VC) proposed for expansion are consistent with the statutory definition of Village Center and relevant state planning goals. As mapped by the NRPC they generally remain representative of smaller, more rural, historic and traditional town centers that, though lacking infrastructure and services, support a mix of uses, including a few homes, businesses, and a civic building or two. They are also for the most part compact and walkable, even absent sidewalks on less travelled roads – generally less than a mile in overall length and width. Several proposed expansions incorporate additional public properties within walking distance of the existing center – e.g., a school, town park, or a municipal or civic building, consistent with a traditional mix of uses. These areas may also include undeveloped land that, where supported by local soils, could allow for additional housing and mixed-use development within walking distance of the existing center. Of note, however:
 - Expansions of historic commercial cores (legacy designation areas) well beyond the traditional central business district are proposed for both the **Enosburg and Swanton VCs** – to incorporate gridded street networks, surrounding residential neighborhoods, and additional commercial areas, including some existing auto-oriented strip development along major routes (e.g., the proposed extension of the Swanton VC by nearly a mile along Grand Street (RT 7).

While both villages are served by water, wastewater, and pedestrian infrastructure – allowing for more walkable, higher density residential and mixed-use infill and redevelopment – these proposed centers as mapped are not consistent with the statutory description of a Village “Center” as a “traditional and historic central business and civic center”. Areas adjacent and within walking distance of the existing village centers would more appropriately be included in a Village Area (VA) or the bordering Planned Growth Area (PGA), allowing for higher density residential or mixed use development and neighborhood designations where appropriate.

- Three of the proposed new VCs clearly meet the statutory definition of a traditional center, including Berkshire Center, Binghamville (Fletcher), and Isle La Motte. Of the remaining:
 - The proposed **Georgia Center VC** also generally meets the statutory definition of a traditional center. As mapped it coincides with the Georgia Center historic district and incorporates a representative mix of uses along US 7, including the town office. As extended to the south of Plains Road, however, the proposed center also includes farm and commercial buildings that are not characteristic of a VC.
 - The proposed **South Fairfax VC**, located at the intersection of Routes 104 and 128 across the river from the town’s traditional town center, consists almost entirely of lower density commercial development, in an area that is more characteristic of auto-oriented commercial strip development. It is not an historic or traditional center, and lacks connecting pedestrian infrastructure. If proposed for higher density, mixed use infill and redevelopment, it might be better mapped as a Transition Area, or included in the neighboring VA, as an extension of the existing village center to the north.

- The proposed **Fletcher Center VC**, while historically a community center given the presence of the Union Meeting House, has never been the commercial center of the town. It remains a small, residential hamlet, located less than a mile from Binghamville, the town’s traditional center.
- The proposed **Georgia South VC**, located at the intersection of US 7 and 104A just south of the I-89 interchange, does not meet the statutory definition of an historic, traditional town center. Though bordering more recent residential development to the south, as mapped this area consists almost entirely of lower density, auto-oriented commercial businesses fronting along on each road. Given its location along a divided highway near the interchange, the area is also not very walkable or pedestrian friendly. If proposed for higher density, mixed use redevelopment, it would more appropriately be characterized as a Transition Area.
- The proposed **Grand Isle Station VC**, though historically the location of the former Grand Isle railroad station, also does not meet the statutory definition of a village center. The mapped area includes a cemetery, the town garage, and a few houses on larger lots – more characteristic of a rural hamlet.

VAPDA Methodology. We also reviewed proposed Downtown and Village Centers under related mapping guidance (Future Land Use Methodology and Process, Version.3.0, April 18, 2025):

- *That there should generally be one Downtown Center in each region.*
St. Albans City has long served as the region’s largest, and only state-designated Downtown Center.
- *That there should generally be at least one Village Center in each town, provided the area meets the statutory definition.*
 - Most towns in the region have more than one proposed Village Center as allowed, to include both new and legacy centers. The addition of three new village centers as mapped – Binghamville (Fletcher), Georgia Center, and Isle La Motte – ensure that there is at least one Village Center per town.
- *Village Centers not meeting Tier 1B requirements should still be included on the FLUM, to qualify for state designation benefits.*
 - A few VCs shown on the proposed FLUM do not qualify for Tier 1B status due to the absence of an eligible historic district or historic properties, or one or more regulations, as required for state designation and Tier 1B status (see below).

Natural Resource Mapping. *If a Downtown or Village Center includes protected natural resources, the municipal plan (where available) should note that these resources may be present and will need to be field verified during any development review. Several existing and proposed Centers include flood hazard areas, river corridors, wetlands, and RTEs as determined from available data layers (note that DFIRMs were not available for this review). Given that no plan*

or regulations are required for initial mapping and designation as a Village Center, this alone does not preclude FLU mapping but may limit subsequent village development.

- Major river corridors (Missisquoi, Lamoille) and associated structures are largely excluded from mapped Village Centers, except for those properties that directly border the river. Affected areas are generally covered under the NFIP, under locally adopted flood hazard regulations, but these were not reviewed to determine if they also meet state flood hazard area standards, especially as applicable to infill development within these areas, since this is not a requirement for initial mapping as a DC or VC.

State Designation. Of particular note – to qualify for state designation as a new or expanded downtown or village “Center” as defined under 24 V.S.A. § 5801(12), the proposed center as shown on the FLUM must also represent “...a contiguous downtown or village a portion of which is listed or eligible for listing in the national register of historic places...” Grandfathered preexisting nonconforming (legacy) centers in existence on or before December 31st may also qualify for state designation.

- It was noted in our review that the following new or expanded legacy Village Centers as mapped do not incorporate a registered historic district, and therefore may not meet this requirement, unless they are found to include historic properties that may otherwise be eligible for district listing:

Bakersfield (expansion)
South Fairfax (new)
East Fairfield (expansion)
Georgia South (new)

Highgate Springs (expansion)
Grand Isle (expansion)
Grand Isle Station (new)
Keeler Bay (expansion)

Proposed Village Areas (VAs)

Conformance with Regional Plan Future Land Use Element (§ 4348a(C) Village areas).

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.*

We are generally pleased with NRPC’s approach to mapping VAs. Such areas were proposed adjacent to the following 23 proposed VCs:

Bakersfield	Georgia Center	St. Albans Bay
Berkshire Center	Georgia South Village	Shelden Creek
Binghamville	Grand Isle	Shelden Springs
East Berkshire	Grand Isle Station	South Hero
East Fairfield	Highgate Center	South Fairfax Village
Fairfield	Highgate Falls	West Berkshire
Franklin	Keeler Bay	

We reviewed each of the proposed VAs for consistency with the criteria under §4348a and offer the following observations and recommendations.

- **Nineteen of the proposed VA’s “include a designated village center”** – that is, they are contiguous to a VC and will serve to extend traditional village and neighborhood settlement patterns and are generally eligible for “Neighborhood” designation due to the concentration of housing. A possible exception to the VA being contiguous to a VC, however, is Fairfield, where a small section of the proposed VA east of the VC is separated by conservation lands associated with a river corridor.

Because the **South Fairfax, Fletcher Center, Georgia South** and **Grand Isle Station** VCs do not comply the requirements of 24 VSA § 4348a(A), the associated VA’s likewise do not meet the requirements for VAs as they are not extending an existing traditional center.

- **It is not clear whether several proposed VAs will consist of areas that are “composed of a cohesive mix of residential, civic, religious, commercial or mixed-use buildings arranged along a main street with intersecting streets...”** (note that walking distance is addressed separately, below). As explained in our comments regarding the Rutland FLUM, the review and approval of local policies is not an explicit requirement of the FLUM approval process. It is, however, a critical step in understanding whether the various land use designations will achieve the standards for approval. A review of the land use policies in communities with proposed VAs indicate that is not possible without significant changes in land use and infrastructure policy. Many of the areas proposed for VA designation are presently comprised of land included in zoning districts that require a one-acre minimum lot size and/or one acre per dwelling unit (**Bakersfield, Binghamville, Georgia, Grand Isle, and Highgate**).

Our concern is that development in these areas, under current regulations, will be low density, land consumptive and not achieve a compact, walkable development pattern. In contrast, it appears as though much of the land comprising the proposed **St. Albans Bay** VA requires a minimum lot of 8,700 square feet; **East Berkshire** requires a minimum lot

of ¼ acre if served by water, and **South Hero** does not establish a minimum lot size. While the lack of infrastructure may still prevent the development of reasonably dense neighborhoods in these areas, there are not the regulatory barriers that exist in the other communities.

We urge the LURB to determine whether the proposed designation of VAs is consistent with current or anticipated land use policies that are consistent with their ability to achieve the development pattern that is consistent with the statute.

- **We found that the NRPC was generally careful to draw VA boundaries that are “within walking distance for residents who live within and surrounding the core.”** A key legislative goal in enacting Act 181 was to support longstanding planning and development goals of facilitating the development of compact, walkable communities in and around traditional Village Centers and Downtowns. This requires that areas planned for village expansion be located within what is widely accepted to be a maximum of one-quarter to a half-mile from core services and facilities, and be served with adequate pedestrian infrastructure (e.g., sidewalks, walking and multi-use paths, complete streets).

We have no objection to the proposed VAs based on proximity to the adjacent VC. We did not, however, undertake a detailed review of existing or planned pedestrian infrastructure or compliance with complete streets standards. It is clear that several of the proposed VAs do lack pedestrian connections along significant stretches of existing roads. These include:

- **St. Albans Bay** along Lake Street and Church and Little County, which provide access to the bulk of the land proposed as a VA.
- **South Hero** along South Street.
- **The Grand Isle** VA and the associated VC.
- Much of **Highgate Center**.

We recognize the chicken and egg dilemma raised by planning for village expansion that may appropriately involve future development of predominantly undeveloped land and areas with low existing development densities. It is reasonable that pedestrian connections may be developed over time through the municipal capital planning and development review processes. Understanding those local policies and programs to determine whether the local government is committed to achieving walkable neighborhood development patterns is an important consideration. According to the state planning atlas, Highgate and St. Albans both have adopted capital plans, while South Hero and Grand Isle have not.

- **The NRPC generally included areas within proposed VAs WITH “soils that are adequate for wastewater disposal.”** As we mentioned in our comments on the Rutland FLUM, we are concerned that Group III soils do not meet the statutory definition of “adequate for wastewater disposal,” as the USDA Natural Resources Conservation Service defines these soil categories as being “composed of soil map units that have a

greater degree of limitations than Group II. They may require more intensive on-site investigations to locate suitable areas or they may require more sophisticated designs to overcome the limitations. Soil map units with a shallow seasonal high-water table may require seasonal on-site monitoring of the water table to determine if the site is suitable. Some areas of these soil map units may not be suited for soil-based wastewater disposal systems.” Given the limitations of Group III soils to meet these development goals, we would urge the LURB to use caution in considering their inclusion in VA designations.

While most of the land included in the proposed VAs are comprised of Group I and Group II soils types – which are well suited and moderately suited for on-site wastewater disposal, respectively, several of the VAs are comprised of significant areas of soils with seasonal high-water tables and/or shallow depth to bedrock (**St. Albans Bay, Fairfield, Franklin and Grand Isle**). That said, in most instances there appear to be reasonable soil conditions to accommodate some on-site wastewater in within most proposed VAs.

Proposed Planned Growth Areas (PGAs)

Conformance with Regional Plan Future Land Use Element (§4348a(B) Planned growth areas. These areas include the high-density existing settlement and future growth areas with high concentrations of population, housing, and employment in each region and town, as appropriate. They include a mix of historic and nonhistoric commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations; public water or wastewater, or both; and multimodal transportation systems. 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.*

The NRPC FLUM proposes five PGA’s, all associated with municipalities and proposed VCs that are served by municipal wastewater: **Ensbury Falls, Fairfax, Richford, St. Albans Town and City, and Swanton**. For the most part, these areas are comprised of a wide range of existing land uses and settlement patterns, including historic residential neighborhoods, more recent residential subdivisions, mobile home parks, industrial uses, institutional facilities, commercial strip development and big box retail establishments, and large tracts of undeveloped and/or agricultural land. With the exception of existing or planned access to municipal wastewater

disposal, several areas included within proposed PGAs have settlement patterns that are interchangeable with VA's. This raises several questions:

- **It is unclear why the distinction between VA and PGA was made.** It would be useful to understand if the rationale for designating PGAs in certain locations is to extend existing residential neighborhoods. In these instances, including much of the proposed Richford, Swanton, Enosburg Falls, Fairfax and Georgia PGAs and the St. Albans PGA north of St. Albans City and east of the Missisquoi Rail Trail and south of the City and west of the properties that front on Route 104. These areas seem better suited for VA designation.

Substantial portions of some of the proposed PGAs have been developed as predominately commercial land uses, in several instances as commercial strips. Act 181 anticipated that RPCs may choose to plan for the transition of these areas to higher density, mixed use and residential areas. According to 24 VSA (§ 4348a (D) Transition or infill areas:

“...include areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a planned growth or village area or a 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.”

The clear intent of this land use category is to transform areas characterized predominately by commercial sprawl into a more traditional village pattern. Areas that should be defined as Transition or Infill areas include:

- The portion of the proposed St. Albans PGA north of St Albans City along Route 7 and west of the Missisquoi Rail Trails; and a portion of the area south-east of the City along the Route 104 corridor, which have historically experienced commercial strip development. These areas would more appropriately be designated a Transition Area.
- The eastern portion of the Enosburg Falls PGA along Route 105 would also more appropriately be designated a Transition Area.
- The northern portion of the Swanton, which is largely comprised of residential neighborhoods, appears better suited for VA designation.

We found that the NRPC was generally careful to draw PGA boundaries to be “generally within walking distance from the municipality’s or an adjacent municipality’s downtown, village center, new town center, or growth center,” with two significant exceptions. The walking

distance criteria is among the most specific of the requirements under §4348a(B). As is the case regarding Vas, a widely accepted standard for walkability is ¼ to ½ mile from end to end. In this case that ending point associated with the existing center is the “*municipality’s or .. adjacent municipality’s downtown, village center, new town center, or growth center.*”

In many instances, a traditional downtown or traditional village center may be surrounded by residential neighborhoods, which would support a narrow interpretation of walking distance of ¼ mile, as access to services (e.g., shopping, employment, civic and cultural resources) could be an additional ¼ mile or more away through adjacent residential neighborhoods. However, we have taken a much less restrictive interpretation of this standard to measure from the edge of the VC. Arguably, this will result in significantly larger PGAs than what was anticipated in statute. Despite this less restrictive interpretation, two areas do not comply with this standard:

- The northern boundary of the **St Albans PGA** is approximately 1.6 miles to north of the VC/St. Albans City Growth Center – considerably farther than the most extreme interpretation of walking distance. The eastern boundary is approximately 1.0 miles to east of the VC – again, twice the distance of what we consider to be an expansive interpretation of being within walking distance.
- The northern boundary of the **Swanton PGA** along Route 7 is nearly a mile north of the boundary of the expanded VC, and further from the existing VC. We have suggested that the area proposed to be added to the legacy village center would be more appropriately designated as VA or PGA, which would extend the distance from the northern boundary even further.

Both of these areas should be scaled back to comply with the walkability standard. As we explained at the beginning of these comments regarding general considerations for reviewing FLUMs, we urge the LURB to avoid making overly expansive boundary determinations. It is important to take into account housing targets and whether the amount of land determined eligible for PGA and VC status will allow for relatively low-density development that will likely be disconnected from the associated VC by pedestrian and complete street infrastructure for years to come, or whether it will result in the efficient use of land and well-planned extension of compact, walkable neighborhoods. Given that regional planning is an ongoing endeavor and that this initial review of FLUMs and regional plans is the beginning of what we anticipate to be a decades long process, we expect that as communities grow there will be many opportunities to expand boundaries in conjunction with ongoing community and infrastructure development.

Tier 1B Eligibility

According to 10 V.S.A. §6033 (c) “*To obtain a Tier 1B area status under this section the regional planning commission shall demonstrate to the Board that the municipalities with Tier 1B areas meet the following requirements as included in subdivision 24 V.S.A. § 4348a(a)(12)(C):*

- (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.”

Proposed Downtown and Village Centers. All but four NRPC municipalities have requested Tier 1B status for 28 Downtown and Village Centers, as shown on the FLUM.

To qualify for Tier 1B eligibility under 10 V.S.A. § 6033, as requested by a municipality, a Downtown or Village Center must be identified on the FLUM as reviewed and approved by the LURB. Tier 1B eligibility is limited to mapped centers that are eligible for state designation as a “Center” under 24 V.S.A. § 5803 – as noted above to include mapped centers that meet the statutory definition of a “State Designated Center.” Based upon our analysis, all or a portion of 24 of the proposed areas for Tier 1B status meet these requirements. The following areas should not be granted Tier 1B status.

- The **Georgia South**, **Grand Isle Station**, and **Fairfax South** that do not incorporate a registered historic district.
- In addition, **Grand Isle Station** and **Fletcher Center** do not meet the criteria to be designated as a VC, and would be more appropriately be designated as hamlets.
- Finally, portions of the proposed **St. Albans PGA** and **Swanton PGA** that do not meet the walkability criteria and are more appropriately designated as one of the other designations (e.g., transition area) should be denied Tier 1B status.
 - As noted above, eligibility for Tier 1B status also requires that the municipality have a confirmed planning process, an adopted and approved plan, and zoning and subdivision (or unified) regulations. The proposed **Georgia Center VC** generally coincides with its state register historic district and incorporates a representative mix of uses along US 7, including the town office, but as extended to the south of Plains Road, also includes farm and commercial buildings that are not characteristic of a village center.

Thank you for your consideration.

Kati Gallagher, VNRC Sustainable Communities Program Director