

OPINION

The Courts Told TRORC Its Language Wasn't Binding Enough. So They Wrote 273 Mandates Into Your Regional Plan.

By Michelle Massa, Chair, Vershire Planning Commission

On June 29, 2026, the Vershire Planning Commission received eight dense documents from the Two Rivers-Ottawquechee Regional Commission — 210 pages of a new regional plan required under Act 181, plus supporting materials. The comment deadline was August 1. Thirty-three days. It was later extended to August 10.

Thirty-three days to comment on a plan that governs your land. In July. When farmers are farming and families are at camp.

Here's what bothers me most: TRORC had two years to do this right. Act 181 passed in 2024. They knew it was coming. They chose this timeline.

What every other Vermont RPC managed to do

I have spent weeks researching how the other ten Regional Planning Commissions approached the exact same Act 181 mandate. The contrast is not subtle. The Rutland Regional Planning Commission spent nearly three years meeting individually with each of its 27 member towns and released a full town-by-town breakdown of how much land was reclassified into each new category. Addison County has held at least 21 in-person meetings across its member towns — multiple rounds, still ongoing. Windham Regional is visiting all 27 of theirs. Bennington County met with all 17 planning commissions. The Northeast Kingdom is working through all 50 of their towns. Lamoille County meets separately with both selectboards and planning commissions. Most of these processes are still underway — these RPCs are still in the room with their communities right now. TRORC already closed its public comment window.

Every RPC I have been able to research is conducting individual town meetings. There are gaps in publicly available process documentation — some commissions post less than others — but where the record exists, it shows the same pattern: towns engaged individually, multiple rounds, iterative feedback. TRORC held four regional "informational" hearings — one each in Randolph, Fairlee, Woodstock, and White River Junction — in the last two weeks of July, with no Zoom option, in small rooms on summer evenings. A Planning Commission member from Topsham stood up at the Fairlee session and said he had never received the documents. If your PC doesn't know this is happening, your selectboard probably doesn't either.

What's actually at stake on your land

The Future Land Use map in TRORC's plan is not a passive picture. It reclassifies parcels across 30 towns into new categories: Village Center, Rural General, Rural Agriculture & Forestry, and Rural Conservation. Rural Conservation is the most restrictive. Land that was previously mapped as "Rural" or "Forest-Based Resource" may now be in Rural Conservation — with direct consequences for Act 250 jurisdiction and review standards. Kevin Geiger, TRORC's senior planner, has argued these FLU categories are a different construct from the Act 181 Tier 2 and Tier 3 framework. They are not. The underlying datasets are the same — ANR natural resource mapping, VCGI land cover, Vermont Protected Lands Database, wetland classifications, forest block prioritization. These are all parcel-level data sources, specified in the VAPDA Future Land Use Methodology (Version 4.0, February 2026). The methodology itself instructs RPCs to "snap to parcel lines where reasonable." TRORC ran this analysis from parcel-level inputs. They have the parcel-level output. They just won't share it.

TRORC's draft plan contains exactly one regional data point on this question: 35 percent of the region is designated Rural Conservation. That is it. No town-by-town breakdown. No parcel-level data. If your property was reclassified from Rural to Rural Conservation — and some unknown portion of Vershire land was — you have no way of knowing. Kevin Geiger told attendees at both public meetings that the new maps are the same ones he showed member towns last fall. They are not. On June 27 — three weeks before those meetings — Kevin himself signed a memo to Vershire titled "Comparison of Regional Future Land Use Maps" documenting changes across all seven land use categories. Village Settlement designations removed. Parcels moved from Rural into multiple new categories across the board. If the maps haven't changed, why does his own letter document changes in every single category?

Where the 273 mandates came from

Before getting to where the 273 mandates came from, one thing has to be said clearly: the Future Land Use categories in this plan are not your local zoning. They only have legal weight when Act 250 is triggered — which requires development above certain size thresholds. Your local zoning ordinance governs day-to-day land use decisions. That distinction matters, but it does not make these maps low-stakes. The Vermont legislature has changed Act 250's trigger thresholds before. The Road Rule provision in Act 181 itself was one such shift — creating new jurisdiction triggers tied directly to location on these FLU maps. These maps are the framework sitting in place when thresholds change. The broader and more mandatory the language TRORC writes in now, the more weight it carries the next time the legislature moves the line on what requires a state permit.

TRORC's draft plan contains 273 instances of "shall" and "must" in its rural policy sections. Regional planning commissions in Vermont are advisory bodies — they inform Act 250 decisions, they do not make law. The benchmark here is the Northwest Regional Planning Commission — the only Act 181 regional plan in Vermont to have received LURB certification. NRPC explicitly describes their plan as "not regulatory." The maps, in their own words, are "for planning only." That is the standard the only state-approved plan has set. TRORC's 273 mandates are not required by Act 181. They are a choice — and that choice has a documented origin.

In 2023, a 9,000-square-foot farm store on Route 5 in Hartland received an Act 250 permit from the District 3 Environmental Court. TRORC and the Hartland Planning Commission jointly appealed to Vermont Superior Court, arguing the store's size and rural location violated the town and regional plans. Judge Thomas G. Walsh denied both appeals on July 8, 2024. His ruling was pointed: the planning documents' language was "merely aspirational" and not regulatory. Walsh specifically noted "the absence of language such as 'must' or 'shall' which are indicative of a mandatory and binding requirement." TRORC then dropped its appeal. The Hartland PC pressed on alone, lost at the Vermont Supreme Court on June 13, 2025, and Hartland taxpayers spent \$28,000 on the effort.

TRORC's own executive director, Peter Gregory, responded to Walsh's ruling in August 2024 with this statement to the Valley News: "The Supreme Court has been very clear that if town and regional plans are written in non-ambiguous language that language will prevail." Eighteen months later, TRORC's regional plan contains 273 "shall" and "must" provisions covering rural farm life across 30 towns. At the Randolph meeting, Kevin Geiger said "we encourage farm stores." The record shows otherwise. What TRORC is doing is writing the mandatory language into the regional plan that the courts said they lacked — without any legislative authority to impose it.

What we are asking for

People are showing up to these meetings and asking exactly the right questions. The engagement I've seen — sharp, specific, on the record — is the healthiest thing to happen in Vermont land use politics in years. At Fairlee, our PC members and neighbors asked about funding transparency, about why there's no Zoom

option, about whether Vershire can simply decline this plan. That last question — asked by Marty Hale — got no straight answer. It's on the record now.

I made formal remarks calling for three things: a minimum 30-day extension from the date TRORC visits each of its 30 member towns individually to review the FLU maps in a public forum; parcel-level reclassification data provided before that meeting so landowners can actually evaluate what changed on their property; and removal of mandatory "shall/must" language that exceeds what a planning advisory body is authorized to impose under Vermont law.

The Land Use Review Board has the authority to reject a plan on process grounds. Based on what every other Vermont RPC managed to accomplish — individual town meetings, iterative drafts, parcel-level transparency — and what TRORC chose not to do, the LURB should use it.

There is one more thing your selectboard needs to know. Vermont law requires TRORC's regional plan to be approved by a 60 percent supermajority of the commissioners representing member municipalities — that threshold is written into statute at 24 V.S.A. § 4348(g). Those commissioners are appointed by your selectboard. That means selectboard members have direct leverage right now, before the vote. If your town has unresolved concerns about this plan — the timeline, the mandatory language, the missing parcel data — your TRORC representative needs to hear them. Find out who your town sends to the TRORC commission. Call them. Make sure they know where you stand before the vote is taken.

The public comment deadline is August 10. Comments can be submitted directly to the Land Use Review Board at Act250.Board@vermont.gov (subject line: TRORC Regional Plan Comment) or by phone at 802-828-3309. TRORC's application materials are posted at anrweb.vt.gov/ANR/Act250/RPDefault.aspx (look for RPC10). If you own land in this region, this plan governs it. You have until August 10 to say so.

Michelle Massa is the Chair of the Vershire Planning Commission and a landowner with 161 acres enrolled in Vermont's current use program.