



TOWN OF POMFRET, VERMONT



VERMONT

LAND USE REVIEW BOARD

Application #:
RPC10-0001

Exhibit #: 086

Date Received: 08-07-2026

August 7, 2026

VIA ELECTRONIC MAIL

Two Rivers-Ottauquechee Regional Commission
128 King Farm Road
Woodstock, Vermont 05091
Attention: Kyle Katz
regionalplan@trorc.org

**Re: Proposed Two Rivers-Ottauquechee Regional Plan
(First Hearing Draft) Comments**

Dear Mr. Katz:

The Town of Pomfret, by and through its Planning Commission and Selectboard, respectfully submits the following comments on the First Hearing Draft of the 2026 Two Rivers-Ottauquechee Regional Plan. These comments build upon, and should be read together with, the letter our Planning Commission and Selectboard submitted on January 14, 2025 regarding the prior plan (enclosed).

In its thoughtful reply of January 15, 2025, the Commission explained that the land use chapter and maps then before us were carried over unchanged from 2020, and that the substantive rewrite required by Act 181 would follow over roughly the next eighteen months through a process of robust dialogue with Pomfret and the other member towns. That rewrite is now before the public as the First Hearing Draft. We have reviewed it carefully. Regrettably, rather than easing the concerns we raised in January 2025, the current draft has deepened them – both in what it would require and in how it was produced.

At the outset, we wish to be clear about what this letter is and is not. Pomfret is not opposed to conservation, and we are not opposed to planning. Conservation is woven into our town's identity, and thoughtful planning is work our own boards perform every week. Our concern is narrower and, we believe, principled: that a document the Legislature designed to guide growth has instead been drafted to command it, and that this shift has occurred without the local dialogue that both state law and good planning require.

A brief reminder of the ground on which Pomfret stands is warranted, because it bears directly on the necessity of the designations the draft would impose. Of the approximately 25,000 acres within our boundaries:

- 20,000 acres are predominately forested;

- 18,000 acres are in Current Use;
- 6,500 acres are permanently conserved; and
- 12,500 acres have steep slopes (> 25%).*

The Appalachian Trail – federally owned parkland – bisects the town, and Pomfret’s strong local zoning already governs land use townwide, with particular attention to wetlands, flood zones and ridgelines. Pomfret’s lands are, in short, already thoroughly stewarded through state law, local regulation, private conservation and an intergenerational ethic of care. Our landowners have earned that record by choice, not by command.

The draft converts guidance into regulation. The Legislature directs a regional plan to contain a statement of policies to *guide* the region’s growth and development. 24 V.S.A. § 4348a(a)(1). The First Hearing Draft goes well beyond guidance. Its rural policy sections contain, by the count of others who have reviewed the document closely, nearly 300 instances of the mandatory words “shall” and “must.” Because a regional plan carries legal force through Act 250, mandatory language of this kind does not merely advise; it regulates. It functions as land use regulation adopted without the hearings, the local accountability, or the clear statutory authorization that genuine land use regulation requires. That is a meaningful departure from the advisory role regional plans have traditionally played, and it is a departure Pomfret cannot support as drafted.

We are not alone in this reading. The Land Use Review Board’s (LURB) preapplication response to the draft regional plan, adopted August 6, 2026, reaches strikingly similar conclusions. Specifically, the response:

- Found that the draft regional plan “appears not to conform” with the requirement that decisions be made at the most local level commensurate with their impact;
- Called for specific “substantial regional impact” triggers to be revised or removed;
- Found that the plan “appears not to conform” with the general purposes of the planning statute;
- Asked the Commission to “provide additional information demonstrating that the region’s communities are in support of [the] mandatory land use policies expressed in the plan”;
- Flagged the prohibition on rural principal retail and the fossil-fuel and electric-vehicle mandates as “overly prescriptive”;
- Asked that the density caps and the farm-event limit either be shown to have municipal and public support or be made non-mandatory; and

* Enclosed with this comment letter are three maps prepared by GIS expert Chris Moore in December 2024 depicting the locations of these features. Forest land, Current Use parcels, conserved parcels and steep slopes are extensive throughout Pomfret.

- Could not confirm that the Commission’s outreach afforded meaningful participation, or that the plan is compatible with its member towns’ plans.

We share those concerns, and we respectfully urge the Commission to bring this draft back toward genuine guidance.

The “substantial regional impact” definition displaces decisions from the local level.

State law provides that land use decisions shall be made at the most local level possible commensurate with their impact. 24 V.S.A. § 4302(b)(2). The draft moves in the opposite direction. By treating all Rural – Conservation land – reportedly some 35 percent of the region – as a matter of substantial regional impact, and by adding low structure-size thresholds and a one-mile band around every municipal boundary, the draft would allow the regional plan to override conflicting town plans across a large share of the region in Act 250 proceedings. A four-thousand-square-foot building, a modest farm store, or a project situated near a town line is not, by virtue of those facts alone, a matter of genuine regional consequence. The definition should be narrowed so that regional override attaches to projects with a demonstrable, project-specific regional impact, not to broad swaths of ordinary rural land.

The specific mandates work against the housing and rural vitality Vermont urgently needs. Among the draft’s binding provisions are outright prohibitions on new principal retail, offices and warehousing in rural areas; residential density caps of one structure per two acres in Rural – General areas and one per five in Rural Agriculture and Forestry areas; a five-unit cap on residential buildings; a ten-structure cap on subdivisions in Rural – Conservation areas; a prohibition on fossil-fuel combustion as a primary heat source together with an electric-vehicle-charger requirement for qualifying projects; and a limit of twenty events per year on accessory on-farm businesses.

These are not abstractions for Pomfret: the draft maps the Saskadena Six ski area in our town as a Resource-Based Recreation area, where its Policy 1 would prohibit principal retail outright – a mandatory restriction the Board’s preapplication response itself flagged for revision.

Whatever the merit of any one of these ideas as a matter of local choice, imposing them region-wide by mandate, at a time when Vermont faces a severe housing shortage and is the rare state losing population to both out-migration and more deaths than births, risks foreclosing exactly the modest rural development and farm diversification our communities need to remain viable. The Legislature itself recognized as much this spring when it partially repealed Act 181 through Act 152 of 2026, removing the so-called “road rule” and Tier 3 Act 250 jurisdiction while preserving its housing exemptions. A regional plan finalized in the wake of that course correction should reflect it, not press in the opposite direction.

The process has not honored the local dialogue the Commission promised and the law requires. In January 2025 we noted the Commission’s statutory duty to solicit the participation of member municipalities and local citizens through working sessions “at the outset of the planning process and throughout the process.” 24 V.S.A. § 4348. The Commission’s reply assured us that Pomfret would be “on the early side” of that town-by-town engagement. To our knowledge, no individual working session was held with Pomfret

to review the current Future Land Use maps before this draft was released, and the parcel-level reclassification data that would let our landowners see how their own property has been designated has not been made readily available.

This is not for lack of engagement on Pomfret's part. On October 30, 2025, our Planning Commission, through its clerk, submitted specific requested changes to the draft Future Land Use map (enclosed) – asking that the South Pomfret Village Center not be enlarged as proposed, and that Pomfret's remaining lands be designated Rural – General. To our knowledge, the Commission has never advised Pomfret whether those requested changes were made.

Equally important, the Commission has not disclosed the criteria or methodology by which individual parcels were assigned to each future land use category. Without that methodology, neither local officials nor landowners can test the map for consistency, nor understand why one parcel is designated Rural – Conservation while land a few hundred yards away is not. A map's designations cannot be shown to be even-handed rather than arbitrary until the basis for drawing its lines is disclosed, and no amount of additional comment time cures the absence of the criteria themselves.

The comment window opened in the summer, when farmers are farming and families are away, and even as extended to August 10 it affords little time to absorb a document exceeding two hundred pages. Other regional commissions across Vermont met individually and repeatedly with each of their member towns. Pomfret respectfully asks for the same.

In the meantime, and as an interim measure pending completion of the process described above, Pomfret requests that all land in Pomfret outside the South Pomfret Village Center and the Appalachian Trail corridor be designated Rural – General, and that no other Pomfret lands be designated Rural – Conservation, until the Commission has met with Pomfret, disclosed the parcel-level data and methodology, and afforded a meaningful opportunity to comment on the maps as applied to our town.

Accordingly, and in the constructive spirit in which our January 2025 letter was offered, we ask the Commission to take the following steps before the plan advances to adoption:

1. **Meet with Pomfret individually** in a public working session to review the Future Land Use maps as they apply to our town, and provide, in advance of that meeting, both the parcel-level reclassification data for Pomfret and the complete criteria and methodology used to assign parcels to each future land use category;
2. **Extend a meaningful comment period** that runs from the date of that town meeting, so that residents can respond to what they have actually been shown;
3. **Return the mandatory language to genuine guidance** – converting “shall” and “must” to advisory terms, or justifying each retained mandate against the guiding function that § 4348a(a)(1) describes;

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4. **Narrow the “substantial regional impact” definition** so that regional override attaches only to projects with a demonstrable, project-specific regional impact; and
5. **Reconcile the draft with Pomfret’s Town Plan**, consistent with the compatibility and local-primacy requirements of 24 V.S.A. §§ 4302(f)(2), 4345a(5) and 4350.

We note that the LURB has asked the Commission to demonstrate that the region’s communities support the plan’s mandatory land use policies. Pomfret’s answer, respectfully, is that it does not support those policies as drafted, and we offer this letter for the record on precisely that question.

We offer these comments not to obstruct the Commission’s important work, but to improve it. Pomfret shares the Commission’s interest in a healthy region, a working landscape, and communities that endure. We are confident that a plan developed in genuine partnership with its member towns – one that guides rather than commands, and that trusts local officials and landowners as the stewards they have long proven themselves to be – will better serve Vermont, our region, and the people who live here. We welcome the opportunity to work with the Commission toward that end, and we ask that Pomfret’s voice, and the voice of our appointed representative to the Commission, be heard before this plan is adopted.

For the Pomfret Planning Commission,



William B. Emmons III, chair

For the Pomfret Selectboard,



Benjamin Brickner, chair

Enclosures (5)

Cc: **Two Rivers Board of Directors** (e-mail list on file)
Chris Cochran, director, Division of Community Planning and Revitalization,
chris.cochran@vermont.gov
Land Use Review Board, act250.board@vermont.gov (Docket RPC10)
Senator Alison Clarkson, aclarkson@leg.state.vt.us
Senator Joe Major, jmajor@leg.state.vt.us
Senator Becca White, rwhite@leg.state.vt.us
Representative Michael Hoyt, mhoyt@leg.state.vt.us

Land Cover

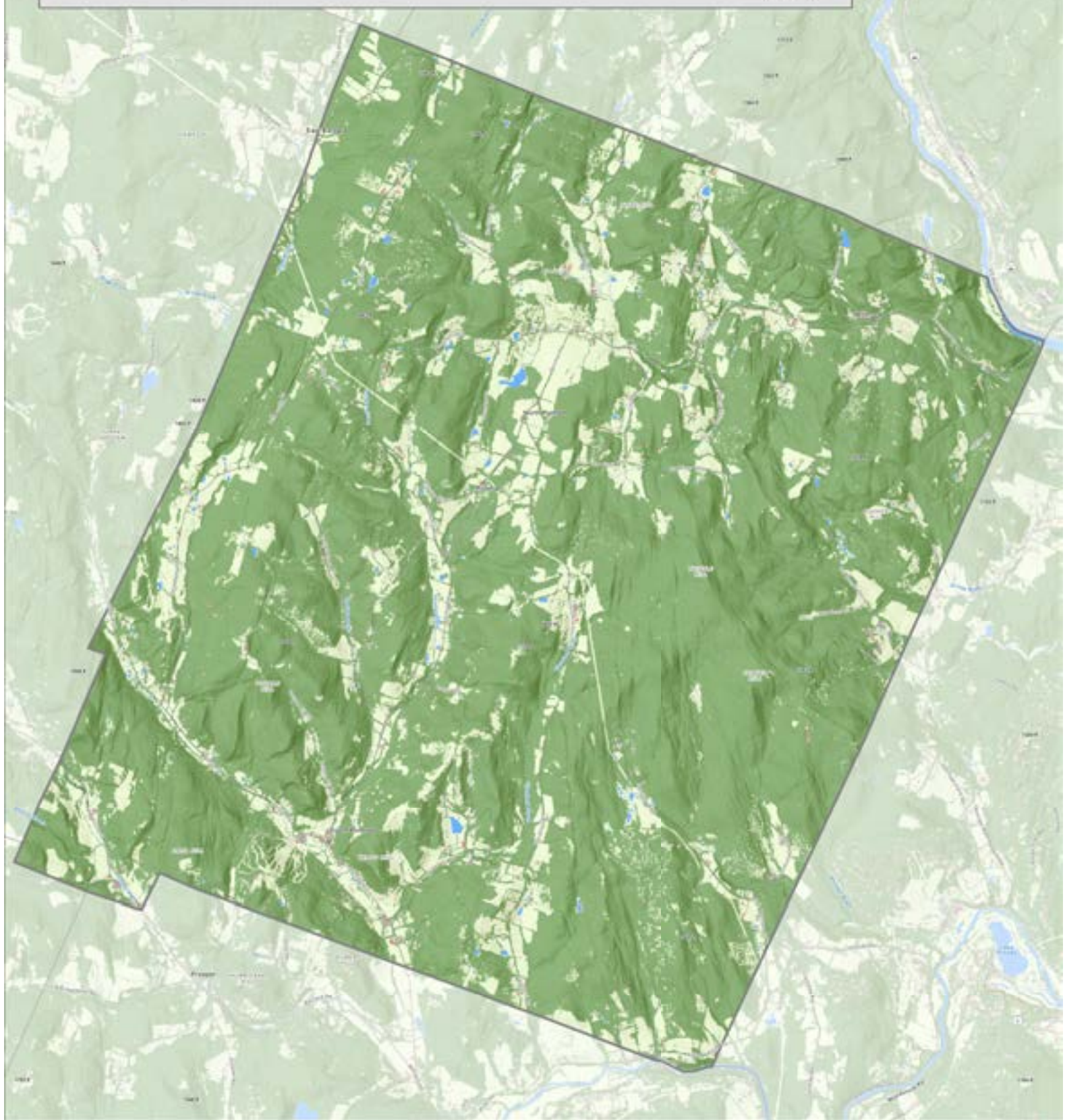
Pomfret, Vermont



Scale: 1:24,000
1 inch = 2,000 feet



December 2024



Current Use

Pomfret, Vermont

Tax parcels

Tax parcels enrolled in current use

Scale: 1:24,000
1 inch = 2,000 feet

0 0.33 0.65 1.3 Miles



December 2024



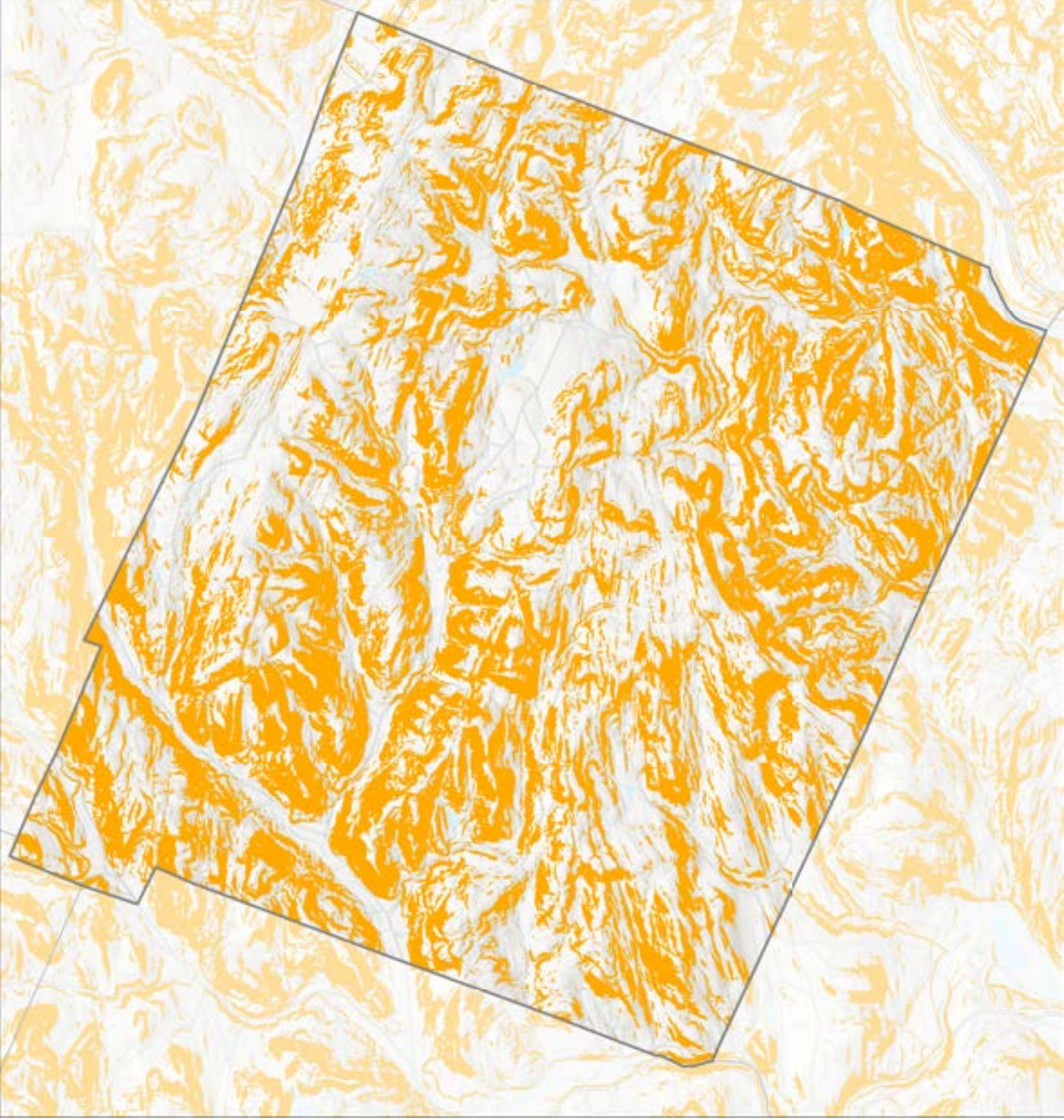
Steep Slopes

Pomfret, Vermont

 >25% slope

Scale: 1:24,000
1 inch = 2,000 feet

0 0.33 0.65 1.3 Miles





TOWN OF POMFRET, VERMONT

January 14, 2025

VIA ELECTRONIC MAIL

Two Rivers-Ottauquechee Regional Commission
128 King Farm Road
Woodstock, Vermont 05091
Attention: Geena Baber
gbaber@trorc.org

**Re: Proposed Two Rivers-Ottauquechee Regional Plan
(Final Hearing Draft) Comments**

Dear Ms. Baber:

The Town of Pomfret, by and through its Planning Commission and Selectboard, respectfully submits the following comments regarding the Final Hearing Draft of the proposed Two Rivers-Ottauquechee Regional Plan.

Pomfret is now updating its Town Plan. During this process, the Planning Commission held a hearing in April 2023 at which many landowners, Planning Commission members and Selectboard members were present. One conclusion drawn from the testimony and comments received at this hearing – as well as from copious additional feedback received since then – is that the following land use maps and figures appearing in the draft regional plan are inconsistent with existing land use patterns in Pomfret, contrary to Pomfret's intentions for future land use, and are based on inadequate consultation with local stakeholders:

- Highest Priority and Priority Interior Forest Blocks in the TRO Region (Figure 3-2);
- Highest Priority and Priority Connectivity Blocks in the TRO Region (Figure 3-3); and
- Future Land Use (Map 3).

Similarly, many of the Goals and Policies enumerated in Chapter 3 (Land Use) suffer from the same defects, particularly insofar as they are informed by the land use maps and figures listed above.

We strongly urge Two Rivers to revise these land use maps, figures, policies and goals following a robust dialogue with local communities to ensure their final versions adequately address local concerns and are reflective of existing conditions on the ground and our communities' intentions for future land use.

Pomfret is fortunate to have extensive forestland and undeveloped tracts within our boundaries. Indeed, our town has among the greatest prevalence of conserved and restricted lands in all of Vermont. The Appalachian Trail – federally owned parkland – bisects Pomfret diagonally. Many privately owned parcels are voluntarily encumbered by easements and covenants that restrict development in perpetuity. Nearly 170 parcels are enrolled in the Use Value Appraisal (Current Use) Program. Of the +/- 25,000 acres in Pomfret, approximately:

- 20,000 acres are predominately forested;
- 18,000 acres are in Current Use;
- 6,500 acres are permanently conserved; and
- 12,500 acres have steep slopes (> 25%).*

As a result, most of Pomfret's undeveloped lands are off limits to future development, in many cases in perpetuity. What remains are lands that in many places are practically undevelopable due to steep slopes, wetlands, inaccessible terrain or for other reasons. The amount of land in Pomfret that is legally and practically developable is vanishingly scarce.

Moreover, Pomfret landowners have a long and storied history of careful land stewardship fostering responsible agricultural, silvicultural and forestry uses. Pomfret has strong local zoning that governs land use townwide, with particular emphasis on ecologically and aesthetically sensitive areas like wetlands, flood zones and ridgelines. Pomfret's lands are already thoroughly encumbered by state law, local regulation, private conservation and an intergenerational commitment to conscientious land management.

For these reasons, the imposition of additional land use restrictions via Priority Interior Forest Block and Priority Connectivity Block designations is both unnecessary and inappropriate. Unnecessary because the policy goals of these designations already have been achieved and are unlikely to be undermined by what little development can still occur in Pomfret. Inappropriate because Pomfret landowners are already extensively limited in how they may use their properties. Additional restrictions would be gratuitous and inequitable.

Compounding these injuries, the proposed designations were not informed by adequate local input. As a result, the land use maps and figures described above do not accurately reflect facts on the ground today, nor our community's intentions for land use in the future. In some cases, these designations appear haphazard and arbitrary, encumbering some landowners but not others who are similarly situated.

The process resulting in the land use maps and figures described above was also legally insufficient. Twenty-four V.S.A. § 4302 sets forth a mandatory, continuing planning process that "citizen participation at all levels [be encouraged] to assure that decisions **shall** be

* Enclosed with this comment letter are three maps prepared by GIS expert Chris Moore in December 2024 depicting the locations of these features. Forest land, Current Use parcels, conserved parcels and steep slopes are extensive throughout Pomfret.

January 14, 2025

made at the most local level possible commensurate with their impact”. That has not happened here.

Similarly, 24 V.S.A. § 4348 commands that regional planning commissions “**shall** solicit the participation of each of their member municipalities, local citizens, and organizations by holding informal working sessions that suit the needs of local people” both “[a]t the outset of the planning process and throughout the process”. This also has not happened here.

Planning Commission members, other Pomfret organizations and citizens were not consulted during the process of developing the land use maps, figures, policies and goals described above. Nor were they consulted during the present amendment process. The process has been almost entirely top-down, not bottom-up as required by state law.

Until a robust dialogue with local communities occurs, we believe these maps, figures, policies and goals are vulnerable to legal and legislative challenge by towns like Pomfret. They certainly have no force of moral or persuasive authority in the absence of local consultation, feedback and buy-in.

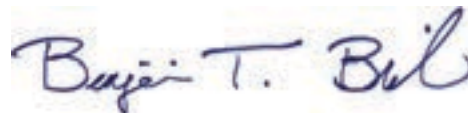
We strongly urge Two Rivers to correct these deficiencies by engaging closely with local officials, landowners and other stakeholders to ensure the regional plan – in particular the land use maps, figures, policies and goals described above – is informed by the iterative feedback process required by state law. Doing so will not only satisfy Two Rivers’ legal obligations, it also will honor the purpose of holistic community planning and result in a blueprint that better reflects Vermont, our region, individual towns, and the hopes and aspirations of all who live here.

For the Pomfret Planning Commission,

For the Pomfret Selectboard,



William B. Emmons III, chair



Benjamin Brickner, chair

Enclosures (3)

Cc: **Two Rivers Board of Directors** (e-mail list on file)
Chris Cochran, director, Division of Community Planning and Revitalization,
chris.cochran@vermont.gov
Senator Alison Clarkson, aclarkson@leg.state.vt.us
Senator Joe Major, jmajor@leg.state.vt.us
Senator Becca White, rwhite@leg.state.vt.us
Representative Heather Surprenant, hsurprenant@leg.state.vt.us
Town of Pomfret List Serve, pomfret@lists.vitalcommunities.org

Pomfret Planning Commission

October 2025 Comments

From: "Peter G. Gregory" <pgregory@trorc.org>
Date: October 30, 2025 at 8:34:46 PM EDT
To: john moore <jmooreinc@gmail.com>
Cc: Bill Emmons <wemmons3@gmail.com>, Kevin Geiger <kgeiger@trorc.org>, Kyle Katz <kkatz@trorc.org>, Pete Fellows <pfellows@trorc.org>
Subject: **Re: Comments re: Updated Regional Future Land Use Map**

Hi John,

Good to see you and Douglas as well.

Thanks for getting us your comments! Appreciated.

Take care.

Peter

Peter G. Gregory, AICP
Executive Director

Two Rivers-Ottauquechee
Regional Commission
www.trorc.org

802-457-3188
802-558-9064 cell

This email is not a legal opinion and is part of the public domain.

On Oct 30, 2025, at 7:40 PM, john moore <jmooreinc@gmail.com> wrote:

Hi Peter,

It was great to see you in Windsor last night...

I chatted with Kevin this morning at Teago and informed him of the Pomfret Planning Commission requested changes to the TRORC\ Draft Future Land Use Map.

They are as follows:

1. Do not increase the size (as proposed) of the South Pomfret Village Area.
2. All of the Tier two lands are to be Rural General with the exception of the Appalachian Trail Corridor which will be Rural Conservation.

Thanks

John Moore, Clerk