BCRC

Bennington County Regional Commission

210 SOUTH STREET ● SUITE 6 ● BENNINGTON, VERMONT 05201 ● (802) 442-0713 ● bcrcvt.org

FREQUENTLY ASKED QUESTIONS
Act 181 & the Bennington Regional Plan
Updated July 2026

http://www.bcrcvt.org/regional-plan.html

1. What is Act 181 and what is it trying to do?
Act 181 modernizes Vermont's land use system by shifting Act 250 from a project-based review to a location-based system. Its primary goal is to encourage housing and economic development in planned growth areas while protecting natural resources and maintaining Vermont's traditional settlement patterns. It also better aligns state, regional, and municipal planning efforts.

2. What is the role of Regional Planning Commissions (RPCs)?
Regional Planning Commissions are responsible for updating regional plans, developing the Future Land Use Map, and identifying areas eligible for Tier 1A/1B. RPCs do not regulate development; instead, they serve a planning role, working closely with towns and the state.

3. What does the Future Land Use Map do?
The Future Land Use (FLU) Map is a planning tool that identifies areas for growth, conservation, and other uses based on infrastructure, development patterns, and community input. It helps determine where Act 250 exemptions may apply, particularly in Tier 1 areas, but it does not regulate land use or change local zoning.

4. How did BCRC create the regional Future Land Use Map?
BCRC used local plans and bylaws, existing development patterns, infrastructure availability, and the definitions in state law. The process was collaborative and involved working directly with municipalities to refine mapping. BCRC met with each of its municipalities to review draft future land use maps and worked with them to make revisions to the maps based on local input.

5. Who makes decisions under Act 181?
Municipalities retain control over zoning, adopt local plans, and must opt in to receive Tier 1A/1B benefits. Regional Planning Commissions prepare regional plans and maps. The Land Use Review Board (LURB) reviews and approves regional plans and oversees Act 250 implementation.

6. Are there any aspects of the regional plan and FLU map that influence whether a project will be subject to Act 250 jurisdiction?
Yes, the regional plan maps make development easier by mapping areas that are eligible for certain Act 250 exemptions. Areas mapped as Village or Downtown Centers, Village Area, or Planned Growth Area on the regional future land use map are eligible for Tier 1A (full exemption) or Tier 1B (exemption for up to 50 units of housing). This means that in these areas, projects that might otherwise need an Act 250 permit can avoid the time and expense of Act 250. BCRC worked with municipalities to determine whether there are areas they'd like to be considered for Tier 1A or

1B status per the definition in state law. If these areas are accepted by the LURB through the regional plan approval process, the Act 250 exemptions will be applied.

7. Does the regional plan affect whether or not Act 250 is triggered?
The regional plan only affects Act 250 jurisdiction in limited cases by identifying areas eligible for Tier 1A/1B, where exemptions may apply. In all other areas, generally considered Tier 2, Act 250 functions largely the same as before.

8. How does the regional Future Land Use map relate to our zoning bylaws?
The regional Future Land Use Map has no impact on local zoning bylaws. The regional plan does not change local zoning, and nothing in Act 181 requires towns to change their zoning. Municipalities should continue to develop their local zoning map and bylaws based on their adopted municipal plan.

9. Does Act 181 or the regional plan restrict my ability to develop my land?
No. The regional plan is not regulatory and does not restrict existing development rights. Whether development requires Act 250 review depends on state law and project characteristics, not the regional land use designation alone.

10. What impact does Act 152 (formerly S.325) have on the regional FLU map and the regional plan?
The passage of Act 152 has a very limited impact on regional plans and future land use maps. Act 152 repeals the Act 250 road jurisdictional trigger and Tier 3 areas, which were never determined by regional future land use plans or maps, but by the Land Use Review Board. The Road Rule and Tier 3 areas were also never connected to the statutory future land use areas used in regional plan maps. As a result, these two repeals don't affect regional plans or the regional future land use map. Act 152 updates the definitions of downtown and village centers and planned growth areas, providing more flexibility for how these areas are mapped by RPCs. This has the potential to affect regional future land use maps that are still being developed by some RPCs.

More information about Act 152 (formerly S.325): ACT152 Act Summary.pdf

More information about Act 181 Future Land Use Mapping, designation areas, and Act 250 tiers: Act 181 Summary