

• Critics

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TRORC. Regional commissions are the action end of a long string of lobbyists, workgroups, and legislators with the unenviable task of explaining unenforceable state mandates to a reluctant population.

What they have is a failure to communicate.

Officials from towns TRORC serves have expressed a lack of confidence in their motives and methods, as can be read in the formal objection letter and petition delivered by the Vershire Planning Commission last week.

"We, the undersigned, feel this is not a process designed for public participation. It is a process designed to meet a deadline, and TRORC's approach is out of step with its peers."

"... this plan, in its current form, represents a direct threat to local control in favor of centralized planning—and that concern is shared far beyond Vershire."

Vershire charges that TRORC provided insufficient lead time to disseminate the mountain of information about their town, that the new maps provided did not show individual parcels for owner review, and a reminder that regional commissions are only advisory bodies, not policymakers designing "quasi-zoning through regional planning." They say that no other regional commission in Vermont has gone to the lengths that TRORC has to make what Geiger describes as "turning a foam hammer into a real hammer."

The foundation argument is a question of who gets to regulate what, not unlike the state and federal rights debate.

Since 1868, Vermont has been a Dillon's Rule state where towns have been legally subservient to state legislatures, while also practicing participatory democracy—giving the impression that each town is allowed to govern itself. Not exactly.

"Municipal corporations owe their origin to, and derive their powers and rights wholly

from, the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so it may destroy. If it may destroy, it may abridge and control," wrote U.S. Supreme Court Chief Justice John Forrest Dillon in 1868.

That quote is at the heart of the confusion about who guides Vermont growth and how.

For several years, the big push from Montpelier has been to increase housing to promote Vermont population growth. Act 47 and Act 181 "force municipalities to streamline residential density, reduce parking mandates, and legalize multi-family units and Accessory Dwelling Units in areas served by water and sewer."

Because the state cannot currently force people to subdivide or build on their private property in areas identified as appropriate for development, all they can do is set "goals" for increased population without explaining how the area will support whomever they imagine is going to move in. Only nine of the 30 towns under TRORC supervision are "served by water and sewer." It is not clear what the rest are required to do, or what would happen if they do not comply.

When this reporter asked, "Would it be fair to say that the mandatory rules are actually merely aspirational?" Geiger said "yes." The maps and recommendations for development in certain areas are "theoretically viable and technically feasible," but enforcement is improbable.

"A handful of wishful thinking," someone echoed.

Which makes the stern "mandatory" language all the more bewildering.

An audience member asked how the process of future land use designation would change, now that laws have changed.

"Unrelated!" Geiger said, with no elaboration.

"Can we say no to TRORC and these changes?" came a voice from the crowd.

Geiger left that hanging.

A former TRORC board member from Topsham spoke up to say he didn't agree with the maps, and that they "penalized small rural towns from development."

Rep. Mike Tagliavia, R-Corinth, called Geiger's non-answer "filibustering." Someone else called it a meaningless "interpretative dance."

Sen. John Benson, R-Brookfield, said "Vermonters do not want state and regional planners to dictate what they can do at the town level."

Geiger's justification for why TRORC is making decisions for town growth was that "we've been doing this for a while now" and "we have that capacity." This response did not sit well with the room.

The two density arguments vocalized were that the new maps prevent some small rural towns from expanding the way they want to and they destroy the rural character and threaten wildlife and agriculture in others. One-size-fits-all chafes.

The third draft regional plan informational session is at 6 p.m. at the Woodstock Town Hall on Thursday, July 23. Hearings that will be on Zoom, and recorded, are on July 28, 29, 30, and 31 in Bethel, Bradford, White River Junction, and Woodstock, respectively. Review the trorc.org website for more information.

Black bear du in Connecticut

NEWBURY—State game warden information after a dead black bear was found on the Newbury Crossing River the morning of July 13.

That morning, a lactating female black bear had died from a gunshot wound on the river from the Newbury Crossing area.

Black bear hunting seasons in Hampshire do not begin until September 1.

If you have any information on the Newbury Crossing area or on Vermont Game Warden Lt. Mike Cross, please call him at 802-748-3111.

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