

DRAFT

West Rutland Planning Commission (P.C.) Regular Meeting
Tuesday May 6, 2025, at 6:00 pm, at W. Rutland Town Office (35 marble St.)

This will be an In-person and Remote-accessible meeting. Zoom log-in information is available on the Planning Commission page of the Town Website at www.WestRutlandVT.org.

DRAFT PC PUBLIC MEETING AGENDA 5/6/2025

Call to Order & recite the Pledge of Allegiance

Meeting Agenda: Motion to Amend or Accept draft Meeting Agenda.

Review of Meeting Minutes of 3/4/2025.

Other Public Input

New Business:

Continue zoning updates with to current regulations with regard to VT Act 47 & Act 181.

Miscellaneous Business

Schedule next PC meeting.

Adjourn

Draft
West Rutland Planning Commission (PC) Regular Meeting Minutes
April 1, 2025 6:00pm Town Offices, 35 Marble St.

Members Present: Sean Barrows (Chair), Michael Brzoza (Vice-Chair), Jim Flint, Tom Fagan
Member Absent: Leona Minard. **Also Present:** Jeffrey Biasuzzi, as Recorder and Zoning Administrator (ZA);

Call to Order: Chair S. Barrows called the Meeting to Order at 6:10 pm and led the reciting of the Pledge of Allegiance. The Meeting was electronically recorded on Zoom.

Agenda: J. Flint made a Motion to approve the draft Agenda. M. Brzoza seconded the Motion, all approved and the Motion passed

Approval of Minutes: The Members reviewed Minutes for the 3/4/2025 Meeting. M. Brzoza Moved to accept the Minutes as drafted. J. Flint seconded, All approved and the Motion passed.

Public Input: No Public participated in the Meeting.

New Business:

1. S. Barrows updated Members on the Town's application for a Municipal Planning Grant to study the Village and adjacent Commercial zoning districts for future development potential. Members exchanged ideas on how future PC participation could implement a Plan's recommendations.
2. Appointments and PC policy for 2025-26 fiscal year: J. Flint Moved to nominate S. Barrow as Chair and M. Brzoza as vice-Chair for the coming year. The Nominees accepted, the Members present represented the PC's majority vote in favor, and the Motion passed. J. Flint made the Motion to nominate J. Biasuzzi as Recorder and Alternate PC member (to participate in situations when needed to compile a quorum of the five member panel). J. Biasuzzi accepted the nomination, all present voted in favor, and the Motion passed. All Members present voted to continue the current PC regular Meeting schedule to be on the first Tuesday of each month, starting at 6:00 pm. S. Barrows Moved to nominate L. Minard to continue as Town's representative to the Rutland Regional Planning Commission. M. Brzoza seconded, all approved and Motion passed.
3. Continued zoning regulation updates: To comply with Acts 47 and 181, J. Biasuzzi submitted change recommendations (prepared by RRPC) to following Zoning Sections:
 - a. Revise Limitation language on (local) Regulations, to be added to Section 302 (page 14) that clarify that "These regulations may only regulate the uses outlined in 24VSA Sec. 4413 (a)(1) ...and only to the extent that these regulations do not have the effect of interfering with the intended functional use."
 - b. Revise Article V (Lot Size, Setbacks, Height, Density.... (pg. 26) to conform with 24VSA Sec.4412(1)(D).
 - c. Revise Article VI (Parking, pg. 28) to change a parking space to be 9' x 18' and otherwise conform to 24VSA Sec.4414(4) for minimum number spaces per Dwelling Unit.

Review of Section 1017 was started to conform Accessory Dwelling Unit to Act 47 requirements.

Miscellaneous Business: J. Biasuzzi discussed some current zoning violation issues, and enforcement approaches to address.

Schedule next Meeting:

The next regular PC Meeting will be on Tuesday, May 6, 2025 at 6:00 pm, at Town Office (35 Marble St.).

Adjournment: J. Flint made a Motion to end the Meeting. M. Brzoza seconded, all approved, and the Meeting adjourned at 8:14pm.

Respectfully submitted by Jeffrey Biasuzzi

Approved _____



TOWN OF WEST RUTLAND, VT
Special Selectboard Meeting
Wednesday, May 7th, 2025
6:00pm

Join Zoom Meeting

<https://us06web.zoom.us/j/86548955202>

1. Call Meeting to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Rutland Regional Planning Commission – Devon Neary - Present Draft Regional Plan
 - a. Presentation on status of regional plan draft
 - b. Presentation on impacts of VT Act 181 (2024) on future land uses
 - c. Questions and discussion
5. Discussion:
 - a. Select Board/Planning Commission/Development Review Board/Zoning Administrator Comments
6. Public Comments
7. Adjourn



RUTLAND REGIONAL PLANNING COMMISSION

Date: April 15, 2025

To: Mary Ann Goulette, Town Manager

From: Rutland Regional Planning Commission

Subject: Regional Plan Update Phase 3 Engagement Special Meeting

The Rutland Regional Planning Commission (RRPC) is finalizing the first draft of the 2026 Regional Plan (the Plan). It is now time to launch our third and last community engagement phase. In Phase 3, the RRPC seeks alignment on the draft Plan's vision, goals, priorities, and actions, including the new regional future land use map!

As the RRPC strives to help make the Rutland Region a great place, we are meeting with all our member municipalities to discuss the Plan and its importance. We will provide an overview of the Plan elements and how Act 181 overhauled Vermont's land use planning framework. Then, we will dive into the new Act 181 land use categories, state designations, and location-based Act 250 jurisdiction tiers. We will walk you through the draft regional future land use map and highlight key changes from the 2018 map.

This meeting is an opportunity to:

- Review and provide feedback on the draft regional future land use map, especially as it applies to your municipality.
- Decide if the municipality should opt in to Act 250 Tier 1B jurisdiction.

Finally, the RRPC will share ways for the public to review and provide feedback on the first draft of the 2026 Regional Plan.

This is a lot of material to cover in one meeting. To help prepare for meaningful discussions, the RRPC has included background information on Act 181, the new land use categories, state designations, and location-based Act 250 tiers. We encourage you to review these materials before our meeting.

Meeting Details:

Date: Wednesday, May 7, 2025

Time: 6:00 p.m.

Location: West Rutland Town Office, 35 Marble Street



Act 181 for Municipalities

Act 181, passed into law in June 2024, overhauls Vermont's land use planning framework. It aims to uphold the state's long-standing goal of planning development that maintains Vermont's historic settlement pattern, characterized by compact downtowns and village centers surrounded by rural countryside. However, it modernizes how Vermont directs public investments to designated areas and accelerates the transition of Act 250 to location-based jurisdiction.

NEW LAND USE CATEGORIES

Act 181 defines 11 new land use categories to guide development by designating areas for growth and conservation based on environmental, infrastructure, and community factors. Four land use categories - Downtowns, Village Centers, Planned Growth Areas, and Village Areas - coordinate with the State Designation Program and location-based Act 250 jurisdiction areas. See pages 1-3 for more information on the new land use categories.

REGIONAL FUTURE LAND USE MAP

All regional planning commissions must use the new land use categories to create a Regional Future Land Use (FLU) Map. The Map was developed using a standardized statewide methodology and will be used to determine areas eligible for the State Designation Program and location-based Act 250 jurisdiction.

NEW STATE DESIGNATION PROGRAM

All areas currently enrolled maintain benefits. The Regional FLU Map shows areas eligible for:

Center Designation

Downtown & Village Center

Neighborhood Designation

Planned Growth Area & Village Area

The Designation Program is designed to encourage new development and redevelopment in these compact, designated areas. Benefits and incentives are for public and private sectors within the designated area.

See pages 4-5 for more information on the program's benefits and incentives.

LOCATION-BASED ACT 250 TIERS

Location-based Act 250 jurisdiction means reducing or eliminating Act 250 permitting in areas planned for growth and increasing Act 250 permitting in critical natural resource areas that lack suitable State-level review and protection.

Tier 1A & 1B Areas: Areas with capacity for growth where limited or no Act 250 jurisdiction will apply. Shown on Regional FLU Map.

Tier 2 Areas: All areas that are not Tier 1 or Tier 3 and existing Act 250 jurisdiction applies.

Tier 3 Areas: Areas with critical natural resources where expanded Act 250 jurisdiction will apply.

See pages 6-8 for more information on the location-based Act 250 jurisdiction tiers.

Questions? Contact Logan Solomon at: logan@rutlandrpc.org

Shape Our Future Together!



ACT 181 – NEW LAND USE CATEGORIES

Act 181 defines 11 new land use categories to guide development by designating future land use areas (FLUA) for growth and conservation based on environmental, infrastructure, and community factors. A summary of the new land use categories is provided below. The statutory definition of each land use category can be found in 24 V.S.A. §4348a(12). Four land use categories – Downtowns, Village Centers, Planned Growth Areas, and Village Areas – coordinate with the state designation program and location-based Act 250 jurisdiction areas.

Several key terms are used in the land use category definitions. To ensure a common understanding of these terms, they are defined as follows:

- **Served by public water and sanitary sewer** means any public drinking water or sanitary sewer system, including Fire District or other small community systems.
- **Adequate soils for septic systems** are soils with a Class I-III septic suitability rating as determined by the Vermont Agency of Natural Resources.
- **Infill development** is defined in Section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule. It refers to the development of vacant areas surrounded by existing development or infrastructure in a downtown or village context.
- **Areas of high flood risk** are both FEMA-mapped Special Flood Hazard Areas and state-mapped River Corridors.

(1) **Downtown FLUA**

- Designated for higher-density growth.
- A traditional and historic mixed-use center bringing together community economic activity and civic assets.
- Areas adjacent to mixed-use, business, and civic areas may also be included.
- Areas currently enrolled in the state designation program as Downtown are included.
- Downtowns are served by public drinking water and sanitary sewer systems.
- The municipality has adopted both zoning and subdivision regulations.

(2) **Village Center FLUA**

- Designated for higher-density growth.
- A traditional and historic mixed-use center bringing together community economic activity and civic assets.
- Areas adjacent to mixed-use, business, and civic areas may also be included. If the municipality has no other village-related FLUA, RRPC expands the boundary to abutting state historic districts and/or vacant lots with adequate soils for septic systems.
- Areas currently enrolled in the state designation program as Village Centers are included unless the area is mapped as a Downtown.
- Public drinking water and sanitary sewer systems or zoning and subdivision regulations are not required.



ACT 181 – NEW LAND USE CATEGORIES

(3) **Planned Growth Areas FLUA** *(Surrounding Downtown or Village Center)*

- Designated for higher-density growth.
- The area is served by public drinking water and sanitary sewer systems.
- The municipality has adopted both zoning and subdivision regulations.
- At least 70% of buildings are within a 0.25-mile radius of sidewalks.
- No mapped areas of high flood risk unless infill development.
- Municipal Plan or zoning indicates that the area is intended for higher-density development. Zoning that allows for a density of 5 dwelling units per acre is interpreted to mean the zoning is intended for higher-density development.

(4) **Village Areas FLUA** *(Surrounding Downtown or Village Center)*

- Designated for higher-density growth.
- The municipality has either public drinking water or sanitary sewer systems. However, the Village Area may not have either, provided it contains adequate soils for septic systems.
- The municipality has adopted both zoning and subdivision regulations.
- Unless the municipality has adopted flood hazard and river corridor bylaws, the Village Area excludes identified areas of high flood risk unless these areas contain preexisting development in areas suitable for infill development.
- There may be opportunities for new development if it is done in a flood-resilient manner.

(5) **Transition or Infill Areas FLUA**

- Designated for higher-density growth.
- Areas served by public drinking water and/or sanitary sewer systems that will be transformed into higher-density areas and are not Downtown, Village Center, Planned Growth Area, or Village Area.
- New commercial linear strip development is not allowed. Instead, new development should be in the form of a network of streets, to the extent that geography allows.

(6) **Enterprise Areas FLUA**

- Designated for higher-density growth.
- Areas of high economic activity and employment, including industrial parks, areas of natural resource extraction, or commercial uses that involve a large land area.
- Not adjacent to Planned Growth Areas.
- Must have ready access to necessary infrastructure for enterprise-related use.

(7) **Resource-Based Recreation Areas FLUA**

- Designated for higher-density growth.
- Large-scale resource recreation facilities (not a map of all recreation areas).
- Contains a higher density of housing, other buildings, and infrastructure related to the resource-based recreation area.



ACT 181 – NEW LAND USE CATEGORIES

(8) Hamlets FLUA

- Designated for lower-density growth and conservation.
- Small historic clusters of homes, often accompanied by a public building.
- Not mapped as Downtown, Village Center, Planned Growth Area, Village Area, or Transition/Infill Area.
- Unlike other FLUA, Hamlets are dots on a map acknowledging historic clusters.

(9) Rural (General) FLUA

- Designated for lower-density growth and limited commercial development compatible with the working landscape and natural areas.
- All remaining land area that is not otherwise mapped.

(10) Rural (Agriculture and Forestry) FLUA

- Designated for lower-density growth and managed to promote the working landscape and rural economy.
- Includes parcels enrolled in the Current Use tax program.

(11) Rural (Conservation) FLUA

- Designated for conservation.
- Areas of significant natural resources that require special consideration for protection and other conservation purposes such as elevations of 2500' or higher, highest priority interior forests and highest priority connectivity blocks, Class 1 and 2 wetlands that are 5 acres or larger, groundwater source protection areas, FEMA-mapped floodplains and DEC-mapped river corridors (if municipality does not have both flood hazard and river corridor regulations).
- Not mapped as Downtown, Village Center, Planned Growth Area, Village Area, Transition/Infill Area, Enterprise Area, Resource-Based Recreation Area, or Rural Agriculture and Forestry.
- Includes parcels in the Vermont Protected Lands Database, which contains all protected lands for conservation purposes.



ACT 181 – NEW STATE DESIGNATION PROGRAM

The Department of Housing and Community Development manages the state designation programs, which currently include Downtowns, Village Centers, New Town Centers, Growth Centers, and Neighborhood Development Areas. These programs offer incentives, align policies, and provide communities with the technical assistance necessary to encourage new development and redevelopment in compact, designated areas. The program's incentives are available to both the public and private sectors within the designated area and include tax credits for historic building rehabilitation and code improvements, permitting benefits for new housing, funding for transportation-related public improvements, and priority consideration for other state grant programs.

Act 181 provided the framework to consolidate and simplify the designation programs. Beginning in January 2026, all designated Downtowns, Village Centers, and New Town Centers will be reclassified as designated **Centers**, and all designated Growth Centers and Neighborhood Development Areas will be reclassified as **Neighborhoods**.

Center Designation

Downtown and Village Center Areas on the Regional Future Land Use (FLU) Map are eligible for Center Designation. Center benefits are divided into three steps.

Step One is an entry-level designation created to provide an accessible designation, as all Downtown and Village Centers automatically reach Step One upon approval of the Regional FLU Map.

Step Two is a mid-level designation created for villages to increase their planning and implementation capacity for community-scale projects. Municipalities must apply to the State Land Use Review Board for Step Two designation.

Step Three is an advanced designation created for downtowns to create mixed-use centers and join the Vermont Downtown Program. Municipalities must apply to the State Land Use Review Board for Step Three designation.

Center Designation and Step requirements and benefits are outlined in 24 V.S.A. § 5803.

Neighborhood Designation

Planned Growth and Village Areas on the Regional FLU Map are eligible for the Neighborhood Designation. This designation recognizes that adjacent and walkable neighborhoods support the vitality of downtowns and villages.

Neighborhood Designation requirements and benefits are outlined in 24 V.S.A. § 5804.

A summary of the Center and Neighborhood Designation benefits is presented in the table below.



ACT 181 – NEW STATE DESIGNATION PROGRAM

Benefit Summary	Center Designation Steps			Neighborhood Designation
	One	Two	Three	
Eligibility for Better Places Grant Program	x	x	x	
Eligibility for Downtown and Village Center Tax Credits	x	x	x	
Funding Priority for Municipal Plan Updates	x	x	x	
Priority Consideration for Better Connections Program		x	x	x
Funding Priority for Bylaws and Special Purpose Plans, Capital Plans, and Reinvestment Plans		x	x	x
Funding Priority for State Infrastructure Scoping, Design, Engineering, and Construction		x	x	x
Local Authority to Create Special Taxing District for Capital/Operating Costs in the Area		x	x	x
Priority for State and Federal Affordable Housing Funding		x	x	x
Local Authority to Establish Speed Limits Less Than 25 mph in the Area		x	x	x
State Wastewater Permit Fees Capped at \$50 for Residential Development		x	x	x
Exemption from Land Gains Tax		x	x	x
State Assistance and Guidance on Establishing Local Historic Preservation Regulations		x	x	
Funding for the Local Downtown Organization and State Technical Assistance for the Area			x	
Local Reallocation of Receipts Related to State Tax on Construction Materials			x	
Eligibility to Receive National Main Street Accreditation			x	
Eligibility to Erect Local Information Signage to Guide Visitors to Landmarks			x	
Housing Appeal Limitations within the Area			x	x
Highest Priority for Locating State Buildings or Regional Planning Commission Buildings			x	
Participation in the Downtown Transportation and Related Capital Improvement Fund			x	



ACT 181 – LOCATION-BASED ACT 250 TIERS

Act 181 establishes three tiers for location-based Act 250 jurisdiction. Location-based Act 250 jurisdiction means reducing or eliminating Act 250 permitting in areas planned for growth (Tier 1 areas) and increasing Act 250 permitting in critical natural resource areas that lack suitable State-level review and protection (Tier 3 areas).

Tier 1A and Tier 1B Areas

Areas with capacity for growth where limited or no Act 250 jurisdiction will apply. The Regional Future Land Use (FLU) Map shows areas eligible for Tier 1A and Tier 1B Act 250 exemptions. The table below summarizes the key attributes of Tier 1A and Tier 1B areas.

Tier 2 Areas

All areas that are not Tier 1 or Tier 3. Existing Act 250 jurisdictional thresholds will remain based on acreage, units, or lots created. Additionally, Act 250 jurisdiction will apply to the construction of a single road if it exceeds 800 feet in length or if all roads/driveways constructed exceed 2,000 feet. This provision, known as the “Road Rule”, will apply starting July 1, 2026. More information on Tier 2 at: <https://act250.vermont.gov/tier-2-area-report>

Tier 3 Areas

Tier 3 Areas contain critical natural resources that merit consideration in the Act 250 permitting process. The Tier 3 rulemaking process is scheduled to begin in April-May 2025. The Land Use Review Board is required to deliver proposed final rules for Tier 3 areas by February 1, 2026. Act 250 jurisdiction in Tier 3 areas will begin on December 31, 2026. More information on Tier 3 Rulemaking at: <https://act250.vermont.gov/tier-3-rulemaking-and-report>

	Tier 1A Areas	Tier 1B Areas
Which areas are eligible?	Part or all of the Centers (Downtown and Village) and Planned Growth Areas as shown on the approved regional future land use map.	Part or all of the Centers (Downtown and Village), Planned Growth Areas , and Village Areas as shown on the approved regional future land use map.
What are the Act 250 exemptions?	All development is fully exempt.	50 units or fewer on 10 acres or less for housing and mixed-use development is exempt.
Will our municipality have to enforce existing Act 250 conditions?	Yes. Within Tier 1A areas, municipalities must carry forward conditions of <u>existing</u> Act 250 permits for new development permits, with a few exceptions. In approved Tier 1A areas, the Land Use Review Board will no longer enforce permit conditions unless the municipality fails to do so.	No. The Land Use Review Board will continue to enforce <u>existing</u> Act 250 permits and conditions in Tier 1B areas.



ACT 181 – LOCATION-BASED ACT 250 TIERS

	Tier 1A Areas	Tier 1B Areas
How do we apply?	Municipalities will apply to the Land Use Review Board for Tier 1A jurisdiction. More information on Tier 1A Approval Guidelines at: https://act250.vermont.gov/tier-1a-approval-guidelines	Municipal request to RPC. RPC submits to the Land Use Review Board on behalf of the region's municipalities through the Regional Plan adoption process. The RRPC will provide a municipal resolution form for the Selectboard to sign.
When do municipalities have to decide?	Any time after January 1, 2026.	No later than July 1, 2025, to align with the necessary timeline for Regional Plan adoption.
What happens if we don't pursue Tier 1 Act 250 exemptions?	A municipality is <u>not</u> required to opt in. In a municipality that does not opt in, after the interim Act 250 exemptions expire, development projects will be subject to standard Act 250 jurisdiction throughout your community.	
What other requirements must municipalities meet for Tier 1 eligibility?	<p>Eligibility and application requirements are outlined in 10 V.S.A. §6034(b).</p> <ol style="list-style-type: none"> The municipality must have an approved municipal plan. Tier 1A boundaries must be consistent with and be within Downtowns, Village Centers, or Planned Growth Areas as shown on the approved regional future land use map. The municipality must have adopted bylaws that are at least as strong as the state model flood hazard bylaws (per 10 V.S.A. § 755) and river corridor bylaws (per 10 V.S.A. §1428). The municipality must have adopted permanent zoning and subdivision regulations without broad exemptions for obtaining municipal permits. In the Tier 1A area, adopted municipal bylaws must further smart growth principles, regulate physical form and scale, allow for at least four stories in areas served by water and sewer, and follow other guidelines to be established by the Land Use Review Board. The Tier 1A area must be compatible with the character of adjacent historic 	<p>Eligibility and application requirements are outlined in 10 V.S.A. 6033(c).</p> <ol style="list-style-type: none"> The municipality must request Tier 1B status from the RRPC. The municipality must have an approved municipal plan The municipality must have permanent zoning and subdivision regulations. In the Tier 1B area, the municipality must exclude or adequately regulate flood hazard areas and river corridors. In the Tier 1B area, there is adequate public drinking water and sanitary sewer systems capacity for compact housing; in Village Areas, this may be in the form of soils that can accommodate a community system. In the Tier 1B area, the municipality must have adequate municipal staff, municipal officials, or contracted capacity for development review and zoning administration.



ACT 181 – LOCATION-BASED ACT 250 TIERS

	Tier 1A Areas	Tier 1B Areas
	<p>districts and sites and significant cultural and natural resources.</p> <p>G. In the Tier 1A area, the municipality must plan to maintain significant natural communities and RTE species or exclude them from it.</p> <p>H. In the Tier 1A area, public drinking water and sanitary sewer systems can support additional development.</p> <p>I. In the Tier 1A area, adequate municipal staffing exists for comprehensive planning, capital planning, development review, and zoning administration.</p>	

[View in browser](#)



RUTLAND REGIONAL PLANNING COMMISSION

OPEN MEETING LAW TRAINING



Special Guest: Secretary of State Sarah Copeland Hanzas

May 7, 2025 at 6PM

Join us for an Open Meeting Law Training with the Vermont Secretary of State for municipal officials in the Rutland Region!

With so much turnover on Town Meeting Day, we believe it is important for all our new and returning selectboard, planning commission, and other public board members to understand the best practices for complying with Open Meeting Law. There will be

a presentation followed by Q&A.

In-Person: Rutland Regional Planning Commission, 16 Evelyn Street, Second Floor, Rutland, VT 05701

Virtual: Microsoft Teams <https://tinyurl.com/5n7mt732>

RSVP Required: Please use the link below to RSVP and submit questions for the Q&A session.

Parking: Free parking is available on-site at 16 Evelyn Street in front of the blue mural.

[RSVP and Questions](#)

HELPFUL LINKS

[Secretary of State - Open Meeting Law](#)

[Secretary of State Open Meeting Law Guidebook](#)

[Vermont League of Cities and Towns - Open Meeting Law](#)



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