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Notes from editor (not for publication):



HEADLINE ELEMENTS:

####BEGIN HED####

1 Current planning will dodge furor over Act 181, WRC
2 leader says

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####BEGIN SUBHED####

3 Neither the so-called Road Rule nor the 'Tier 3'
4 development review for sensitive areas affect the Windham
5 County plan — even if they remain part of the law, Campany tells
6 Wilmington Selectboard

####END SUBHED####

7 TEXT BODY:

####BEGIN TEXT####

8 The most controversial parts of Vermont's Act 181 don't
9 apply to Windham County's efforts to plan for town-center
10 development, housing, or the development of private land, the

11 Windham Regional planning chief told the Wilmington
12 Selectboard on May 5.

13 Chris Company, executive director of the Windham
14 Regional Commission, outlined frequently asked questions about
15 the law amid expectations that the Legislature will soon repeal
16 measures that regulate landowners' ability to build more than a
17 certain length of road on their property, and impose a strict
18 environmental review on areas deemed environmentally very
19 sensitive.

20 Since the meeting, the House of Representatives has
21 voted to partially repeal the act. VTDigger and Vermont Public
22 have reported that Leaders of the Senate, which had advocated
23 delaying implementation of Act 181, are poised to support the
24 House plan.

25 The lawmakers are poised to repeal the so-called Road
26 Rule and the "Tier 3" requirement to order an official
27 development review for sensitive areas.

28 But even if these aspects of the law remain, they won't
29 affect the Windham County plan, Company told the Wilmington
30 meeting.

31 "There is nothing in the regional plan or on the future
32 land-use map that influences the (Land Use Review Board's)
33 designation and mapping of Tier 3 lands," Company said in a
34 presentation to the board.

35 Neither are the regional plan and future land-use map
36 related to the Road Rule, he said.

37 A Tier 3 designation is a matter for the Land Use Review
38 Board, a state panel charged with implementing the law but
39 which said in April it is suspending its work on the two
40 controversial parts of the law, pending action by lawmakers.

41 Despite worries about the reach of Act 181, former state
42 representative Ann Manwaring welcomed what she heard at the
43 meeting.

44 "I actually felt pretty good about what I was hearing
45 tonight," she said. "I have been a little bit concerned about how

46 the layering of regulations all come together and work, and how
47 they are going to change for us.”

48 She called the expected repeal of two parts of Act 181 “a
49 good thing for Wilmington.”

50 On the question of whether any parts of the regional plan
51 and future land-use map will influence whether a project will be
52 subject to jurisdiction under Act 250 — which aims to balance
53 development and environmental protection — Campany said that
54 will depend on whether those areas provide full or partial
55 exemption as “Tier 1a or 1b” from review under that law.

56 “As part of our regional future land-use mapping process,
57 we are working with towns to determine whether or not there are
58 areas they’d like to be considered for Tier 1a or 1b,” he said. “If
59 those areas are accepted by the [Land Use Regulation Board]
60 through the regional plan approval process, the Act 250 rules
61 related to Tier 1a or 1b will be applied,” he said.

62 Despite Vermont’s statewide shortage of affordable
63 housing, and the existence of regional housing targets, towns
64 such as Wilmington are not required to plan for the construction
65 of new homes.

66 “Whether or not a town chooses to develop a town plan,
67 adapt or update zoning, invest in infrastructure, make town land
68 available for housing development [...] remains the decision of
69 the town,” he said. “Towns are not expected to actually get into
70 the home-building business.”

71 Campany urged officials to recognize the realities of
72 housing in Vermont, and to plan accordingly.

73 “Unless there’s a dramatic positive change in Vermonters’
74 incomes, and a drastic decrease in land and construction costs,
75 the future of housing will need to include two-family dwellings
76 and multi-family dwellings,” he said.

77 While he said Vermont is “deep in a housing crisis that
78 was decades in the making,” towns can build infrastructure,
79 streamline zoning and permitting, and provide access to the land.

80 By contrast, regional commissions like WRC can help with high-
81 level planning but lack towns' authority to act.

82 "To that end, it's often supporting the work of towns
83 where we can make the most difference," he said.

84 Even if Tier 3 remains part of the law, it does not mean
85 that land within that area can't be developed. If land falls into
86 that category, it means that any development in that area may
87 have to go through the Act 250 process.

88 In its efforts to educate the public and local officials on
89 how Act 181 relates to the regional plan, the commission is
90 especially focused on mapping centers and growth areas that
91 would be eligible for Tier 1a and 1b status under the law,
92 Company said.

93 "The new land-use categories are very similar in both
94 type and number to what the Windham Regional Plan has used
95 for more than 20 years so the new categories do not represent a
96 major change for the region or the towns," he said.

####END TEXT####

BIO/COATTAIL:

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97 A version of this story appeared in [The Deerfield Valley](#)
98 [News](#), *The Commons'* sister newspaper.

####END BIO/COATTAIL####

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