



September 11, 2026

Dear Members of the Land Use Review Board,

I am writing to you on behalf of the Executive Board of the Windham Regional Commission (WRC).

The WRC received comments on its draft Regional Plan from the Land Use Review Board on August 14th. The WRC Executive Board had an opportunity to review and discuss the comments at their meeting on September 8th. WRC staff shared recommended changes to policies in the Regional Plan based on the LURB review comments, and the Board asked us to share concerns it had about some of the revisions required by the LURB.

The policies in the Windham Regional Plan have been developed and refined by Commissioners with public input and with review by the region's towns over several decades. With each Regional Plan update process, the policies are reviewed, updated, and added to based upon the current issues and priorities in our region and amongst our member towns, as well as our experience in Act 250 and Section 248 proceedings. WRC has developed these policies to work towards achieving the statewide planning goals in 24 V.S.A. § 4302 and meet the requirements of the Regional Plan elements in 24 V.S.A. § 4348a. As towns have requested approval of their adopted town plans, we have reviewed their plans with an eye towards potential conflicts, among other statutory requirements. There has been no significant conflict over at least the last 15 years. WRC also has a defined process in the event its Project Review Committee discovers a conflict between a municipal plan and the Regional Plan to work out these differences. In addition, we believe the role of policies in Regional Plans goes beyond the Act 250 and Section 248 review process; they can reflect best planning practices or can be considered by our member towns in the development of policies for municipal plans.

The use of stronger language in certain policies, such as shall or must, is intentional and reflects particular areas of concern where WRC believes having that stronger language is beneficial for our plan and region. While we understand the concerns about mandatory policy language in Regional Plans potentially being in conflict with municipal plans or potentially creating confusion in the Act 250 permitting process, our region has not experienced this as an issue to date. In fact, the District Environmental Commission and the Natural Resources Board relied upon our regional plan's prescriptive language requiring that resort developments have master plans until the Board had the opportunity to adopt its own rule requiring the same. We are also not aware of specific limitations in statute that would restrict Regional Planning Commissions from using mandatory language in its policies.

Our understanding and experience in the Act 250 and Section 248 review process is that our Regional Plan is seen as an advisory document that either the District Environmental Commission or Public Utility Commission takes into consideration. Our policies are not applied as mandatory for development

projects. Importantly, Vermont case law has also instructed towns and regional planning commissions to be more intentional with the use of suggestive language (i.e. “should” or “may”) versus mandatory language (i.e. “shall” or “must”) when developing plan documents, and that the latter is necessary to be given more robust consideration in state permitting processes. We believe it is essential that the LURB review reflect this reality. It is our hope that it is not the Board’s intent to diminish the effective standing of regional plans, and ultimately municipal plans, in Act 250 and Section 248 by establishing a standard that ostensibly eliminates prescriptive language.

For now, we are moving forward with less prescriptive language because we feel significant time pressure to get through the LURB review and approval process, but we do feel the need for the regional planning commissions as a group to engage with the LURB on this subject. We appreciate the opportunity to raise these issues with the LURB as we continue to work together to carry out the changes to regional and municipal planning in Vermont initiated by Act 181.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. Campany', with a stylized, flowing script.

Chris Campany, Executive Director