



TOWN OF RICHMOND
RICHMOND TOWN CENTER
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To: Richmond Selectboard

From: Virginia Clarke and Bryton Moeller

Date: May 29, 2025

Planning Commission Recommendation to the Town Selectboard on Act 250 Tier 1B designation.

Context: Act 181 has provided municipalities with the option of “opting-in” to an Act 250 exemption known as Tier 1B. This must be requested by the Local Legislative Authority to our Regional Planning Commission (CCRCP) at a time soon...yet be conveyed. Specifically, opting into a Tier 1B exemption allows for **local** review and approval for residential projects of **50 units or fewer and 10 acres or less for housing and mixed-use development**, without Act 250 oversight. There is currently in place a short-term “Interim Tier 1B designation,” with the same parameters, which allows all eligible projects an exemption from Act 250 review until July 1, 2027. After this date municipal legislative approval is needed for continuing the “opt-in” designation for the life of the new 8-year regional plan. The Planning Commission is recommending **NOT opting-in** to the permanent Tier 1B designation in the upcoming 2026 ECOS plan.

The Planning Commission first considered whether or not there are any parcels within the Opt-in-eligible overlay area that could actually host a project of 10 – 50 dwelling units at this time. The only one that came to mind was the Creamery on Jolina Court, which is planned but will not commence before Interim 1B concludes (7.1.27). This project has significant natural resource issues that will likely need a thorough review before approval of Buttermilk’s proposed building 2, especially if significant increases in residential density are allowed. A Tier 1B opt-in would likely exempt this building from Act 250 review. We don’t see any other shovel-ready projects that would be affected at this time in our “downtown” core.

The Commission is concerned that our current Zoning Ordinance and policies, as well as our DRB review, and the time available for research by our one-person planning and zoning staff, may not be adequate to address the issues that might arise. In addition, any further studies, such as engineering or natural resource-related, would be financed by the town, rather than by Act 250 (now Land Use Review Board). The timeline for installing this designation is not long enough to address the deficiencies in our regulations and procedures, and it seems unlikely that we will add planning staff. Members of the public who have attended previous Planning Commission meetings on this issue have also expressed similar reservations.

A second consideration for the Planning Commission was to look at any potential future development projects that would benefit from a full Act 250 review. As we are recommending adding both the Gateway and the Farr Farm uplands to the “Transition” designation on the new CCRPC FLU map, it is not inconceivable (albeit unlikely) that these parcels could undergo more extensive development in the 8-year window of this Tier 1B opt-in. Such developments would activate our concerns as expressed above perhaps even more than the Jolina Court project, which has already undergone an initial Act 250 review.

We understand that the Tier 1B option was enacted into law to reduce the cost to developers of constructing new housing in this difficult and expensive building environment, and that there will be others in Richmond who favor the opt-in. It seems appropriate for the larger municipalities with multi-staff planning departments, more buildable land suitable for large projects, and more experience with large-footprint multi-family developments. We do not want to address the housing crisis at the expense of abandoning the natural resources and community concerns under the jurisdiction of Act 250 that have kept Vermont villages rural for many years.

Virginia Clarke
Chair, Richmond Planning Commission