



**From:** [Act250 - Comments](#)  
**To:** [Act250 - Board](#)  
**Subject:** FW: Additional Supplemental Comment on the Draft TRORC Regional Plan  
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**Sent:** Saturday, August 8, 2026 5:11 PM  
**Subject:** Additional Supplemental Comment on the Draft TRORC Regional Plan

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### **Additional Supplemental Public Comment on the Draft TRORC Regional Plan**

I've made three previous comments on the draft Plan: a written comment to the Land Use Review Board on April 14 on the general regulatory framework (focused on the Road Rule, but with wider context; I'll resend that separately to be sure it's also in TRORC's own record); a broader written comment to TRORC on July 29 on the Plan's economic-development mandate; and verbal testimony at the July 29 Bradford hearing, which I'll also submit in writing under separate cover.

I'm commenting one more time because the Land Use Review Board's Preapplication Response for RPC10-0001 (draft dated August 3, 2026) has now been issued, and it independently raises several of the same concerns I brought to you in July (this time as findings of non-conformance and required revisions, not just one resident's opinion). I want to walk through where the Board's review lines up with what I asked TRORC to consider and add a Corinth-specific observation.

While the Board's preapplication response recommendations are advisory, the required revisions and required information items don't seem to be 'optional' extras. The LURB Board has plainly stated that the plan "appears not to conform" with specific statutory provisions unless TRORC makes the suggested changes. I think that the TRORC should (shall?) treat this hearing draft cycle as an opportunity to close those gaps before the adopted plan goes back to the Board.

The main question remains one I raised previously: do the many instances of mandatory language all govern issues with genuine regional impact that requires outside management, or are they instead usurping what should plainly be left to municipal authority?

This was the center of my July comment: that mandatory regional-plan language must be reserved for impacts that are demonstrably regional, supported by evidence, and not

more reasonably addressed through municipal plans and/or locally calibrated regulation, and that for every mandatory provision, TRORC should be able to identify its statutory basis, the specific regional harm addressed, and why guidance or municipal regulation would be inadequate. The Board's response to Section A.1 and A.2 seem to reach the same conclusion independently.

- Section A.2 (page 3–4) finds that the plan does not conform with 24 V.S.A. § 4302(b), specifically because “some triggers for substantial regional impact appear to be more appropriate for municipal level decisions.” The Board names the triggers directly: items a, c, i, k, l, m, and n on page 12-2 “appear to be more appropriately in the domain of municipalities given that the impacts will likely be at that level.” This is exactly the sort of limiting principle I asked TRORC to adopt in July. TRORC should revise or remove those triggers (or provide the trigger-by-trigger justification the Board requests) rather than treating this concept as a drafting formality.
- In (24 V.S.A. § 4302(a), page 2–3), the Board also “questions whether mandatory land use restrictions expressed throughout the plan infringe on constitutional property rights without adequate input from affected landowners and whether some of these policies will have unintended disproportionate consequences on lower-income, senior, and rural communities in particular,” and that the Board is “unable to determine whether the draft regional plan appears to conform with the general purposes of 24 V.S.A. § 4302(a).” The information that the Board demands is the same sort of audit that I had asked for previously: evidence that rural communities actually support the mandatory provisions, and evidence that they don't create disproportionate burdens.

Beyond the general framework question, the Board's review of Chapter 3 (Land Use) identifies a several specific mandatory (“shall”) provisions it couldn't confirm have member-municipality or public support, and recommends TRORC either demonstrate that support or convert the policy to guidance. (And having now been to several of the meetings, I think it's pretty clear that they *do NOT* have general public support). I'd suggest that TRORC treat this list as a starting point for the same audit for the second hearing draft:

- Rural – General Policy #2 (page 3-12): mandatory cap of one principal structure per two acres. The Board asks TRORC to “provide more information to demonstrate that member municipalities and citizens are supportive” of this policy. (They are not. The rural reality is focused more on subdivision to support intergenerational family transmittal. That's a real rural need in areas like Corinth with low development pressure.)

Rural – General Policy #3 (page 3-12): prohibition on new multi-unit buildings of six or more units. The Board notes this “is more akin to a municipal zoning regulation” and recommends it be removed or made non-mandatory. This issue should be addressed in town plans, rather than regional ones.

- Rural – General Policy #11 (page 3-13): prohibition on principal retail. The Board calls this “overly proscriptive” and specifically flags that it “would prohibit potentially appropriate rural land use such as general stores”; recommending it be removed or softened to allow defined retail appropriate to rural communities. General stores, farm stores and the like are the demand-limited lifeblood of rural communities. We need more rather than less of them. Making it harder does not help—the goal *should* be *actively* supporting these sorts of rurally aligned uses.
- Rural – Agriculture & Forestry Policies #1, #2, #5, and #8 (pages 3-15 and following), including the accessory-on-farm-business (AOFB) limitations at Policy #8. On the AOFB policy specifically, the Board recommends TRORC revise it “given the relevant provision of Act 152 of 2026,” noting that the original AOFB statute was meant to allow accessory farm businesses consistently statewide, subject to standard municipal site-plan review, and that inconsistent Act 250 treatment across regions “runs counter to the original AOFB intent.” This is the same twenty-event-style provision I raised concerns about in July; the Board's answer under current law is that it should not be a regional mandate at all. It makes far more sense for that to be controlled at the local level by the affected communities.
- Rural – Conservation Policies #8, #9, #12, and #16 (pages 3-19–20), including a flat one-acre impervious-surface cap the Board itself calls “arbitrary and potentially very limiting.” Again, locally informed nuances would be critical in the application of this sort of limit.
- Thermal Energy Policy #2 (page 10-16), prohibiting fossil-fuel primary heat for new Act 250 development. The Board calls it “overly proscriptive and at odds with removing barriers to housing development and rural enterprises in particular.” In the meetings I attended, incredulous rural residents seemed to agree.
- Transportation Policies #4 and #11 (page 4-8), restricting truck traffic on gravel roads and mandating EV charging for all new Act 250 development, flagged on the same grounds. This restriction would negatively impact many perfectly appropriate farm-related and other rural businesses and would be better as a demand-driven goal.

- Housing Policy #12 (page 8-16), which the Board says “would appear to prohibit Act 250 housing projects on gravel roads” and “could greatly disadvantage property owners on unpaved roads” is just the sort of provision that falls hardest on exactly the rural, deep-parcel towns like Corinth that this plan is supposed to serve.
- Housing Policy #19 (page 8-16), restricting where housing for elderly, disabled, and low- or moderate-income households can be sited, which the Board says “could be discriminatory in that it deprives certain groups access to the same environmental benefits of housing in rural areas that others enjoy.”

In every one of these instances, the Board's standard is the same: they ask TRORC to demonstrate genuine municipal and public support for a mandatory rule, or make it a recommendation. TRORC should test each of these provisions on that basis before the second hearing draft (and show their work. Not just soften the language, but show what evidence of support exists, town by town. If the answer is ‘none,’ the rule shouldn’t be mandatory.)

The document is still full of stale references to repealed law, which are confusing at this stage of the process. The Board flagged that the draft still references Tier 2, Tier 3, and the Road Rule in multiple places (e.g., page 3-21), and recommended removing them since “Tier 2 and 3 and the ‘Road Rule’ were all repealed effective July 1, 2026, per Act 152 of 2026.” I'd echo that, and would add that any Plan language that still treats the road/driveway threshold or Tier 3 sensitivity designations as live regulatory tools should be corrected everywhere it exists in the document, not just where the Board happened to spot it. Otherwise, residents reading the Plan will continue to be confused about what's really in effect.

The Board's Goal 15 finding (page 13–14) is worth flagging individually. The plan commits to future environmental justice equity but best I can tell hasn’t measured the current conditions. The Board says that the plan doesn’t conform with 24 V.S.A. § 4302(c)(15) because, while TRORC's outreach and forward-looking equity commitments are genuine, “the plan does not provide an analysis of whether environmental benefits and burdens are distributed equitably throughout the region currently.” The Board's required revision asks for a spatial analysis of current distribution, not just a process for future distribution. I'd note that this cuts in the same direction as my broader concern from July: a plan built around statewide-style conservation mandates, without first establishing where the region's actual burdens fall today, risks landing hardest on exactly the lower-income, senior, and rural households the plan says it wants to protect.

Worth noting separately: the Board's review found the plan conforms with Goal 2 (a strong and diverse economy, § 4302(c)(2)) without raising any of the economic-vitality concerns I flagged in my July 29 comment on the Plan's economic-development mandate. A conformance finding isn't the same as testing whether the Plan actually does enough on that front, and I'd ask TRORC to keep that comment in view separately from the Board's checklist. I still feel strongly that every recommendation should be weighed against this standard: "Will this recommendation make it more likely that people can continue living, working, investing, farming, managing forests, operating businesses, and raising families in every part of the TRORC region—including its lower-demand rural communities?"

One Corinth-specific observation: Best I can tell, Corinth does not appear anywhere in the Tier 1B requests, and has no designated downtown center, village center, or planned growth area on the draft Future Land Use map. Cookeville and East Corinth appear only as hamlet and village centers, with no Tier 1A/1B eligibility discussed for either. Unless I've missed something, that means Corinth carries the mandatory rural-area provisions discussed above with none of the offsetting Tier 1 benefits available to the seven municipalities that do have Tier 1B requests pending. If the corresponding TRORC rural mandatory provisions survive this revision process, I'd ask that the Plan at least acknowledge this asymmetry directly and describe what path (if any) exists for towns like Corinth that don't have public water or sewer to ever qualify for the relief side of this framework.

Thank you again for the extensive outreach TRORC has done on this plan. I fully recognize the enormity of the task of trying to develop a regional plan for such a huge and diverse area with a tiny staff and limited budget and appreciate the hard work that has obviously gone into the process. I'm personally committed to being a thoughtful part of the process of calibrating the plan in a way that serves the long-term needs of the rural communities of Vermont as they work to thrive in a very difficult economic climate. And as always, thanks for the opportunity to comment.

I'd ask that this comment is considered together with the Board's preapplication response as TRORC prepares the second hearing draft.

Best regards,

*Tom*

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