



State of Vermont
Land Use Review Board
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Preapplication Response

Sent Via Recipient List

The Land Use Review Board (“Board”) completed its preapplication review of the Windham Regional Commission (“WRC”) preapplication RPC11-0001 that was deemed complete on June 17, 2026. The WRC preapplication includes requests for Tier 1B area status for portions of eight municipalities (Brattleboro, Marlboro, Newfane, Putney, Rockingham, Westminster, Weston, and Winhall).

The Board held a meeting on July 8, 2026. Separately, the Board requested comments from state partner agencies and the public. Copies of those comments can be found on the database: <https://anrweb.vt.gov/ANR/Act250/RPDetail.aspx?AppNum=RPC11-0001>. The database also provides the preapplication (Exhibits 001 to 021, and link to Future Land Use Map).

The Board’s preapplication review does not encompass nor reflect its position with respect to comments received. The comments received are provided for WRC information and consideration for potential revisions to its draft plan or Tier 1B requests, as the WRC may elect.

I. Board Review

The purpose of the preapplication process is for the Board to: (1) coordinate comments on the draft regional plan from all interested agencies and entities, (2) provide a preliminary assessment as to whether the draft regional plan is in conformance with 24 V.S.A. §§ 4302, 4348a, 5803, and 5804. (b), (3) provide a preliminary assessment as to whether the draft regional plan is consistent with the purposes 24 V.S.A. § 4347, and (4) provide preliminary assessment as to whether any Tier 1B status request meets the requirements of 10 V.S.A. § 6033(c), 24 V.S.A. § 4348a(a)(12)(A)-(C), and 24 V.S.A. Chapter 139.

This preapplication response addresses the statutory standards and identifies areas where the: (1) the draft plan appears to conform, (2) the draft plan appears not to conform and likely needs revision, or (3) draft plan is insufficient for the Board to make a determination. If the WRC disagrees with a negative assessment, the Board will need additional information about why the WRC believes the statutory standard is met. Such additional information should be included with the adopted regional plan application. This preapplication response includes optional recommendations of the Board that the WRC

may choose to address within the adopted regional plan. **This preapplication response is advisory only and does not guarantee an affirmative determination when the adopted plan or Tier 1B status request is submitted pursuant to Section 1.300 of the Board's Regional Planning Commission Application Guidelines.**

A. Further the State Planning Goals

The Board has reviewed the draft regional plan to determine if the plan furthers the goals of 24 V.S.A. § 4302.

1. Conformance with 24 V.S.A. § 4302(a)

"It is the intent and purpose of this chapter to encourage the appropriate development of all lands in this State by the action of its constituent municipalities and regions, with the aid and assistance of the State, in a manner which will promote the public health, safety against fire, floods, explosions, and other dangers; to promote prosperity, comfort, access to adequate light and air, convenience, efficiency, economy, and general welfare; to enable the mitigation of the burden of property taxes on agricultural, forest, and other open lands; to encourage appropriate architectural design; to encourage the development of renewable resources; to protect residential, agricultural, and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking and the invasion of through traffic, and from the loss of peace, quiet, and privacy; to facilitate the growth of villages, towns, and cities and of their communities and neighborhoods so as to create an optimum environment, with good civic design; to encourage development of a rich cultural environment and to foster the arts; and to provide means and methods for the municipalities and regions of this State to plan for the prevention, minimization, and future elimination of such land development problems as may presently exist or which may be foreseen and to implement those plans when and where appropriate. In implementing any regulatory power under this chapter, municipalities shall take care to protect the constitutional right of the people to acquire, possess, and protect property."

24 V.S.A. § 4302(a).

The draft regional plan appears to conform with the general purposes of 24 V.S.A. § 4302(a).

2. Conformance with 24 V.S.A. § 4302(b)

"It is also the intent of the Legislature that municipalities, regional planning commissions, and State agencies shall engage in a continuing planning process that will further the following goals:

- (1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and State agencies.
- (2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.
- (3) To consider the use of resources and the consequences of growth and development for the region and the State, as well as the community in which it takes place.
- (4) To encourage and assist municipalities to work creatively together to develop and implement plans.”

24 V.S.A. § 4302(b).

The draft regional plan includes a checklist which details how the requirements of 24 V.S.A. § 4302(b) are met (Exhibit 002 page 5), with reference to specific draft regional plan content (Exhibits 001 to 021).

The draft regional plan appears to conform with 24 V.S.A. § 4302(b).

Advisory Recommendations:

- The draft regional plan should be revised to integrate actions and policies in the chapters. A separate appendix can be provided with an implementation chart or list of actions however the sole placement of implementation measures in an appendix is less effectual in coordinating with policy and plan context.
- The draft regional plan includes some references to former provisions of Act 181, since revised under Act 152 (S.325). It is understood, from the preapplication meeting discussion with WRC staff, that the draft plan will be updated to reflect current statute, for example removal of references to Tier 3 (Chapter 3, pages 8 and 12), removal of references to the Road Rule, etc.

3. Conformance with 24 V.S.A. § 4302(c)

The draft regional plan must further the fifteen goals of 24 V.S.A. 4302(c).

The draft regional plan includes a checklist which details how the requirements of 24 V.S.A. § 4302(c) are met (Exhibit 002, page 5), with reference to specific draft regional plan content (Exhibits 001 to 021). Conformance with the fifteen goals is further summarized, as follows.

Goal 1:

The first goal is to plan development that maintains "... the historic settlement pattern of compact village and urban centers separated by rural countryside.

- (A) Intensive residential development should be encouraged primarily in downtown centers, village centers, planned growth areas, and village areas as described in section 4348a of this title, and strip development along highways should be avoided. These areas should be planned so as to accommodate a substantial majority of housing needed to reach the housing targets developed for each region pursuant to subdivision 4348a(a)(9) of this title.
- (B) Economic growth should be encouraged in locally and regionally designated growth areas, employed to revitalize existing village and urban centers, or both.
- (C) Public investments, including the construction or expansion of infrastructure, should reinforce the planned growth patterns of the area.
- (D) Development should be undertaken in accordance with smart growth principles as defined in subdivision 2791(13) of this title."

24 V.S.A. 4302(c)(1).

Board Response: The draft regional plan appears to conform with Goal 1.

Advisory Recommendation:

- Chapter 3 (Exhibit 005, page 9) refers to transition/infill areas depicted on the Future Land Use ("FLU") map. Policy #8 (page 19) reads "Support the transformation of Transition and Infill Areas into areas that provide a greater mix of uses, increased density (when water and/or wastewater infrastructure is available), improved traffic circulation and pedestrian safety, and improved architectural and site design." Consider identifying the steps that WRC will take to support the transformation identified in Policy 8.

Goal 2:

The second goal requires the plan "[t]o provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes." 24 V.S.A. § 4302(c)(2).

Board Response: The draft regional plan appears to conform with Goal 2.

Goal 3:

The third goal requires the plan to “[t]o broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.” 24 V.S.A. § 4302(c)(3).

Board Response: The draft regional plan appears to conform with Goal 3.

Goal 4:

The fourth goal requires the plan “[t]o provide for safe, convenient, economic, and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.” 24 V.S.A. § 4302(c)(4). As well as “[h]ighways, air, rail, and other means of transportation should be mutually supportive, balanced, and integrated.” 24 V.S.A. § 4302(c)(4)(A).

Board Response: The draft regional plan appears to conform with Goal 4.

Goal 5:

The fifth goal requires the plan “[t]o identify, protect, and preserve important natural and historic features of the Vermont landscape, including:

- (A) significant natural and fragile areas;
- (B) outstanding water resources, including lakes, rivers, aquifers, shorelands, and wetlands;
- (C) significant scenic roads, waterways, and views;
- (D) important historic structures, sites, or districts, archaeological sites, and archaeologically sensitive areas.”

24 V.S.A. § 4302(c)(5).

Board Response: The draft regional plan appears not to conform with Goal 5.

Required Revisions:

- **The draft plan has several chapters relevant to Goal 5: Chapter 3, Land Use (Exhibit 005); Chapter 4, Natural Resources (Exhibit 006); and Chapter 10, Educational, Cultural, Recreational Resources (Exhibit 012). These chapters address many portions of Goal 5 (and related Element 2). However, the plan does not fully identify the following natural and historic features listed in Goal 5: (a) outstanding water resources; (b) significant scenic roads, waterways, and views; (c) important archaeological sites and archaeologically sensitive areas. The applicable chapters should be updated to better identify these features in the region. Once better identified, the regional policies, objectives and**

strategies in the relevant chapters should be examined and potentially bolstered to address the protection of these features. The required scenic resources information could be identified as a list and/or map; scenic resources could include those identified by towns, where available.

- **Policy #8 in Chapter 10 (Exhibit 012, page 11) appears to be the only mention of archaeological resources. To conform with Goal 5, information on archaeological resources should be added to this chapter. Such content could identify and/or discuss important archaeological sites and archaeologically sensitive areas archaeological, why they are important, and related considerations.**

Advisory Recommendations:

Consider making the following revisions to Chapter 4, Natural Resources (Exhibit 006):

- **Page 13.** Suggested technical correction: the draft plan indicates that “Vernal pools are small wetlands resulting from the persistence of standing water for a portion of the year, characterized by a lack of vegetation, though they may support some herbaceous wetland species.” According to the Agency of Natural Resources, vernal pools are not characterized by a lack of vegetation, but are rather characterized by being ephemeral (i.e., a temporary body of water) and by the lack of fish:
<https://www.vtfishandwildlife.com/conservation/conservation-planning/natural-community-fact-sheets/vernal-pool>
- **Page 23.** Last Paragraph, 3rd Sentence. Typo correction: use the word “invasive” instead of “evasive” with regard to invasive species.
- **Page 26, Policy #1(c).** The policy encourages preservation of old growth forest blocks, but these aren’t discussed, defined, or mapped in the text of chapter. Consider addressing them in the chapter to support and provide a reference for this policy.
- **Page 28, Policy #12.** The policy says to maintain any designated class 1 wetlands; however, the wetlands section of the chapter states that there are no class 1 wetlands in the region. Perhaps this is simply a typo, and the policy statement meant to refer to class 2 wetlands. Perhaps this statement is in case any class 1 wetlands are designated in the region someday. Clarification is encouraged.
- **Page 28, Policy #12(a).** Consider removing the reference to class 3 wetlands given

that per the Vermont Wetland Rules, the State's jurisdiction for permitting wetland alterations is limited to class 1 and class 2 wetlands. Wetlands with significant functional and ecological value are not class 3 wetlands. Including such a policy statement could have unintended consequences on development that involve the alteration of small, insignificant class 3 wetlands.

- **Pages 14-15.** A section on dams discusses the environmental issues that dams may pose. Consider specifically identifying and discussing dams in the region that could be candidates for removal.
- **Pages 23-24.** The draft plan mentions two groups in the region that work to manage spread of terrestrial and aquatic invasives. Can the WRC assist in control of invasives in any way? Consider including actions or policy on this.
- In **Chapter 10** (Exhibit 012), consider adding more description of area social and civic organizations.

Goal 6:

The sixth goal requires the plan "[t]o maintain and improve the quality of air, water, wildlife, forests, and other land resources.

- (A) Vermont's air, water, wildlife, mineral, and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. § 6086(a).
- (B) Vermont's water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.
- (C) Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.

24 V.S.A. § 4302(c)(6).

Board Response: The draft regional plan appears to conform with Goal 6.

Advisory Recommendation:

- Chapter 4, Natural Resources Policy #21 (Exhibit 006): Page 29). The policy is to maintain or improve class 1 groundwater, but this resource isn't discussed, defined, or mapped in the text of the chapter. Consider addressing this resource in the chapter to support and provide a reference for this policy.

Goal 7:

The seventh goal requires the plan “[t]o make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.

- (A) General strategies for achieving these goals include increasing the energy efficiency of new and existing buildings; identifying areas suitable for renewable energy generation; encouraging the use and development of renewable or lower emission energy sources for electricity, heat, and transportation; and reducing transportation energy demand and single occupancy vehicle use.
- (B) Specific strategies and recommendations for achieving these goals are identified in the State energy plans prepared under 30 V.S.A. §§ 202 and 202b.”

24 V.S.A. § 4302(c)(7).

This goal is addressed in Chapter 7, Energy (Exhibit 009) which states that a primary purpose of the plan is to implement the 2022 Vermont Comprehensive Energy Plan and the 2021 Vermont Climate Action Plan. The chapter discusses current and anticipated future energy use for the WRC region, specific renewable energy targets, and greenhouse gas emission reductions in the electricity, thermal, and transportation sectors. The chapter identifies goals and strategies under the pathways of Conservation and Efficiency, Land Use, Transportation, Renewable Energy Siting, and Equity in order to achieve these energy targets. Energy issues are also addressed within the Land Use and Transportation chapters. It appears that the region produces approximately one quarter of the energy it needs. It is also noteworthy that the largest commercial windfarm in the eastern U.S. is in the region, in the town of Searsburg.

Board Response: The draft regional plan appears to conform with Goal 7.

Advisory Recommendations:

Consider making the following revisions to Chapter 7, Energy (Exhibit 009):

- Page 39 notes energy equity and burden but does not discuss impacts to specific populations such as older adults and economically disadvantaged Vermonters. Discuss such impacts with respect to specific populations.
- EV charging stations are identified as a need, however the numbers of existing or planned EV charging stations in the region are not indicated. Include discussion.
- Consider adding an action item for thermal conversion that addressed the call for an increase in wood on page 25.

Goal 8:

The eighth goal requires the plan “[t]o maintain and enhance recreational opportunities for Vermont residents and visitors.

- (A) Growth should not significantly diminish the value and availability of outdoor recreational activities.
- (B) Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate.”

24 V.S.A. § 4302(c)(8).

Board Response: The draft regional plan appears to conform with Goal 8.

Goal 9:

The ninth goal requires the plan “[t]o encourage and strengthen agricultural and forest industries.

- (A) Strategies to protect long-term viability of agricultural and forestlands should be encouraged and should include maintaining low overall density.
- (B) The manufacture and marketing of value-added agricultural and forest products should be encouraged.
- (C) The use of locally-grown food products should be encouraged.
- (D) Sound forest and agricultural management practices should be encouraged.
- (E) Public investment should be planned so as to minimize development pressure on agricultural and forest land.

24 V.S.A. § 4302(c)(9).

Board Response: The draft regional plan appears to conform with Goal 9.

Goal 10:

The tenth goal requires the plan “[t]o provide for the wise and efficient use of Vermont’s natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.” 24 V.S.A. § 4302(c)(10).

Board Response: The draft regional plan appears to conform with Goal 10.

Advisory Recommendations:

- The draft plan includes a Sand and Gravel Deposits map (Exhibit 020). Consider identifying gravel pits (active and inactive) in the region on this map. Relatedly,

discussion in Chapter 4, Natural Resources includes an assessment that the region's gravel deposits are small and insufficient for the region's needs (Exhibit 006, pages 18-19). Consider expanding this discussion.

- The transportation implementation matrix includes: "Advocate for the continued operation and expansion, where appropriate, of sand and gravel resources in the region to support town road infrastructure needs." How will WRC do this? The plan should provide further discussion, policy, and actions on how to protect untapped sand and gravel resources for future use and how the WRC can help address the deficit that the plan identifies.

Goal 11:

The eleventh goal requires the plan "[t]o ensure the availability of safe and affordable housing for all Vermonters.

- (A) Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income, and consistent with housing targets provided for in subdivision 4348a(a)(9) of this title.
- (B) New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.
- (C) Sites for multifamily and manufactured housing should be readily available in locations similar to those generally used for single-family dwellings.
- (D) Accessory dwelling units (ADU) within or attached to single-family residences that provide affordable housing in close proximity to cost-effective care and supervision for relatives, elders, or persons who have a disability should be allowed."

24 V.S.A. § 4302(c)(11).

Board Response: Chapter 8, Housing (Exhibit 010) addresses this topic, and related Appendix E (Exhibit 018) details the municipal housing allocation methodology used. The draft plan provides background information on regional housing targets in addition to housing affordability and quality in the region. Many households are cost burdened and wages have not kept up with increased housing costs. The housing target analysis identified a significant need for affordable owner occupied and rental units. Housing quality is also concern, especially due to the age of the housing stock. The draft plan directs higher intensity residential development towards downtown or village centers, planned growth areas, and village areas. The draft plan directs 60% of new housing to growth areas which are also the locations of higher density residential development, including single family, multi-family, and manufactured homes. These areas are located

throughout the region. Single-family and two-family dwellings are encouraged throughout the region at various densities. Accessory dwelling units are also promoted as a tool for encouraging affordable housing options.

Policies #1 to #3 in Chapter 8, Housing (Exhibit 010, pages 18-20) pertain to Goal 11. The policies call for urgently increasing the number and diversity of homes across the full income spectrum—safe, adequate, accessible (universal design), and affordable—while guiding new development to reinforce the region’s historic pattern of compact village and urban centers separated by rural countryside. The draft plan identifies that growth should focus in and around existing centers to promote walkability and social connection, and be designed to minimize impacts on natural resources, open space, floodplains, fluvial erosion hazard areas, and important agricultural and forest lands. New and infill housing is encouraged, especially where public water and wastewater systems can support the higher densities needed for affordability, including multi-family options suited to smaller households, as well as alternative models such as condominiums, home sharing, co-housing, housing cooperatives, and accessory dwelling units. The draft plan includes little information on the relation of housing needs to demographics (age, household size, etc.), and it does not sufficiently address equity and ability to afford housing.

The draft regional plan appears to conform with Goal 11.

Advisory Recommendations:

- Add more information relevant to sustaining current housing stock such as weatherization.
- Chapter 8, Housing (Exhibit 010, page 1, 3rd Paragraph) reads “New housing and infill development should be located near community centers.” Consider providing nuance given that some new housing will be located in rural areas.
- Consider expanding on how the WRC can encourage “alternative housing opportunities” as stated in Policy #3 (Chapter 8, Exhibit 010, page 19)

Goal 12:

The twelfth goal requires the plan:

To plan for, finance, and provide an efficient system of public facilities and services to meet future needs.

- (A) Public facilities and services should include fire and police protection, emergency medical services, schools, water supply, and sewage and solid waste disposal.

- (B) The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

24 V.S.A. § 4302(c)(12).

Board Response: The draft regional plan appears to conform with Goal 12.

Advisory Recommendations:

- The Community and Housing Infrastructure Program (“CHIP”) is a statewide tax increment financing tool designed to help Vermont communities unlock housing opportunities by investing in critical public infrastructure. Include action on supporting municipal use of CHIP.
- Transfer facilities are noted in Chapter 6, Community Utilities Facilities and Services (Exhibit 008, pages 7-8) of the draft plan but where the solid waste goes (is transferred to for disposal) isn’t identified and should be.
- Chapter 6, (Exhibit 008, page 11) recognizes strains on volunteer fire departments. This Chapter also notes challenges of dispatch tower replacement (Exhibit 008, page 11). Consider discussing if consolidation might assist with these challenges?
- Chapter 6 includes the following (Exhibit 008, page 20): “The Section 248a process was set up to expedite the approval of telecommunication facilities and projects that are interconnected with other proposed or existing facilities are exempt from local zoning and Act 250. However, Act 250 still regulates towers over 50 feet in height from ground level or more than 20 feet in height above the structure it is attached to.” This information is not completely accurate. In Vermont, applicants for wireless telecommunication facilities may choose either (1) local permitting under a municipal ordinance or zoning bylaw—and, for towers over 50 feet in height or 20 feet above the support structure, Act 250—or (2) Section 248a permitting before the Public Utility Commission (referred to as a Certificate of Public Good).
- If there are Per-and polyfluoroalkyl substances or Perfluorooctanoic acid (PFOA or PFAS, “forever chemicals”) locations in the region, these should be further detailed.
- Policy 27 (Chapter 6, Exhibit 008, page 23) reads as follows, emphasis added:

“27. Ensure that all proposed developments plan for fire hydrants or other water sources in proposed developments so that fire-fighting personnel can adequately serve all structures”.

Policy #27 requires hydrants or other water sources within all proposed developments. This may be unnecessary if alternative water sources for firefighting are available nearby but not necessarily located in the proposed development. Also, this provision may be unnecessary for some small-scale development, for example some smaller unoccupied accessory structures – e.g., garage, shed, etc. If applied literally, this policy has potential to be unduly restrictive in some circumstances. As such, consider softening the language of this policy.

- Policy 28 (Chapter 6, Exhibit 008, page 23) reads as follows, emphasis added:

“28. New roads shall be designed and built so that emergency vehicles can readily maneuver and access all proposed structures.”

This provision may be unnecessary for some small-scale development, for example some smaller unoccupied accessory structures – e.g., garage, shed, etc. Policy #28 could preclude new roads that don’t provide access to such accessory structures. If applied literally, this policy has potential to be unduly restrictive in some circumstances. As such, consider softening the language of this policy.

Goal 13:

The thirteenth goal requires the plan” [t]o ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.” 24 V.S.A. § 4302(c)(13).

Board Response: The draft plan identifies child care as essential economic and social infrastructure: expanding affordable, high-quality, and accessible options—especially infant care—supports full employment, raises incomes, meets documented regional gaps, and benefits child development. To address Goal 13, it commits to providing adequate child care for all families to strengthen the workforce (Chapter 9, Economic Development, Policy #12, page 14) and to increasing availability, affordability, and accessibility, particularly for infant programs (Chapter 10, Educational, Cultural, and Recreational Resources, Policy #1, page 11). Chapter 6, Community Utilities, Facilities and Services (Exhibit 008) also includes a policy (#36, page 24) to “Support the development and maintenance of appropriate facilities to provide for the care of children, elderly residents, and persons with disabilities in the region”. These policies align with Goal 13, however, the draft plan lacks implementation detail and does not address all elements of Goal 13 such as financing, infrastructure, and business assistance; the only mention in the implementation matrix includes working with municipalities to ensure that local regulations allow for childcare facilities.

The draft regional plan appears not to conform with Goal 13.

Required Revisions:

- **Update the draft plan to more fully align with Goal 13, in consideration of the Board's above discussion.**

Advisory Recommendation:

- Consider adding discussion with some childcare data, and reference to financing, infrastructure, and business assistance (for instance how in the region agencies are assisting with these factors – maybe refer to programs in Rutland). Also consider referring to the comprehensive economic development strategy plans (CEDS plans) and include or expand on content from the CEDS plans. Examples to consider are the Rutland adopted regional plan and the Addison draft regional plan.

Goal 14:

The fourteenth goal requires the plan to encourage flood resilient communities. 24 V.S.A. § 4302(c)(14).

Board Response: The draft regional plan appears to conform with Goal 14.

Advisory Recommendation:

- Chapter 4, Natural Resources Policy #16 (Exhibit 006, Page 28) supports Flood Hazard Area policies however this should be directly tied to actions that support development of flood hazard, river corridor and buffer regulations.

Goal 15:

The fifteenth goal requires the plan “[t]o equitably distribute environmental benefits and burdens as described in 3 V.S.A. chapter 72.” The referenced chapter is titled: “Environmental Justice.” The State of Vermont has explained:

It is further the policy of the State of Vermont to provide the opportunity for the meaningful participation of all individuals, with particular attention to environmental justice focus populations, in the development, implementation, or enforcement of any law, regulation, or policy.

3 V.S.A. § 6003.

“Meaningful participation” means that all individuals have the opportunity to participate in energy, climate change, and environmental decision making. Examples include needs assessments, planning, implementation, permitting, compliance and enforcement, and evaluation. Meaningful participation also integrates diverse knowledge systems, histories, traditions, languages, and cultures

of Indigenous communities in decision-making processes. It requires that communities are enabled and administratively assisted to participate fully through education and training. Meaningful participation requires the State to operate in a transparent manner with regard to opportunities for community input and also encourages the development of environmental, energy, and climate change stewardship.

3 V.S.A. § 6002(6).

Board Response: WRC's draft plan includes mapping and identification of environmental justice ("EJ") communities in the region using Vermont's EJ definitions, with a map in Appendix A and leveraging of five federal and state EJ tools. WRC evaluated statutory environmental benefits and burdens and assessed how plan policies align with equitable distribution. The plan adequately explains increasing the portion of non-white residents to 10% by census tract to meaningfully identify EJFP in the region (statutory definition is 6% per census tract). The plan includes Goal 15 (Chapter 1, Introduction, Exhibit 003, page 8) "To equitably distribute environmental benefits and burdens across the region," and also states (Appendix A, Exhibit 014, page 2) "As WRC moves forward with planning activities in the Windham Region, WRC will consider identified Environmental Justice Focus Populations in policies and actions". However, the plan does not provide an analysis to identify whether EJ focus populations ("EJFP") in the region face disproportionate burdens and disproportionate access to benefits. Therefore, the draft plan does not fully comply with the requirements of Goal 15. The draft plan indicates that "outreach to organizations representing environmental justice focus populations was also completed" (Exhibit 2, page 4), however the details are not explained and additional outreach to EJFP may also be needed.

The draft regional plan appears not to conform with Goal 15.

Required Revisions:

- **A more in-depth analysis is needed. To fully conform with Goal 15, an analysis of how the benefits and burdens are distributed across the region and how the regional plan seeks to address disproportionate benefits and burdens, is required, particularly with regard to EJFP. If EJFP are shown to experience disproportionate burdens or a lack of access to benefits, the plan should include policy aimed to correct such effects. Revise the plan to address this. Examples to consider include the adopted Northwest Regional Plan, the adopted Lamoille County Regional Plan, and the adopted Rutland Regional Plan.**
- **It is unclear whether special outreach efforts were made to EJFP during the development of the plan. The plan should detail the public engagement**

process related to EJFP. For example, direct outreach or outreach and engagement with groups that represent and/or work directly with such populations. Revise the plan to detail the public outreach efforts to EJFP.

B. Consistency with the Purposes of a Regional Plan 24 V.S.A. § 4347

As part of the Board's review of the draft regional plan, the Board must make a determination as to whether the plan is consistent with the purposes of the regional plan found in 24 V.S.A. § 4347. 24 V.S.A. § 4348(h)(4)(B). Section 4347 states:

A regional plan shall be made with the general purpose of guiding and accomplishing a coordinated, efficient, equitable, and economic development of the region that will, in accordance with the present and future needs and resources, best promote the health, safety, order, convenience, prosperity, and welfare of current and future inhabitants as well as efficiency and economy in the process of development. This general purpose includes recommending a distribution of population and of the uses of the land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, and other uses as will tend to:

- (1) create conditions favorable to transportation, health, safety, civic activities, and educational and cultural opportunities;
- (2) reduce the wastes of financial, energy, and human resources that result from either excessive congestion or excessive scattering of population;
- (3) promote an efficient and economic utilization of drainage, energy, sanitary, and other facilities and resources;
- (4) promote the conservation of the supply of food, water, energy, and minerals;
- (5) promote the production of food and fiber resources and the reasonable use of mineral, water, and renewable energy resources;
- (6) promote the development of housing suitable to the needs of the region and its communities; and
- (7) help communities equitably build resilience to address the effects of climate change through mitigation and adaptation consistent with the Vermont Climate Action Plan adopted pursuant to 10 V.S.A. § 592 and 3 V.S.A. chapter 72.

Board Response: The draft regional plan appears consistent with the purposes of 24 V.S.A. § 4347.

C. Conformance with Outreach Requirements of 24 V.S.A. § 4348(a)

As part of the development of the regional plan,

... 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. The purpose of these working

sessions is to allow for meaningful participation as defined in 3 V.S.A. § 6002, provide consistent information about new statutory requirements related to the regional plan, explain the reasons for new requirements, and gather information to be used in the development of the regional plan and future land use element.

24 V.S.A. § 4348(a)

Board Response: The draft regional plan appears to have been developed with the participation of its member municipalities, and the RPC appears to have provided for meaningful participation to communities throughout the region. However, as noted under the Goal 15 response, more information about outreach to and meaningful participation by environmental justice focus populations (“EJFP”) is needed.

D. Conformance with 24 V.S.A. § 4348a

The Board has assessed the draft regional plan as to whether it appears to conform with the required elements of 24 V.S.A. § 4348a(a). The subsections below match the numbered subsections of 24 V.S.A. § 4348a(a). Subsection 6 was repealed by the legislature but is listed as a placeholder below and is intentionally left blank.

1. Statement of Basic Policies

A regional plan must contain: “[a] statement of basic policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment.” 24 V.S.A. § 4348a(a)(1).

Board Response: Chapter 1, Introduction (Exhibit 003) includes a series of statements on the long-range shared vision for the region and a set of regional goals. Each chapter within the plan includes a set of policies that as a whole guide the future growth and development of land and development of public services and facilities and protect the environment.

The draft regional plan appears to meet this requirement.

2. Natural Resources and Working Lands

A regional plan must contain:

A natural resources and working lands element, which shall consist of a map or maps and policies, based on ecosystem function, consistent with Vermont Conservation Design, support compact centers surrounded by rural and working lands, and that:

- (A) Indicates those areas of significant natural resources, including existing and proposed for forests, wetlands, vernal pools, rare and irreplaceable natural areas, floodplains, river corridors, recreation, agriculture using the agricultural

lands identification process established in 6 V.S.A. § 8, residence, commerce, industry, public, and semipublic uses, open spaces, areas reserved for flood plain, forest blocks, habitat connectors, recreation areas and recreational trails, and areas identified by the State, regional planning commissions, or municipalities that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes.

- (B) Indicates those areas that have the potential to sustain agriculture and recommendations for maintaining them that may include transfer of development rights, acquisition of development rights, or farmer assistance programs.
- (C) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the regional planning commission.
- (D) Encourages preservation of rare and irreplaceable natural areas, scenic and historic features and resources.
- (E) Encourages protection and improvement of the quality of waters of the State to be used in the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

24 V.S.A. § 4348a(a)(2).

Board Response: The draft plan includes Chapter 4, Natural Resources (Exhibit 006). The plan policies are grounded in Vermont Conservation Design and ecosystem function principles, aiming to balance preservation with regional growth and development. Economic and social vitality are considered by encouraging development that meets human needs while protecting the natural environment where possible. Chapter 3, Land Use, policies 1–16 (Exhibit 005, pages 21–22) and narrative emphasize compact development centers surrounded by productive rural lands and conserved natural resources.

The draft plan underscores the importance of high-quality soils for agriculture, calling for preservation of important soils through Policy 24 of Chapter 4, Natural Resources (Exhibit 006, page 24). Chapter 9, Economic Development, supports land-based industries via Policy 9 (Exhibit 011, page 14) focusing on production, distribution, and marketing of agricultural and forestry products and programs.

Chapter 4, Natural Resources, Policy 6 (Exhibit 006, page 27) promotes managing forest lands to maintain and improve forest blocks and habitat connectors. The plan highlights the need to keep intact, healthy, large forest blocks and wildlife connectors, guiding conservation and sustainable forest management. These priorities align with mapping that distinguishes highest priority and priority forest blocks (Forest Block Map) and identifies regionally significant bear travel corridors and deer wintering areas (Ecological Resources Map).

Chapter 4, Natural Resources (Exhibit 006) addresses protection of rare, threatened, or endangered (RTE) species and natural areas (Policies 28-30, pages 31-32); protection, maintenance, and improvement of water bodies, (Policies 7-23, pages 31-32), and surface and groundwater quality (Policy 23, pages 27-30). These policies are supported by mapping of Outstanding Resource Waters, River Corridors, Special Flood Hazard Areas, wetlands, and watersheds of Class A(1) and Class A(2) waters (Water Resources map).

Supporting maps in the draft plan include: the Ecological Resources Map (RTE species occurrences, significant natural communities, deer wintering areas, land over 2,500 feet, regionally significant bear travel corridors); the Forest Block Map (highest priority and priority forest blocks); and the Future Land Use Map (Village and Downtown Centers, Planned Growth and Village Areas, Rural—General/Forestry and Agriculture/Conservation, Enterprise Area, Infill/Transition Area, Resource-Based Recreation Area). Additional maps identify State or National Register Historic Districts (Historic Districts Map), Important Farmland Soils (“prime” and “statewide”), Existing Land Use/Land Cover (Open/Agriculture, Forest), Sand and Gravel Resources, Steep Slopes (15–25% and >25%), and Water Resources.

The draft plan includes substantive and sufficient information. It is noted that some specific additional information is needed to fulfill requirements under related Goal 5 pertaining to (a) outstanding water resources; (b) significant scenic roads, waterways, and views; and (c) important archaeological sites and archaeologically sensitive areas.

The draft regional plan appears to meet this requirement (see related Goal 5 required revisions, pages 6-7).

3. Energy

The draft regional plan must contain:

An energy element, including an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy resources; a statement of policy on patterns and densities of land use likely to result in conservation of

energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources.

24 V.S.A. § 4348a(3).

Board Response: The draft regional plan appears to meet this requirement.

Advisory Recommendations:

- As identified above under Goal 7 (see page 8).

4. Transportation

A regional plan must include the following:

A transportation element consisting of a statement of present and prospective transportation and circulation facilities, and a map showing existing and proposed highways, including limited access highways, and streets by type and character of improvement, and where pertinent, anticipated points of congestion, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, and recommendations to meet future needs for such facilities, with indications of priorities of need, costs, and method of financing.

24 V.S.A. § 4348a(a)(4).

Chapter 5, Transportation (Exhibit 007) includes a description of the region's existing transportation infrastructure and needed improvements. This includes highways, bicycle and pedestrian paths, freight rail, passenger rail, and transit routes. The Chapter includes recommendations on funding sources for municipal transportation infrastructure improvements. The plan includes maps showing the existing and future regional transportation network. The Implementation Chapter discusses the role of WRC in supporting towns with planning for transportation improvement projects. The transportation element of the draft plan needs to be more explicit in planning for the future and should provide a prioritized list of possible projects.

Board Response: The draft regional plan does not appear to meet this requirement.

Required Revisions:

- **The transportation element of the draft plan needs to be more explicit in planning for the future and should provide a prioritized list of possible projects. Revise the transportation component of the plan to explicitly identify the**

required elements pursuant to the statute, with possible projects including bridges.

5. Utility and Facility

The draft regional plan must contain:

A utility and facility element, consisting of a map and statement of present and prospective local and regional community facilities and public utilities, whether publicly or privately owned, showing existing and proposed educational, recreational and other public sites, buildings and facilities, including public schools, State office buildings, hospitals, libraries, power generating plants and transmission lines, wireless telecommunications facilities and ancillary improvements, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for those facilities, with indications of priority of need.

24 V.S.A. § 4348a(a)(5).

Board Response: The draft regional plan appears to meet this requirement.

Advisory Recommendations:

- The plan notes a lack of broadband and cellular service coverage in more remote areas of the region (Chapter 6, Community Utilities, Facilities, and Service, Exhibit 008, page 19-20). The only mention in Chapter 9, Economic Development (Exhibit 011) is indirect and general (“... need for upgraded infrastructure, limited rural transportation and communication options, ...”, page 1) and related policy #11 (“Support efforts to invest in infrastructure and services that support existing businesses and attract new businesses in an equitable manner, including transportation, public water and wastewater systems, broadband internet, cellular service, and three-phase power.”, page 14). Consider more discussion of how to balance the policy of universal access with the policy of minimizing scenic resource impacts.
- Concerning the Distribution Circuit Capacity Map (Exhibit 020, page 4), the color Red is missing from the map Legend.
- Concerning the Utilities Map (Exhibit 020, page 21) and concerning the Generation Sites Map (Exhibit 020, page 5), it is somewhat difficult to distinguish and interpret the icons, suggest making the icons larger and/or with different sizes for improvement distinguishability.

- Concerning the Health and Social Service Facilities Map (Exhibit 020, page 11), Adult Day Center is identified in the map Legend, however could not be found or interpreted on the map; perhaps is located in Brattleboro, for which an inset may be helpful

6. (repealed)

7. Implementation

A draft regional plan must contain “[a] program for the implementation of the regional plan’s objectives, including a recommended investment strategy for regional facilities and services based on a capacity study of the elements in this section.” 24 V.S.A. § 4348a(a)(7).

Board Response: Chapter 11, Implementation, includes a discussion on the ways by which the draft plan will be implemented. This includes through municipal planning assistances, regional programs, regional planning studies, and coordination with state, regional, private, and non-profit entities. An Implementation Matrix is included in Appendix F and provides specific action steps WRC has identified to implement the plan in coordination with towns, state agencies, and other stakeholders. The Matrix is organized by plan chapter and identifies the lead entity and partners for each action step, priority level, and potential funding or resources. Related supplemental information is advised or required as identified under Goals 13 and 15 (see pages 14-16).

The draft regional plan appears to meet this requirement.

Advisory Recommendation:

- The draft regional plan could be revised to integrate actions and policies in the chapters. A separate appendix can be provided with an implementation chart or list of actions however the sole placement of implementation measures in an appendix is less effectual in coordinating with policy and plan context.

8. Compatibility with Other Plans

The draft regional plan must contain: “[a] statement indicating how the regional plan relates to development trends, needs, and plans and regional plans for adjacent municipalities and regions.” 24 V.S.A. § 4348a(a)(8).

Board Response: The draft regional plan appears to meet this requirement.

9. Housing

The draft regional plan must include:

A housing element that identifies the regional and community-level need for housing that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and not more than 15 percent on transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types, and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it. The regional planning commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and shall disaggregate regional housing targets or ranges by municipality. The housing element shall include a set of recommended actions to satisfy the established needs.

24 V.S.A. § 4348a(a)(9).

Board Response: The draft plan includes Chapter 8, Housing (Exhibit 010), and compliance with the housing element is discussed in detail under Goal 11 (pages 10-11). In addition to the discussion under Goal 11, it is noted that the draft plan includes an analysis of Housing Affordability (Exhibit 010, pages 9-11).

The draft regional plan appears to meet this requirement.

Additional information is requested:

- **Policy #12 (Chapter 8, Exhibit 010, pages 19-20), reads, in part “When appropriate, Major Act 250 applications for development that will create fifty new full-time equivalent positions shall provide evidence that there is existing available and affordable housing stock for the new employees within a thirty mile commuter shed”. This language is problematic in that it appears to create a new Act 250 criterion and includes vague language (“when appropriate”) that is not enforceable over any potentially conflicting municipal plan language. This policy creates inconsistency with this element.**

Advisory Recommendations:

- The draft plan includes little information on the relation of housing needs to demographics (age, household size, etc.)
- Consider revising the plan to further address equity and ability to afford housing.

- Additional information and/or analysis is recommended to demonstrate that the areas proposed as downtown and village center, village area, and planned growth area can accommodate 60% of the regional housing targets.
- As identified under advisory recommendations for Goal 11 (see page 11).

10. Economic Development

The draft regional plan must include “[a]n economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.” 24 V.S.A. § 4348a(a)(10).

Board Response: The draft regional plan appears to meet this requirement.

11. Flood Resilience

The draft regional plan must include:

(A) A flood resilience element that:

- (i) identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and
- (ii) recommends policies and strategies to protect the areas identified and designated under this subdivision (A) and to mitigate risks to public safety, critical infrastructure, historic structures, and public investments.

(B) A flood resilience element may reference an existing regional hazard mitigation plan approved under 44 C.F.R. § 201.6.

24 V.S.A. § 4348a(a)(11).

Board Response: Chapter 4, Natural Resources (Exhibit 006), and the Water Resources Map together discuss and identify water resources, including flood hazard and fluvial erosion hazard (river corridor) areas of the region. The primary Flood Resiliency element of the plan is on pages 11-12 and includes language that encourages towns to develop policies and regulatory and non-regulatory local strategies to protect floodplains and river corridors. Chapter 6, Community Utilities, Facilities, and Services, addresses the existing

infrastructure for regional emergency planning and the importance for flood preparedness and response planning at the regional and local level. Chapter 3, Land Use, includes policies 4 and 5 (Exhibit 005, page 18), as follows: “4. In order to support climate resilient communities, new development and redevelopment in identified flood hazard, fluvial erosion, and river corridor protection areas should be avoided. If new development or redevelopment occurs in these areas, it shall not exacerbate flooding and fluvial erosion. 5. Efforts to conserve lands for the purpose of stormwater and floodwater attenuation, as well as for aquifer recharge, shall be supported by the Commission”.

The draft regional plan appears to meet this requirement.

Advisory Recommendation:

- Concerning the Water Resources Map (Exhibit 020, page 21), what is a Waste Management Zone? Also, the River Corridor information as depicted on this map is not very legible (given the scale and color selection).

12. Future Land Use

The draft plan must include:

A future land use element...that sets forth the present and prospective location, amount, intensity, and character of such land uses in relation to the provision of necessary community facilities and services and that consists of a map delineating future land use area boundaries for the land uses in subdivisions (A)–(J) of this subdivision (12) as appropriate and any other special land use category the regional planning commission deems necessary; descriptions of intended future land uses; and policies intended to support the implementation of the future land use element...

24 V.S.A. § 4348a(a)(12).

Board response: The draft plan includes Chapter 3, Land Use (Exhibit 005), which outlines the patterns and types of development that are envisioned for the various areas delineated on the regional future land use map (Map 4) according to the future land use categories described by Act 181 of 2024 (24 V.S.A. § 4348a(a)(12) (A)–(J). Sixteen land use policies are reflective of the statewide planning goals (Exhibit 005, pages 18-20). Chapter 11, Implementation (Exhibit 013) details who will do what, supported by a Matrix (Appendix F). Chapter 11 explains WRC’s role in project review in Act 250 and Section 248 proceedings, with a “definition” of Substantial Regional Impact and a description of the WRC project review committee process. Chapter 11 also outlines the WRC process to resolve conflicts between provisions of its plan and a town plan, if discovered by the project review committee.

The draft regional plan appears that it can meet this requirement, however:

- A. Insofar as individual mapped FLU areas are described below as appearing not to comply with statute, those mapped elements of the FLU map require revision as identified by the Board in this response (unless WRC provides additional suitable information that satisfactorily demonstrates statutory compliance). See below responses concerning the specific components of the FLU mapping for related detail.**
- B. Insofar as some limited Chapter 3 text and individual future land use policies appear to potentially not comply with statute and/or potentially appear to be at odds with other key plan policies and/or potentially may not have the support of WRC member municipalities, the Chapter 3 text and policies require revision as identified by the Board in this response (unless WRC provides additional suitable information that satisfactorily demonstrates statutory compliance). Because regional plans do not directly establish regulatory controls, mandatory language must be supported by a clear statutory rationale, must demonstrate consistency with state planning goals, and must be compatible with municipal plans. As drafted, some of the Chapter 3 text and policies do not include sufficient explanation demonstrating:**
- **Consistency with the planning goals in 24 V.S.A. § 4302**, including how categorical prohibitions advance “substantial progress” toward the statutory goals or whether WRC considers any goals not attainable or not relevant.
 - **Compatibility with municipal plans**, including whether these prohibitions conflict with any town land-use designations or policies and, if incompatibilities exist, how the regional plan mitigates or explains those conflicts as required by 24 V.S.A. § 4302(f)(2)(D).
 - **The scope of regional authority** for adopting prohibitions that resemble regulatory controls more commonly implemented through municipal zoning and subdivision bylaws.

In particular, Chapter 3 policies 9 and 13-16, and Chapter 8 policy 12 are noted as potentially problematic, in addition to other mandatory language within Chapter 3. WRC must revise Chapter 3 and the noted policies to either (1) clarify the intended role of the mandatory language contained therein (e.g. “must”, “shall”), and the policies contained therein, and reword this content to operate as guidance rather than direct regulatory requirements, or to operate as requirements for the WRC, or (2) provide additional information further demonstrating consistency with statutory planning goals, compatibility with municipal plans, and a clear basis for the use of mandatory language within the scope of regional planning authority.

- Please also submit updated water and wastewater infrastructure data for the GIS map viewer. For instance, the Putney Landmark College area sewer service area data is not current.

Advisory Recommendations:

- Chapter 3, Land Use (Exhibit 005) lists the three proposed downtowns, but only notes 38 villages, and hamlets are not quantified. Consider including such details in the plan.
- Chapter 3 provides an explanation of the different Future Land Use (“FLU”) categories but does not discuss the region’s use of each in its FLU map except cursory reference to the number of centers and which towns include certain FLU use categories. Consider more discussion of the use of particular FLU categories throughout the region.
- Consider including a pie chart showing the portion of regional land area proposed in each FLU category. Include this pie chart in Chapter 3 and provide discussion of it in the chapter.
- As also identified under Goal 11 (page 11), additional information and/or analysis is recommended to demonstrate that the areas proposed as downtown and village center, VA, and PGA can accommodate 60% of the regional housing targets.

(A) Downtown Centers and Village Centers:

The FLU map contains downtown and village centers, which are defined as:

Downtown or village centers. These areas are the mixed-use centers bringing together community economic activity and civic assets. They include downtowns, villages, and new town centers previously designated under chapter 76A and downtowns and village centers seeking benefits under the Community Investment Program under section 5804 of this title. The downtown or village centers are the traditional and historic central business and civic centers within planned growth areas, village areas, or may stand alone. Village centers are not required to have public water, wastewater, zoning, or subdivision bylaws.

24 V.S.A § 4348a(a)(12)(A). The reference to section 5804 appears to be a typo, as it is titled “Designated neighborhood” whereas section 5803 is titled “Designation of downtown and village centers.” For the Board’s review of downtown and village centers, section 5803 has been incorporated.

A regional planning commission may apply to the LURB for approval and designation of all centers by submitting the regional plan future land use map adopted by the regional planning commission. The regional plan future land use map shall identify downtown centers and village centers as the downtown and village areas eligible for designation as centers. The Department and State Board shall provide comments to the LURB on areas eligible for center designation as provided under this chapter.

24 V.S.A. 5403(a).

The statute directs the Board to “allow for the designation of preexisting, designated downtowns, village centers and new town centers in existence on or before December 31, 2025.” 24 V.S.A. § 5803(b). For all other areas mapped as downtown centers, the Board used the following parameters. First, whether the mapped area reflects a traditional and historic central business and civic center. *Id.* Second, whether the mapped area is consistent with the VAPDA mapping process and standards. Finally, the Board evaluated whether areas mapped as downtown or village center include development that is disconnected from a center and that lack pedestrian connections to the center via a complete street. 24 V.S.A. § 5803(c).

With the exception for preexisting, nonconforming designations approved prior to the establishment of the program under this chapter or areas included in the municipal plan for the purposes of relocating a municipality’s center for flood resiliency purposes, the areas eligible for designation benefits upon the LURB’s approval of the regional plan future land use map for designation as a Center shall not include development that is disconnected from a Center and that lacks a pedestrian connection to the Center via a complete street.

24 V.S.A. § 5803(c).

Additionally, the Community Investment Program defines a “State Designated Downtown or Village Center” or “Center” as:

...a contiguous downtown or village a portion of which is listed or eligible for listing in the national register of historic places area approved as part of the LURB review of regional plan future land use maps, which may include an approved preexisting designated downtown, village center, or designated new town center established prior to the approval of the regional plan future land use maps.

24 V.S.A. 5801(12) *see also* 24 V.S.A. § 5803(b).

- **Downtown Centers**

The downtown centers depicted on the FLU Map must meet the requirements of 24 V.S.A. § 4348a(a)(12)(A). Downtown centers are required to have zoning and subdivision bylaws and public water or sewer services. 24 V.S.A. § 4348a(a)(12)(A) *see also* 24 V.S.A. § 5803(f)(3).

Board Response: The FLU map depicts the following three downtown centers in Brattleboro, Rockingham (Bellows Falls), and Wilmington. **The proposed downtown centers in Brattleboro, Rockingham (Bellows Falls), and Wilmington appear to meet the statutory standards for downtown centers.**

- **Village Centers**

The village centers depicted on the FLU map must meet 24 V.S.A. § 4348a(a)(12)(A).

Board Response: The FLU map depicts 38 village centers in 21 municipalities throughout the region, as further identified in the Summary of Criteria (Exhibit 002, pages 29-30). It is noted that one of the village centers is located in two municipalities (Grafton and Rockingham). Also, 10 of the village centers are new, with the remaining being “legacy” village centers which are unchanged or expanded. The 38 village centers are identified as follows – name of municipality followed by the village center name in parenthesis: Brattleboro (West Brattleboro); Dover (West Dover); Dover (East Dover); Dummerston (Dummerston Center); Dummerston (West Dummerston); Grafton (Grafton); Grafton – Cambridgeport; Guilford (Algiers); Guilford (Guilford Center); Halifax (West Halifax); Jamaica (Jamaica Village); Jamaica (Rawsonville); Londonderry (Londonderry); Londonderry (South Londonderry); Marlboro (Marlboro); Newfane (Newfane); Newfane (South Newfane); Newfane (Williamsville); Putney (Putney); Readsboro (Readsboro); Rockingham (Saxtons River); Rockingham (Cambridgeport); Townshend (Townshend); Townshend (West Townshend); Townshend (Harmonyville); Vernon (Vernon); Wardsboro (Wardsboro); Wardsboro (West Wardsboro); Westminister (Westminister); Westminister (North Westminister); Westminister (Westminister Station); Westminister (Westminister West); Weston (Weston); Whitingham (Whitingham); Whitingham (Jacksonville); Windham (Windham); Windham (Windham Center); and Winhall (Bondville).

Thirty-seven of the proposed village centers appear to meet the statutory standards for village centers.

The Board is unable to determine whether the following one proposed village center appears to meet the statutory standards for village centers and requires additional information to make its determination.

Required Information:

- **Grafton - Cambridgeport:** An alternate FLU type or additional supporting information is required for the proposed Cambridgeport Village Center, to demonstrate this area is or will be a mixed-use center bringing together community economic activity and civic assets.

Advisory Recommendations:

- Where slope or river constraints allow, consider adding depth to village centers, rather than keeping them linear centered on a road or two.
- **Jamaica - Jamaica Village:** Consider an alternate FLU type or additional supporting information for the southern portion along Route 30/100; the development pattern of this area is more rural than the rest of the Village Center, and it is approximately 2/3 of a mile away from the core on a State Highway with no pedestrian infrastructure.
- **Jamaica – Rawsonville:** Consider an alternate FLU type or additional supporting information to demonstrate that this area is or will be a mixed-use center bringing together community economic activity and civic assets.

(B) Planned Growth Areas

The statute describes “planned growth areas” as:

...high-density existing settlement and future growth areas with high concentrations of population, housing, and employment in each region and town, as appropriate. They include a mix of historic and nonhistoric commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations; public water or wastewater, or both; and multimodal transportation systems. These areas include new town centers, downtowns, village centers, growth centers, and neighborhood development areas previously designated under chapter 76A of this title. These areas should generally meet the smart growth principles definition in chapter 139 of this title and the following criteria:

- (i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title and has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.
- (ii) This area is served by public water or wastewater infrastructure.

- (iii) The area is generally within walking distance from the municipality's or an adjacent municipality's downtown, village center, new town center, or growth center.
- (iv) The area excludes identified flood hazard and river corridor areas, except those areas containing preexisting development in areas suitable for infill development as defined in section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.
- (v) The municipal plan indicates that this area is intended for higher-density residential and mixed-use development.
- (vi) The area provides for housing that meets the needs of a diversity of social and income groups in the community.
- (vii) The area is served by planned or existing transportation infrastructure that conforms with "complete streets" principles as described under 19 V.S.A. chapter 24 and establishes pedestrian access directly to the downtown, village center, or new town center. Planned transportation infrastructure includes those investments included in the municipality's capital improvement program pursuant to section 4430 of this title.

24 V.S.A. § 4348a(a)(12)(B).

A regional planning commission may request that the Board approve designation of areas on the FLU map as designated neighborhoods. Areas eligible for neighborhood designation include planned growth areas. 24 V.S.A. § 5804(a)(1). For the purposes designation, a "designated neighborhood" "...means a contiguous geographic area approved as part of the Land Use Review Board review of regional plan future land use maps that is compact and adjacent and contiguous to a center." 24 V.S.A. 5801(13). The mapped planned growth areas must meet the requirements of 24 V.S.A. § 4348a(a)(12)(B). The neighborhood designation recognizes that "the vitality of downtowns and villages is supported by adjacent and walkable neighborhoods and that the benefits structure must ensure that investments for sprawl repair or infill development within a neighborhood is secondary to a primary purpose to maintain the vitality and livability and maximize the climate resilience and infill potential of centers." 24 V.S.A. § 5804(a)(1).

Board Response: The FLU map depicts 4 planned growth areas ("PGA") which are principally located in 3 municipalities. One of the PGA areas (Rockingham - Bellows Falls) extends nominally into a 4th municipality (Westminster). The other 2 municipalities with PGA areas are Brattleboro (which has two different PGA areas) and Putney. All of the PGA areas extend from downtown centers or village centers.

Two of the proposed PGA areas appear to meet the statutory standards for PGA.

The Board is unable to determine whether the following two proposed PGAs appear to meet the statutory standards for PGA and requires additional information to make its determination.

Required Information:

- **Brattleboro - Brattleboro:** The proposed area appears to not meet the statutory standards for a planned growth area. Expansion of the PGA is planned to the north along Routes 5 and Routes 30, and also to Sunset Lake Road along Route 9. The proposed area along Route 5 north of Brattleboro's Downtown Center appears to be more suited for transition infill; this area is narrow and focused on the highway. Please explain the plans for transforming this to a more pedestrian oriented, smart growth, mixed use area. It is understood that depth cannot be added to the west due to Flood Hazard Area currently mapped rural-general. These expansion areas may be more suited to transition infill, however additional information on municipal plans and complete street planning may be persuasive as to why these areas qualify as PGA. Concerning the northern portion of the PGA that is near Exit 3 of Interstate 91, this area is 2-3 miles distant from the Downtown Center, which is not within walking distance. For this area to stay as PGA, consider mapping a new Village Center closer to this area. An alternate FLU type or additional supporting information is required for this PGA, to demonstrate that it meets statutory requirements.
- **Rockingham – Bellows Falls:** The proposed area appears to not meet the statutory standards for a planned growth area. An alternate FLU type or additional supporting information (complete streets, municipal planning) for the northern and southern ends of the PGA (and VA) along Route 5 is required; these areas are almost a mile away from the Downtown Center and lack pedestrian infrastructure along a State Highway, and appear best suited to Transition Area FLU type. Note: a portion of the area in question extends into **Westminster**; Westminster has an expired town plan, so the town's draft Town Plan must be adopted prior to the regional plan adoption to allow for the PGA (and VA) depicted on the FLU map.

Advisory Recommendations:

- **Brattleboro – West Brattleboro:** Consider an alternate FLU type or additional supporting information for the western-most portion of this PGA. This area is a mile or more away from the Village Center along a major State Highway (Route 9) that only has intermittent pedestrian infrastructure.
- **Putney – Putney:** The Landmark College campus is mapped as rural general; consider mapping the College campus as PGA and explain how the campus and

adjacent proposed PGA are connected to the village center. The eastern PGA is separated from the village center by the brook and its flood hazard area (mapped as rural conservation and rural general). The eastern PGA has greater relation to the College campus than the village center. Additional information on complete streets and municipal planning for the eastern PGA should be provided or alternatively the area reconsidered for a different FLU type with the College.

(C) Village Areas

The statute describes “village areas” and requires the following:

These areas include the traditional settlement area or a proposed new settlement area, typically composed of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. These areas include existing village center designations and similar areas statewide, but this area is larger than the village center designation. Village areas shall meet the following criteria:

- (i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title.
- (ii) The municipality has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.
- (iii) Unless the municipality has adopted flood hazard and river corridor bylaws, applicable to the entire municipality, that are consistent with the standards established pursuant to 10 V.S.A. § 755b (flood hazard) and 10 V.S.A. § 1428(b) (river corridor), the area excludes identified flood hazard and river corridors, except those areas containing preexisting development in areas suitable for infill development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.
- (iv) The municipality has either municipal water or wastewater. If no public wastewater is available, the area must have soils that are adequate for wastewater disposal.
- (v) The area has some opportunity for infill development or new development areas where the village can grow and be flood resilient.

24 V.S.A. 4348a(a)(12)(C).

A regional planning commission may request that the Board approve designation of areas on the FLU map as designated neighborhoods. Areas eligible for neighborhood designation include village areas. 24 V.S.A. § 5804(a)(1). For the purposes designation, a “designated neighborhood” “...means a contiguous geographic area approved as part of the Land Use Review Board review of regional plan future land use maps that is compact and adjacent and contiguous to a center.” 24 V.S.A. 5801(13). The mapped village areas must meet the

requirements of 24 V.S.A. § 4348a(a)(12)(C). The neighborhood designation recognizes that “the vitality of downtowns and villages is supported by adjacent and walkable neighborhoods and that the benefits structure must ensure that investments for sprawl repair or infill development within a neighborhood is secondary to a primary purpose to maintain the vitality and livability and maximize the climate resilience and infill potential of centers.” 24 V.S.A. § 5804(a)(1).

Board Response: The FLU map depicts 10 village areas in 6 municipalities. All of the village areas extend from village centers, with the exception of Putney, which extends from its PGA.

Nine of the proposed village areas appear to meet the statutory standards for village areas.

The Board is unable to determine whether the following one proposed village area appears to meet the statutory standards for village areas and requires additional information to make its determination.

Required Information:

- **Weston – Weston:** The proposed area appears to meet the statutory standards for a village area, except for a small portion of the proposed Village Area that is within a river corridor – near Landgrove Road – which will need to be omitted unless the municipality adopts river corridor regulations consistent with the standards established pursuant to 10 V.S.A. § 1428(b) (excepting areas which qualify as infill).

Advisory Recommendations:

- Where slope or river constraints allow, consider adding depth to village centers, rather than keeping them linear centered on a road or two.
- **Putney – Putney:** The village area (“VA”) FLU category should not be proposed outside of PGAs without having direct connections to a center FLU category; as such, this village area could instead be mapped as PGA. Village areas should not be seen as dense residential areas. They too need a mix of uses. If water or wastewater is not currently available, perhaps they are planned for these areas. If not, then use VA instead of PGA, or at least use VA in a way that coincides with at least part of the related center.
- **Rockingham – Bellows Falls:** Consider an alternate FLU type or additional supporting information (complete streets, municipal planning) for the northern and

southern ends of the village area (and for the PGA) along Route 5; these areas are almost a mile away from the Downtown Center and lack pedestrian infrastructure along a State Highway and appear best suited to Transition Area FLU type. Note: a portion of the area in question extends into **Westminster**, for which a note concerning Town plan status and mapping requirements is provided under Westminster.

- The village area (“VA”) FLU category should not be proposed outside of PGAs without having direct connections to a center FLU category; as such, this village area could instead be mapped as PGA. Village areas should not be seen as dense residential areas. They too need a mix of uses. If water or wastewater is not currently available, perhaps they are planned for these areas. If not, then use VA instead of PGA, or at least use VA in a way that coincides with at least part of the related center.
- **Westminster - Westminster:** See note above under Rockingham – Bellows Falls. Westminster has an expired town plan, so the town’s draft Town Plan must be adopted prior to the regional plan adoption to allow for the VAs (and PGA) depicted on the FLU map. Alternatively, consider expansion of the Westminster Village Center to include the area currently depicted as village area.
- **Winhall – Bondville:** Additional supporting information is requested for the western portion of the proposed Village Area given that it is nearly a mile away from the Village Center on a State Highway with no pedestrian infrastructure, and to document existence of flood hazard area and/or river corridor bylaws.

(D) Transition or Infill Areas

The statute describes “transition or infill areas” as:

...of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a planned growth or village area or a new stand-alone transition or infill area and served by, or planned for, public water or wastewater, or both. The intent of this land use category is to transform these areas into higher-density, mixed-use settlements, or residential neighborhoods through infill and redevelopment or new development. New commercial linear strip development is not allowed as to prevent it negatively impacting the economic vitality of commercial areas in the adjacent or nearby planned growth or village area. This area could also include adjacent greenfields safer from flooding and planned for future growth.

24 V.S.A. § 4348a(a)(12)(D).

Board Response: The proposed transition/infill area(s) appears to meet the statutory standards for a transition/infill area.

Advisory Recommendations:

- **Readsboro:** Consider an alternate FLU type or additional supporting information for the proposed Transition/Infill areas adjacent to the Readsboro Village Center. Based on information received, neither of these areas appears to meet the definition of the Transition/Infill category and neither appears to be served by municipal sewer or public water.
- See comments above under **Brattleboro** and **Rockingham – Bellows Falls**, which suggest additional use of transition/infill areas.

(E) Resource-Based Recreation Area

The statute describes “resource-based recreation area as “...large-scale resource-based recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, that may provide infrastructure, jobs, or housing to support recreational activities.” 24 V.S.A. § 4348a(a)(12)(E).

Board Response: The proposed resource-based recreation area(s) appears to meet the statutory standards for a resource-based recreation area.

Advisory Recommendation:

Windham: Consider using the Resource-Based Recreation FLU type for the old ski area off of Glebe Mountain Road.

(F) Enterprise Areas

The statute describes “enterprise areas” as:

...locations of high economic activity and employment that are not adjacent to planned growth areas. These include industrial parks, areas of natural resource extraction, or other commercial uses that involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.

24 V.S.A. § 4348a(a)(12)(F).

Board Response: The proposed enterprise areas appear to meet the statutory standards for enterprise areas.

Advisory Recommendation:

- The area comprising the former Vermont Yankee Nuclear Power Plant may be available as an enterprise area – i.e., for reuse as industrial, manufacturing, or other commercial use. Chapter 6, Community Utilities, Facilities and Services (Exhibit 008, page 9) indicates that the nuclear waste will not be transferred to the DOE completely until 2052. Furthermore, the plan notes that the federal government has failed to establish a spent fuel repository and the Yankee spent fuel may never be removed from the site. Explain potential opportunities for site re-use.

(G) Hamlets

The statute describes “hamlets” as:

small historic clusters of homes and may include a school, place of worship, store, or other public buildings not planned for significant growth; no public water supply or wastewater systems; and mostly focused along one or two roads. These may be depicted as points on the future land use map.

24 V.S.A. § 4348a(a)(12)(G).

Board Response: The proposed hamlets appear to meet the statutory standards for a hamlet.

(H) Rural Areas

The statute has three categories of rural: Rural - General, Rural - Agricultural and Forestry, and Rural - Conservation. 24 V.S.A. § 4348a(a)(12)(H)-(J). They are described as follows:

Rural - General. These areas include areas that promote the preservation of Vermont’s traditional working landscape and natural area features. They allow for low-density residential and some limited commercial development that is compatible with productive lands and natural areas. This may also include an area that a municipality is planning to make more rural than it is currently. 24 V.S.A. § 4348a(a)(12)(H).

Rural - Agricultural and Forestry. These areas include blocks of forest or farmland that sustain resource industries, provide critical wildlife habitat and movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty, and contribute to economic well-being and quality of life. Development in these areas should be carefully managed to promote the working landscape and rural economy, and address regional goals, while protecting the agricultural and forest resource value. 24 V.S.A. § 4348a(a)(12)(I).

Rural - Conservation. These are areas of significant natural resources, identified by regional planning commissions or municipalities based upon existing Agency of Natural Resources mapping that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes. The mapping of these areas and accompanying policies are intended to help meet requirements of 10 V.S.A. chapter 89. 24 V.S.A. § 4348a(a)(12)(J).

Mapped flood hazard areas should be excluded from planned growth areas and village areas, and mapped as Rural - Conservation, unless the municipality has adopted flood hazard and river corridor bylaws consistent with 24 V.S.A. § 4348a(a)(12). Per the VAPDA methodology, wetlands over five acres in size should be mapped as Rural - Conservation. Smaller wetlands should be mapped the same as the surrounding future land use area.

Board Response: Rural - General

The proposed rural - general areas appear to meet the statutory standards for rural - general areas.

Advisory Recommendation:

- The rural general FLU category is used extensively across the region, and in larger blocks than the mapping done in most other regions. Consider refining the mapping for this category and reducing its extent. Note that the VAPDA mapping process indicates that larger parcels and areas with 20+ acres of forest or agricultural may be more logically mapped in the Rural Agriculture and Forestry category.

Board Response: Rural - Agricultural and Forestry

The proposed rural - agriculture and forestry areas appear to meet the statutory standards for rural - agriculture and forestry areas.

Board Response: Rural - Conservation

The proposed rural - conservation areas appear to meet the statutory standards for rural - conservation areas.

E. Tier 1B Area Status

With Tier 1B Status Requests, the Board's review has two parts: first, whether each municipality with proposed Tier 1B status areas meets the six requirements of 10 V.S.A. § 6033(c), and, second, whether the underlying proposed Tier 1B area/s as designated in the Future Land Use Map met the requirements for a "downtown or village centers", "planned

growth areas”, and “village areas” as described in 24 V.S.A. § 4348a(12)(A)-(C). Below details whether the Tier 1B is consistent with six subsections of 10 V.S.A. § 6033(c). The Commission will also need to reference back to Section I(D)(12)(A)-(C) of this preapplication response related to the land use categories and make any necessary changes to conform with the requirements of 24 V.S.A. § 4348a(a)(12)(A)-(C).

For Tier 1B status requests, the Commission must demonstrate the following:

- (1) The municipality has requested to have the area mapped for Tier 1B.
- (2) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350.
- (3) The municipality has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.
- (4) The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development as defined in Section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule unless the municipality has adopted flood hazard and river corridor bylaws applicable to the entire municipality that are consistent with the standards established pursuant to subsection 755(b) of this title (flood hazard) and subsection 1428(b) of this title (river corridor).
- (5) The municipality has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development in the area proposed for Tier 1B.
- (6) The municipality has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area.

10 V.S.A. § 6033(c)

Board Response: The draft plan requests Tier 1B status for portions of the following 8 municipalities, as further detailed in the preapplication: Brattleboro, Marlboro, Newfane, Putney, Rockingham, Westminster, Weston, Winhall. At this time, all of these municipalities appear to meet the requirements for Tier 1B status areas as enumerated in 10 V.S.A. 6033(c), noting that the Town of Westminster Town plan requires adoption prior to WRC plan adoption, and municipal resolutions will also be required to document the Tier 1B request, adequacy of staff, municipal officials or contracted capacity, etc.

To the extent that the underlying future land use areas do not appear to meet the requirements of 24 V.S.A. § 4348a(a)(12)(A)-(C) as described in Section I(D)(12)(A)-(C) of this preapplication response, revisions may be necessary before Tier 1B status can be conferred.

II. Conclusion

To the extent that a statutory standard as indicated throughout this preapplication response does not appear to be met, the Board requests the Commission revise the plan to address the deficiency. To the extent that the Board is unable to assess whether a statutory standard is met as indicated throughout this preapplication response, if sufficient information is not provided with the adopted regional plan application the Board may conclude that the statutory standard is not met. Recommendations for revision indicated as “Advisory Recommendations” are optional and the WRC may choose to incorporate them or not. This preapplication response is advisory only and does not guarantee an affirmative determination when the adopted plan or Tier 1B status request is submitted pursuant to Section 1.300 of the Board’s Regional Planning Commission Application Guidelines.

Please contact the Board via the email address below with any questions about this regional plan and Tier 1B requests preapplication response.

Dated this August 14, 2026

By /s/ Janet Hurley
Janet M. Hurley, Chair
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Adopted by the Board at the August 6, 2026 meeting.

Recipient List

A copy of the foregoing **Preapplication Response Letter for RPC11-0001** has been sent on this August 14, 2026, as follows. To the extent that an email is not listed, the document has been sent by U.S. First Class mail.

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Dated August 14, 2026.

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