

FORMAL PUBLIC COMMENT

Land Use Review Board

Date: August 6, 2026

From: Michelle Massa, Chair, Vershire Planning Commission; TRORC Board Representative, Town of Vershire

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Re: Formal Comment: TRORC 2026 Regional Plan — Methodology Deviations, Statutory Incompatibility, and LURB's Pre-Adoption Obligations

Executive Summary

This comment identifies four documented deviations between TRORC's July 2026 FLU mapping methodology and the official statewide guidance (VAPDA v4.0, February 24, 2026 revised draft) that TRORC's own document acknowledges as controlling. It also raises a statutory compatibility question under 24 V.S.A. § 4302(f)(2), serious concerns about the public process for the methodology and the plan, and a procedural objection to plan adoption absent LURB review of these issues.

- **Statewide methodology versions and dates.** Version 1.0 of the statewide FLU methodology was issued December 20, 2024. Version 4.0 (revised draft) was issued February 24, 2026. TRORC's own

methodology document is dated July 2026 and cites v4.0 as "the statewide methodology all regional commissions follow."

- **Questions about when TRORC's methodology was available to the public.** TRORC's methodology document bears a July 2026 date. TRORC should be required to demonstrate, with documentation, when this document was first made publicly available, how it was disclosed to member town planning commissions, and how public comment on the methodology criteria was solicited before those criteria were applied to member town lands.
- **"Review local plans" omitted.** VAPDA v4.0 (Feb. 24, 2026) elevated local plan review from advisory guidance (v1.0) to a numbered required process step. TRORC's methodology omits it entirely — the step that would require TRORC to account for Vershire's and Pomfret's adopted town plans in balancing the three rural categories.
- **ANR forest block data treated as definitive, not a starting point.** Both v1.0 and v4.0 require ANR data to serve as "a starting point," refined by tree canopy analysis. TRORC lists it as a criterion with no refinement step.
- **Current Use enrollment applied to Rural Conservation without authority.** UVA/Current Use is an optional indicator for Rural Agriculture and Forestry only in both statewide versions (v1.0 Step 1; v4.0 Step 1). It does not appear in the RC mapping section of either version. TRORC added it to RC without authority.
- **100-acre parcel threshold invented for RC.** No parcel size threshold appears anywhere in the RC section of either statewide version. The 20-acre figure in statewide guidance is a land cover threshold (areas with 20+ acres of tree canopy or agricultural land) in the Rural Ag/Forestry section — a different category, a different criterion, and not a parcel size screen. TRORC leads its RC mapping criteria with "Large parcels — generally over 100 acres" — a threshold invented for the most restrictive designation with no basis in either statewide version.
- **Deviations not disclosed to LURB.** Both statewide versions require RPCs to disclose and justify deviations in the LURB submission. No such disclosure is publicly available.
- **§ 4302(f)(2) compatibility not demonstrated.** A regional plan that significantly reduces the desired effect of a town plan must satisfy a four-part statutory test before it can be considered compatible. TRORC has not produced that analysis for Vershire.
- **Vershire's position: Rural General by default.** Vershire does not accept the FLU maps as drawn. All land outside the Village Center should be classified Rural General until TRORC completes a lawful, publicly noticed process.
- **LURB must act before any commission adoption vote.** These are legal preconditions, not post-adoption matters. LURB is obligated to resolve them before any adoption vote proceeds.

I submit this comment in my capacity as Chair of the Vershire Planning Commission and as the Town of Vershire's appointed representative to the TRORC Board. This comment supplements written and oral testimony I submitted to the LURB on July 30, 2026 (TRORC_Hearing_Remarks_MM_July2026_REVISED), which raised related concerns about the public process for this plan and the adequacy of TRORC's engagement with member towns; that testimony is incorporated here by reference. The concerns below are substantive and procedural. The Land Use Review Board is respectfully asked to treat them as conditions precedent to any approval of the TRORC 2026 Regional Plan or associated FLU map. These are not post-adoption corrections — they are legal prerequisites that must be satisfied before any commission adoption vote takes place.

I. Objection to the 2025 Regional Plan Adoption Process

I begin with the 2025 adopted plan because it is the baseline from which the 2026 revision proceeds. As a Planning Commission member serving Vershire for more than two years, I have no record or recollection of Vershire town officials being formally notified of the 2025 adoption process in a manner that allowed meaningful participation. The public hearing record for the 2025 adoption does not reflect robust engagement with Vershire residents or officials.

TRORC's own 2025 adopted plan acknowledged in writing — in two separate chapters — that the document was incomplete at adoption. The Chapter 3 (Land Use) disclaimer stated: "This chapter has not been updated to incorporate changes enacted into law in 2024. We will update this chapter when the guidance is made available, which will be ready by the 2025-2026 adoption process." Chapter 8 (Homes in Region) carried a parallel disclaimer. A regional plan adopted with known statutory gaps, without robust notice to member towns, is not a sound foundation for the 2026 revision.



Figure 1: TRORC 2025 Regional Plan, Chapter 3 (Land Use) — disclaimer at adoption acknowledging the chapter was not updated

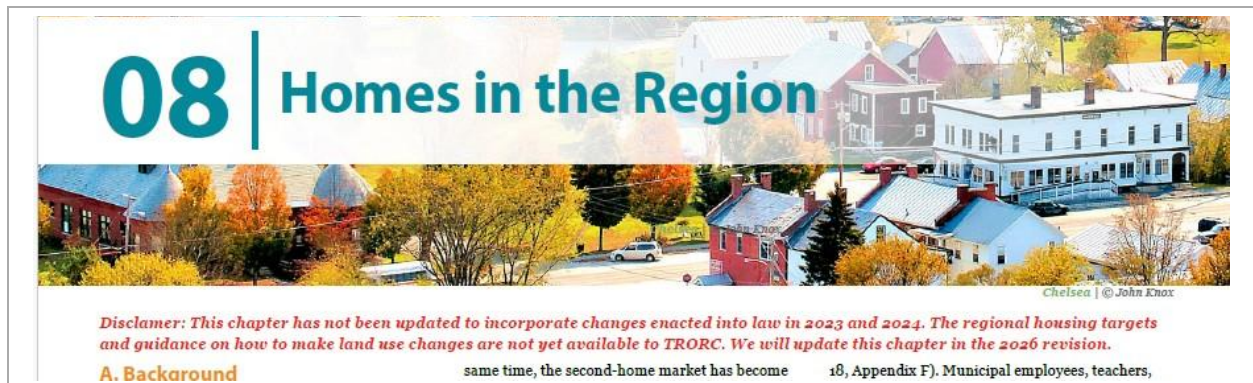


Figure 2: TRORC 2025 Regional Plan, Chapter 8 (Homes in Region) — parallel disclaimer at adoption

The 2026 process was framed narrowly by TRORC as an update to Chapters 3 and 8 only — per its own stated scope. But the substantive policy changes introduced between the 2025 and 2026 drafts extend well beyond those two chapters. That scope mismatch deserves scrutiny from LURB as part of its plan review.

II. Questions About TRORC's FLU Mapping Methodology and Its Public Availability

TRORC has published its own Future Land Use Mapping Methodology — "TRORC Regional Future Land Use Mapping Methodology: Definitions and Methods for the Regional Plan Future Land Use Areas" (hereafter "TRORC Methodology") — bearing a date of July 2026. I became aware of this document only recently. I do not know with certainty when it was first made publicly available, and I do not have evidence that it was or was not distributed to member town planning commissions before FLU boundaries were drawn.

However, TRORC should be required to demonstrate, with documentation: (1) the date this document was first published or otherwise made available to the public; (2) how and when it was disclosed to member town planning commissions; and (3) what opportunity, if any, was provided for public comment on the methodology criteria before those criteria were applied to classify member town lands. If TRORC cannot demonstrate that member towns had a meaningful opportunity to review and respond to these criteria before their land was mapped under them, that is a process failure the LURB should treat as a precondition to plan approval.

The Vershire Planning Commission acknowledges that a TRORC staff member presented preliminary FLU map drafts at a standard Planning Commission meeting on July 9, 2025. That meeting was not publicly warned as a hearing, was not designed for public comment, and was attended by PC members only — not the general public. At that meeting, TRORC committed to returning to Vershire in January 2026 to review the maps with the town. That follow-up never occurred. The maps presented on July 9, 2025 are not the maps now proposed for adoption; they have changed substantively in the interim. A preliminary staff presentation at a non-public board meeting does not constitute the public open meeting that this comment requests — one publicly noticed, open to all residents and landowners, at which TRORC presents the current proposed FLU boundaries and provides a genuine opportunity for questions and objection.

The TRORC Methodology's Sources section (p. 16) cites the VAPDA statewide guidance — "Future Land Use Methodology and Process, Version 4.0 (revised draft, February 24, 2026)" — and describes it as "the statewide methodology all regional commissions follow, including statutory criteria, mapping processes, and region-wide feature standards." By citing v4.0 as governing, TRORC has acknowledged it is bound by that guidance. Version 1.0 of the statewide methodology was issued December 20, 2024; Version 4.0 was issued as a revised draft on February 24, 2026 — approximately five months before TRORC's methodology document is dated. The LURB should hold TRORC to the standard it has publicly accepted.

Comparing the TRORC Methodology against both versions of the official statewide guidance reveals four documented deviations in the Rural Conservation (RC) mapping section:

1. "Review local plans" — omitted by TRORC despite being a required step in v4.0.

In Version 1.0 (December 20, 2024) of the statewide methodology, local plan review appeared in the "Planning Considerations" section as advisory guidance — important, but not a numbered procedural step. The February 24, 2026 Version 4.0 revision deliberately elevated it: Step 6 of the RC mapping process now reads, as a mandatory numbered step: "Review local plans and the regional plan to determine the best balance between the three rural areas." VAPDA strengthened this requirement — moving it from guidance to obligation — in the same revision that TRORC's own methodology acknowledges as governing. TRORC's methodology omits this step entirely, in either its v1.0 advisory form or its v4.0 mandatory form. The practical consequence: TRORC's internal process did not require its mappers to account for Vershire's adopted town plan, or Pomfret's, or any member town's plan, when determining which lands to classify as Rural Conservation.

2. ANR forest block data treated as a criterion rather than a starting point.

Both v1.0 (Step 7) and v4.0 (Step 4) of the statewide methodology specify that ANR Highest Priority Interior Forest and Connectivity Block data is "a starting point" for RC mapping, to be refined through tree canopy layer review. "Starting point" is deliberate language — it means the ANR data anchors the analysis but does not determine its outcome; calibration through tree canopy review is required. TRORC's methodology (Section 4.1, p. 13) lists ANR forest block data as one criterion among several, with no starting-point qualification and no tree canopy refinement step. This converts a calibrated two-step analysis into a check-the-box determination, present in TRORC's methodology since at least July 2026 but absent from either statewide version.

3. Current Use/UVA enrollment applied to Rural Conservation — not authorized by either version.

In both v1.0 and v4.0 of the official statewide methodology, Current Use (Use Value Appraisal/UVA) enrollment appears only as an optional indicator in the Rural Agriculture and Forestry mapping process (v1.0 Step 1; v4.0 Step 1). It does not appear anywhere in the RC mapping section of either version. TRORC's methodology (Section 4.1, p. 13) lists "conservation easements or enrolled in Current Use" as a criterion for mapping land as Rural Conservation. Current Use is a tax enrollment program; landowners enroll voluntarily and may withdraw. It carries no conservation easement and no development restriction. Using it as a proxy for conservation status in the most restrictive rural land use category has no basis in either statewide version and directly affects Vershire landowners enrolled in the UVA program who have no conservation easement and no intention to restrict their land.

4. A 100-acre parcel size threshold applied to Rural Conservation — not authorized by either statewide version.

Neither v1.0 nor v4.0 of the official statewide methodology includes a parcel size threshold in the Rural Conservation mapping process. The statewide guidance does use an acreage figure — but in the Rural Agriculture and Forestry section only. Steps 3–4 of both versions identify areas with 20 acres or more of tree canopy and 20 acres or more of agricultural land as qualifying indicators for Rural Ag/Forestry designation. This is a land cover area threshold applied to a different category, not a parcel size screen, and it appears nowhere in the RC sections of either version. The v1.0 RC section references “20+ acres” only once, in a deconfliction step that removes RA/F-qualifying land from the RC layer to avoid double-mapping — the opposite of an RC mapping criterion.

TRORC's methodology (Section 4.1, p. 13) leads its RC criteria with: “Large parcels — generally over 100 acres — particularly woodland bordering other large, untouched parcels.” This threshold has no equivalent in either statewide version. It imports a parcel-size screen from the wrong category, applies it as the lead criterion for the most restrictive designation on the map, and sweeps large private landholdings — including UVA-enrolled forestry and farm parcels with no conservation easement — into Rural Conservation without the methodological basis the statewide guidance requires.

Both versions of the statewide methodology state explicitly: "RPCs, as part of their submission to the LURB, will highlight and explain deviations from this guidance and how the resulting Future Land Use map meets statutory requirements." As of this writing, no public disclosure of any of these four deviations has been made available. The LURB must confirm whether TRORC's submission included the required deviation disclosure and, if it did not, must require one before any plan approval proceeds.

III. Statutory Incompatibility: 24 V.S.A. § 4302(f)(2)

Under 24 V.S.A. § 4302(f)(2) — the "compatible with" standard (legislature.vermont.gov/statutes/section/24/117/04302) — a regional plan does not automatically override a municipal plan. If the regional plan would significantly reduce the desired effect of a town plan, it may only be considered compatible if TRORC has satisfied all four of the following conditions:

- (A) a statement identifying the ways it will significantly reduce the desired effect of the other plan;
- (B) an explanation of why any incompatible portion is essential to the desired effect of the plan as a whole;
- (C) an explanation of why there is no reasonable alternative way to achieve the desired effect; and
- (D) an explanation of how the incompatible portion has been structured to mitigate its detrimental effects on the other plan.

All four conditions must be met — not one or two, and not as an afterthought. Vershire adopted its town plan in September 2025. That plan reflects the community's vision for its landscape and rural character, its strong right-to-farm tradition, and its commitment to working landscapes. The TRORC 2026 draft regional plan — and in particular the FLU map classifying substantial portions of Vershire as Rural Conservation using criteria unsupported by either version of the statewide methodology — may significantly reduce the desired effect of Vershire's municipal plan.

This concern is sharpened by a fact TRORC has not addressed: approximately 21 percent of Vershire's total land area is already permanently conserved by a single landowner through conservation easements that restrict development in perpetuity. That land is off limits to future development regardless of what the regional plan says. The conservation goals that Rural Conservation designation is intended to serve have already been achieved on a substantial portion of Vershire through private action — without any need for TRORC's regulatory overlay. The Town of Pomfret raised the same argument in its January 2025 comment letter regarding the 2025 regional plan, documenting that Pomfret's undeveloped lands are already "thoroughly encumbered by state law, local regulation, private conservation and an intergenerational commitment to conscientious land management," and concluding that additional RC restrictions are "both unnecessary and inappropriate." Vershire's position is the same. Where permanent conservation has already been achieved, TRORC cannot credibly demonstrate under § 4302(f)(2)(B) that an RC designation is "essential to the regional plan as a whole" — because the purpose the designation is supposed to serve has already been accomplished. And it cannot satisfy § 4302(f)(2)(D) — how the incompatible portion has been structured to mitigate detrimental effects — when the designation adds regulatory burden to Vershire landowners without adding any conservation value.

I am not aware that TRORC has produced a written § 4302(f)(2) analysis with respect to Vershire. Completion of that analysis is not optional. It is a legal precondition to plan compatibility, and the LURB is obligated to confirm it before approving any FLU classification for Vershire that is inconsistent with Vershire's adopted plan.

The incompatibility concern is acute in Vershire's case for a specific reason. More than 5,000 acres of Vershire land — approximately 21 percent of the town's total land mass — are permanently conserved by a single private landowner, Donna Goldberg, under easements that restrict development in perpetuity. That land is never getting developed. The conservation goal that TRORC's Rural Conservation designation is designed to achieve is already accomplished on a substantial portion of Vershire — by private choice, not by regulation. Piling a regional designation on top of permanent easements does not add conservation value; it adds regulatory burden without justification.

The Town of Pomfret made this same argument in January 2025: when land is already "thoroughly encumbered by state law, local regulation, private conservation and an intergenerational commitment to conscientious land management," adding a regional designation is both unnecessary and unfair. Vershire's position is the same. Where the conservation purpose is already accomplished, TRORC cannot demonstrate under § 4302(f)(2)(B) that the RC designation is essential to the regional plan, nor can it

demonstrate under § 4302(f)(2)(D) that it has structured the designation to mitigate detrimental effects on Vershire's plan — because it has not produced that analysis at all.

IV. Vershire's Position on FLU Classification

Given the methodology deviations documented above, the questions about when and how TRORC's methodology was made available to member towns, the failure to conduct a public open meeting in Vershire at which residents could review proposed FLU boundaries and ask questions, and the absence of the § 4302(f)(2) compatibility analysis required by statute, Vershire does not accept and does not agree with the FLU maps as drawn for the Town of Vershire.

Vershire's position is as follows: all land within Vershire's boundaries outside the designated Village Center should be classified as Rural General unless and until TRORC fulfills all of the following conditions:

- (1) Demonstrates, with documentation, when its methodology was made publicly available and how member town planning commissions were notified and given an opportunity to respond;
- (2) Schedules a public open meeting in Vershire with no less than 30 days' advance notice to allow all interested residents and landowners to attend;
- (3) Presents proposed FLU boundaries for Vershire on a parcel-level map at a scale legible to the public and provides residents a genuine opportunity to ask questions and contest proposed classifications;
- (4) Conducts a revised mapping process that incorporates v4.0 Step 6 (local plan review) as a mandatory step and removes from its RC criteria the Current Use enrollment indicator and the 100-acre parcel threshold, neither of which is authorized by either version of the statewide guidance; and
- (5) Produces the § 4302(f)(2) compatibility analysis required by statute.

Rural General is the appropriate default for land whose proposed RC or Rural Ag/Forestry designation rests on a methodology that deviates from statewide guidance and a public process that has not been documented as adequate. It preserves each landowner's standing and the town's ability to revisit classification through a legitimate and lawful process. Nothing short of the conditions above is acceptable to the Town of Vershire.

V. LURB's Obligation to Act Before Any Adoption Vote

This comment is not a request for post-adoption correction. The failures identified here — methodology deviations without required disclosure, undocumented public availability of the methodology, absence of the § 4302(f)(2) compatibility analysis, and inadequate public process — are legal prerequisites to any lawful regional plan adoption. The LURB is obligated to resolve these issues before, not after, any TRORC commission adoption vote proceeds.

Specifically, the LURB should act, as a matter of law and not discretion, to:

- (1) Require TRORC to produce documentation demonstrating when its FLU methodology was made publicly available, how it was disclosed to member town planning commissions, and what opportunity for public comment was provided before the methodology criteria were applied — prior to any plan review proceeding;

- (2) Confirm that TRORC's LURB submission includes the deviation disclosures and justifications required by both v1.0 and v4.0 of the statewide methodology, and if it does not, require those disclosures before any plan review proceeds;
- (3) Require TRORC to produce, and make publicly available, the § 4302(f)(2) compatibility analysis for every member town whose adopted municipal plan may be significantly reduced in its desired effect by the proposed FLU map — including Vershire and Pomfret — prior to any adoption vote;
- (4) Decline to approve the FLU map for the Town of Vershire until TRORC has revised its RC mapping process to comply with v4.0, conducted the required local plan review, and removed RC criteria unsupported by either statewide version; and
- (5) Require TRORC to conduct a properly noticed, open public meeting in each affected town — including Vershire — dedicated to FLU map review, before finalizing any FLU classification beyond Rural General for that town.

A plan adoption vote conducted before these prerequisites are satisfied would be procedurally defective. The LURB's role is to ensure that the regional plan submitted to it meets statutory and methodological standards. Allowing adoption to proceed with unresolved deviations, undocumented process, and missing statutory analyses would undermine the integrity of the Act 181 review process the LURB was created to protect.

VI. Requested Relief

I respectfully request that the Land Use Review Board, prior to any TRORC adoption vote:

1. Require TRORC to document when its FLU mapping methodology was made publicly available and how member town planning commissions were notified and given an opportunity to comment;
2. Confirm that TRORC's submission discloses all deviations from the VAPDA statewide methodology (v1.0, December 20, 2024; v4.0, February 24, 2026) with justification, as required by both versions;
3. Require TRORC to produce a § 4302(f)(2) compatibility analysis for all member towns — including Vershire and Pomfret — whose adopted town plans may be significantly reduced in desired effect by the proposed FLU map;
4. Decline to approve the FLU map for the Town of Vershire until TRORC revises its RC mapping process to comply with v4.0, including the required local plan review step and the removal of RC criteria not found in either statewide version;
5. Require TRORC to conduct a properly noticed public open meeting in Vershire — with no less than 30 days' advance notice — dedicated to FLU map review; and
6. Classify all Vershire land outside the Village Center as Rural General as the default pending completion of the above.

I am available to discuss any of these concerns and can provide additional documentation on request. I respectfully urge the LURB to treat the procedural and substantive concerns of member municipalities not as objections to be noted after adoption, but as legal prerequisites to be resolved before any adoption vote takes place.

Respectfully submitted,

Michelle Massa

Chair, Vershire Planning Commission

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