

RE: Question for Zoom Legal Seminar

From: Kail Romanoff (kromanoff@vlct.org)

To: cdegr@yahoo.com

Date: Wednesday, June 18, 2025 at 03:00 PM EDT

Hi Charlie,

Thanks for bearing with me at the legal lunch, PUDs and TRDs are nuanced enough and less common so I don't have the details committed to memory. After digesting it all though, even though "non-contiguous" PRDs may be less common they are not by definition a TRD. A non-contiguous PRD could act similarly to a TRD in that it may protect a lot that is more desirable from development while giving development benefits to a lot that is more suited to development. But they serve slightly different purposes and are designed somewhat differently so it's possible an applicant could choose from one or the other if you have both in your bylaws.

PUDs generally provide the applicant with flexibility in their development proposal, which can include greater density, and they have some leeway over where the conserved lands and developed areas will be. TRDs on the other hand are used to encourage development in specifically defined "receiving area(s)" where the town is trying to encourage density (or serve as a counterbalance to conservation goals), and to conserve land in specifically defined "sending area(s)" of high environmental, ecological, or public importance. However, they are 2 distinct processes. It's possible that your bylaws could have both a TRD and PUD provision which an applicant could pick and chose from based on its parameters and benefits.

In short, they are different – PRDs are more of a generalized version of this tool, while TRDs are more specific. After a quick check it does not appear that you have TRDs in your bylaws – correct me if I'm wrong. It also appears that your PRD rules allow non-contiguous PRDs. The planning commission could consider adding TRDs to the bylaws if they clearly define the sending and receiving areas and established the bylaw provisions and procedures necessary to effectuate [24 V.S.A. § 4423](#), but for now it would be a PUD.

I hope this helps.

Best,

Kail



Kail Romanoff
Staff Attorney, Municipal Assistance Center
Vermont League of Cities & Towns
89 Main St. Suite 4, Montpelier, VT 05602
802-229-9111
kromanoff@vlct.org
VLCT.ORG

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) to whom it is addressed above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is prohibited. If you are not the intended recipient, please contact the sender by reply email or telephone and destroy all copies of the original message.

From: charles russell <cdegr@yahoo.com>
Sent: Wednesday, June 18, 2025 11:57 AM
To: VLCT Webinar Zoom <VLCT.Webinars.Zoom@vlct.org>
Subject: Question for Zoom Legal Seminar

CAUTION: This email originated from outside of VLCT's email system. Maintain caution when opening external links/attachments

I have a question about non-contiguous PRD's vs. Transfer of Development Rights (TDR's). I'm in Charlotte where we have the former. The question is whether what we have is governed by 24 VSA 4423 in any way or just by 24 VSA 4417.

Charlie Russell, DRB chair