



LAND USE REVIEW BOARD

10 Baldwin Street
Montpelier, VT 05633-3201

LAND USE REVIEW BOARD MEETING MINUTES

**Pre-Application Meeting, Two Rivers-Ottauquechee Regional Commission
6/26/2026, 1:00 p.m.**

Physical Location: Woodstock Town Office

Online Location: Microsoft Teams

Attendance (in-person or Microsoft Teams)

Board Staff: Rebecca Chalifoux (Microsoft Teams), Pete Kopsko (In person)

Other Attendees (Microsoft Teams): Faith Dall, Marcella Dent, Annette Smith

A. Call to order and Board member roll call

The Land Use Review Board convened at 1:03 p.m. via In-Person and Microsoft Teams, Janet Hurley presiding, with the following Board members in attendance:

Janet Hurley, Chair – In-person
Sarah Hadd, Vice Chair – Absent
Brooke Dingledine – Microsoft Teams
Kirsten Sultan – In-person
Alex Weinhagen – In-person

Janet Hurley provided a brief overview of the regional plan review process, explaining that the board conducted site visits earlier in the day and is now holding a preapplication meeting as part of a collaborative forum to gather input from all interested parties before the Regional Planning Commission adopts its final plan. She noted that once the commission adopts the plan, TRORC will return to the Land Use Review Board for a formal hearing, at which point the board will issue a formal determination of compliance. Written public comments on the draft plan are being accepted for 30 days from the date the preapplication was deemed complete —June 3— through roughly July 3 and may be submitted by email (to Act 250.Board@vermont.gov) or by mail. The board will provide the commission with preliminary written feedback within 60 days of the complete preapplication.

Janet Hurley explained for today's meeting the Regional Planning Commission will present an overview of its draft plan, board members will pose questions to the commission, and then the floor will be opened to questions from state partner agencies and any other interested participants.

B. TRORC presentation.

TRORC staff members introduced themselves: Kevin Geiger (Senior Planner), Kyle Katz (Regional Planner), Peter Gregory (Executive Director), and Pete Fellows (GIS Manager).

TRORC staff presented their comprehensive update to the regional plan, noting adoption of a recent redraft last year. Initially, the land use and housing sections were left unchanged while the TRORC awaited finalized housing targets and a new land use mapping protocol; those two sections have since undergone major revisions. The process has been extensive and public-facing, with roughly 65 meetings and additional executive committee and full board reviews for key chapters.

The TRORC team described broad outreach and engagement: visiting each town's planning commission and selectboard (often more than once), meeting with legislators and commissioners, and conducting both town-specific and regional sessions to explain what the regional plan is—and is not. They also performed focused outreach to environmental justice populations (documented in Appendix F), posted town sections online as they were drafted with a parcel-based comment tool, and used a newsletter reaching about 1,700 recipients. Toward the end of the process, they met with selectboards in communities considering Tier 1B status, since those bodies must opt for the status.

A central focus was the future land use map. The FLU map redesign refines rural categories—shifting a broad “forest-based” area to a “rural conservation” category and splitting prior “rural” areas into “rural general” and “rural agriculture and forestry.” Despite the reclassification, only about 1% of the region's land (roughly 8,000 acres) changed categories, with most of the landscape remaining rural. Detailed, parcel-level online maps support public understanding. The mapping method ran “outside in” (starting with rural conservation and stepping inward) and “inside out” (expanding from existing village areas), favoring parcel boundaries for clarity and smoothing for continuity across parcel, town, and regional scales.

The plan is guided by the state goal of compact settlements surrounded by open countryside. Examples included a Randolph-to-Bethel corridor where agricultural lands informed a shift to rural agriculture and forestry, and a Norwich “transect” that intensifies from rural conservation to a village center where the plan places no cap on potential density. Many village centers were already “legacy” centers; about three-quarters of village centers fall into that category, and these areas generally expanded to meet housing needs.

On housing, the plan must accommodate a substantial majority of each town's need within core area future land use categories (55%, 60%, or 65%, depending on services), with targets allocated across towns by population and weighted upward for interstate access or infrastructure. The team emphasized the plan does not build housing but creates space and momentum to address needs, using the higher 2030 estimate

because they view it as conservative. Capacity analyses proceed parcel by parcel within village centers: they exclude mapped constraints (floodplains, river corridors, steep slopes, poor soils, rights-of-way), account for existing units, and apply density assumptions—typically 1 unit/acre where there is no water/sewer and 2.5 units/acre where there is infrastructure. Although towns must allow up to 5 units/acre by law where water and wastewater is available, the plan assumes actual build-out will be lower and therefore builds in a buffer so villages exceed near-term targets and can accommodate additional growth over time.

- The team treated flood hazard areas and river corridors as hard constraints when designing future land use and estimating housing capacity. In their parcel-by-parcel “development envelope” analysis within village centers, they explicitly excluded floodplains and river corridor areas (along with steep slopes, poor soils, and rights-of-way) from the buildable area.
- Housing capacity was then calculated only on the remaining, unconstrained acreage, with existing housing accounted for and conservative density assumptions applied (e.g., 1 unit/acre without water/sewer; 2.5 units/acre with infrastructure). This ensured targets were not met by relying on development in flood-prone or river corridor areas.
- When expanding village areas “from the inside out” to meet housing targets, they grew boundaries around existing centers while bypassing mapped constraints. Combined with their “outside in” rural-to-urban mapping logic and use of parcel boundaries, this approach aligned target-setting with resilient siting and avoided concentrating growth in flood hazard or river corridor zones.
- They also built in a buffer to accommodate unknown or unmapped constraints, reinforcing a conservative approach that protects sensitive areas while still creating adequate capacity for future housing needs.

C. Questions from Board members.

1. Density assumptions vs. local zoning allowances

- **Question:** Why did the team use 1 unit/acre (without infrastructure) and 2.5 units/acre (with infrastructure), and are these tied to municipal zoning?
- **Answer:** The assumptions are intentionally conservative and independent of current zoning—1 unit/acre reflects typical well/septic isolation distances in unserved areas; where water/sewer exist they use 2.5 units/acre, acknowledging towns must allow up to 5 units/acre by statute but actual buildout is often lower; they add a buffer to ensure meeting targets and avoid hard-tying capacity to current zoning because the goal is to enable and encourage more housing than many bylaws presently allow.

2. Why the “high” housing target is still considered low

- **Question:** Why does the commission view the state’s high 2030 housing target as low?
- **Answer:** The state’s model relies heavily on demographic trends and does not fully account for current cost-burdened households; in the region, roughly

10,000 households are cost-burdened, so even achieving the 3,500-unit goal would leave a substantial shortfall, especially if not all new units are affordable, making the “high” target conservative in their view.

3. Share of developable land within mapped growth areas

- **Question:** Did the team calculate the percentage of developable land within future land use areas used for capacity?
- **Answer:** They did not compute a single percentage; instead, they used a parcel-by-parcel “development envelope” method that subtracts constraints (floodplains, river corridors, steep slopes, poor soils, rights-of-way), accounts for existing units, and then applies density assumptions; they opted for a semi-manual, GIS-supported approach to avoid overestimating buildable acreage, especially where automated overlays would misrepresent usable portions of parcels.

4. How floodplains and river corridors were treated

- **Question:** How did the plan treat flood hazard areas and river corridors, especially given Tier 1B requirements?
- **Answer:** They removed obvious large undevelopable areas (e.g., town-owned floodplain in Randolph) but avoided a rigid “cookie-cutter” exclusion because FEMA and river corridor maps are often inaccurate or outdated (e.g., LOMAs not reflected on FIRMs); instead, they made some case-by-case mapping adjustments (with some non-infill lands removed on an obvious scale), and apply mandatory regional policies (e.g., no building in FEMA floodway, freeboard standards, no net fill/avoid adverse impact) to ensure protective outcomes while recognizing statutory nuances for downtowns, village centers, and Tier 1B.

5. Map accuracy and pending river corridor updates

- **Question:** Why not use current river corridor/flood maps to carve out growth areas?
- **Answer:** The team cited known inaccuracies—Orange County lacks digital FIRMs; LOMAs change effective flood limits but aren’t spatially updated on maps; and DEC is re-mapping river corridors with new LiDAR (prelim release targeted around 2028), which will alter boundaries; given this churn, they preferred to keep many downtown/village areas mapped as centers and rely on infill and mandatory policies rather than lock in soon-to-be-obsolete polygon exclusions.

6. Fairlee village expansion near the Connecticut River

- **Question:** Why does the Fairlee village center expansion reach close to the Connecticut River, and how are river corridors applied there?
- **Answer:** There is no state-mapped river corridor on the Connecticut due to flood control and management conditions; the team emphasized reliance on plan policies to guide siting, but board members noted Act 250 jurisdiction won’t control Tier 1B-exempt housing, raising implementation concerns the commission acknowledged while pointing to the Flood Safety Act’s

forthcoming municipal river corridor requirements and inviting site-specific corrections.

7. Randolph flood mapping layer and Orange County FIRMs

- **Question:** Where did the Randolph flood cross-hatching come from given no digital FIRMs for Orange County?
- **Answer:** Two Rivers and ANR independently created “cartoon” digitized approximations to inform planning; at the board’s request, the commission agreed to submit the layer formally into the application record so it can be used in the board’s viewer as supportive evidence.

8. Sharon village centers

- **Question:** How do Sharon’s two linear village centers meet statutory definitions, and why not use village area?
- **Answer:** Severe constraints (White River, I-89, steep slopes, WMA lands) and a built-out historic center limit expansion, while South Sharon has denser residential and some commercial uses; because Sharon lacks both zoning and subdivision regulations, it cannot qualify for “village area,” so the team created compact nodes as village centers to accommodate targets without sprawling forms.

9. Use of village area vs. planned growth area around centers (Randolph/Bradford)

- **Question:** Why are some dense residential areas mapped as village area and not planned growth area, and why do some village areas not directly adjoin centers?
- **Answer:** The team uses village area as “dense residential donuts” around cores—primarily residential and generally less dense than planned growth areas, which are more mixed-use and infrastructure-rich; in Randolph, planned growth areas reflect town plan bounds; in Bradford, sewer/water cover the corridor, but connectivity and topography (ridge/plateau) led to a mixed approach, with a field used as a connector and a compromise respecting a development corporation’s possible non-housing uses; some additions (e.g., on Saddleback Road) were town-requested.

10. Potential Hartford expansions

- **Question:** Should Hartford’s sewer/water service expansions trigger larger village area/center bounds?
- **Answer:** In Hartford, areas north of the VA hospital are steep ledge slopes and not suitable for dense expansion despite service proximity.

11. South Woodstock walkability

- **Question:** Is South Woodstock’s extended village center walkable?
- **Answer:** In South Woodstock, a sewer/water corridor extends to the horse association and general store, and although Route 106 lacks ideal sidewalks, people do walk along shoulders and through parking areas during events, supporting a linear village center.

12. Cross-RPC coordination at town borders (Wells River/Ryegate)

- **Question:** Why does the Wells River village center narrowly extend into Ryegate where it's forested?
- **Answer:** Coordination with NVDA ensured continuity where cross-border settlement patterns function as a single place (e.g., East Ryegate/South Ryegate connections), even if the immediate adjacency is wooded on one side; the teams met to align boundaries across regions.

13. Referencing maps and fixing link issues

- **Question:** Can the plan narrative more clearly reference specific maps, and fix broken or outdated links?
- **Answer:** The commission acknowledged the need and suggested some omissions may stem from timing of uploads; they agreed to add explicit map references and clean up links before final adoption.

14. Municipal reaction to “municipalities should...” recommendations

- **Question:** How do municipalities feel about the plan telling them what they should do?
- **Answer:** The board (comprised of municipal reps) reviewed and adjusted recommendations, removing some items; Two Rivers has a long-standing practice of including goals, policies, and recommendations by land use area, and towns often request adding items but the RPC filters for feasibility given local capacity.

15. Substance misuse section: policy/recommendation mismatch

- **Question:** Why do recommendations assign tasks to municipalities when policies cast the RPC as the helper?
- **Answer:** That section's language originated with a health policy working group; the team took note of the mismatch and, by implication, will review wording to better align roles.

16. Pre-application support for projects subject to Act 250/248

- **Question:** How does the RPC “review” projects before District Commission filing—does this extend to Act 250 criteria?
- **Answer:** They focus on plan conformance and early guidance (often at or before local review), flagging obvious constraints (e.g., wetlands) and directing applicants to Act 250 staff for jurisdiction and criteria questions; early conversations help applicants reduce redesign costs and avoid conflicts with regional plan policies.

17. Mandatory policies tied to future land use areas

- **Question:** Is the plan being used like zoning, with “shall” policies applied in Act 250/248?
- **Answer:** The team intentionally uses mandatory language tied to land use areas because courts have held plans must contain enforceable standards to have weight; they've used this approach for ~25 years to provide clear

guidance in regulatory proceedings while recognizing others' plans may be less specific.

18. Inclusionary-style requirement in Act 250 projects

- **Question:** Is it appropriate for the regional plan to require one affordable unit per nine market-rate units for Act 250 housing?
- **Answer:** The team argued statute gives RPCs broad latitude to pursue goals and that inclusionary requirements are warranted to meet housing needs (noting they could justify going further); board members raised concerns about statutory fit and District Commissions' ability to apply such a provision.

19. Housing on paved roads only (Act 250 projects)

- **Question:** Does the policy barring "new" Act 250 housing on gravel roads go too far, including small amendments?
- **Answer:** The intent is to minimize municipal fiscal burdens from large projects on gravel roads, but the team acknowledged the need to refine language to avoid unintended consequences (e.g., single added units under permit amendments) and will revisit wording.

20. Directing publicly supported LMI/elderly/disabled housing to cores

- **Question:** Is it inequitable to direct these projects only to core areas/within one mile on highways/transit and away from rural areas?
- **Answer:** The team's intent is to place new publicly supported housing near services and transit for practicality and access; they recognized equity implications and said they would reexamine the language, noting the plan does allocate some housing growth to rural areas overall.

21. Tier 1B process and eligibility

- **Question:** How do Tier 1B requests relate to the future land use map, and what's the status across towns?
- **Answer:** Tier 1B areas must be mapped as certain growth FLU types; about half the towns have opted in, others remain eligible and can request later; the team used consistent "cookie cutter" bounds aligned with village/downtown limits, allowed towns to choose among eligible subareas, and removed obvious floodplain pieces, with the board reiterating it will rule on both the plan and the Tier 1B requests.

Brooke Dingleline reiterated concerns, echoing Alex Weinhagen, about the regional plan's use of mandatory language that could function as quasi-zoning, and urged retaining the aspirational intent of planning documents. She emphasized the need for consistency between town and regional plans, referencing the use of mandatory language ("shall" not "should") to establish clear written community standards such as for ridgeline protections in order for those plan provisions to have regulatory effect in Act 250's Criteria 8 (aesthetics) and 10 (plan conformance) as well as the PUC's orderly development criterion. However, she expressed concern with the expansion of the use of mandatory language to prohibit housing to be built on unpaved roads, citing the prevalence of such roads in the region, and requested that the Commission reconsider

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those provisions, indicating that these points will be addressed further in the Board's pre-application response.

D. Questions and comments from state partner agencies and the public

There were no comments from State partner agencies or the public.

E. Adjourn

Motion: to Adjourn.

By: Alex Weinhausen

Second: Kirsten Sultan

Voting Board members

Janet Hurley, Chair - Aye

Sarah Hadd, Vice Chair - Absent

Brooke Dingleline - Aye

Kirsten Sultan - Aye

Alex Weinhausen - Aye

Result: **Motion approved, unanimous**

Meeting ended at approximately 3:06 p.m.