

CENTRAL VERMONT REGIONAL PLANNING COMMISSION

Record of September 8 and September 14, 2026

Regional Plan Public Hearings

Commissioners in Attendance at the 9/8/2026 Board of Commissioners Meeting and Public Hearing

- Barre City, Janet Shatney
- Berlin, Alice Farrell
- Cabot, Brittany Butler
- Duxbury, David Wendt
- East Montpelier, Alex Ron
- Fayston, Andrew McNealus
- Marshfield, Amy Monahan
- Middlesex, Ron Krauth
- Montpelier, Mike Miller
- Northfield, Royal DeLegge
- Plainfield, Paula Emery
- Roxbury, Jerry D'Amico
- Waitsfield, Don LaHaye
- Warren, Jim Crafts
- Washington, Peter Carbee
- Waterbury, Doug Greason
- Williamstown, Rich Turner
- Worcester, Bill Arrand

Commissioners in Attendance at the 9/14/2026 Regional Plan Committee Special Meeting and Public Hearing:

- Barre City, Janet Shatney
- Barre Town, Alice Farrel*
- Cabot, Brittany Butler*
- Calais, John Brabant*
- Montpelier, Aaron Kisicki
- Roxbury, Jerry D'Amico

* Denotes a member of the Regional Plan Committee, who convened the 9/14/2026 Public Hearing

Public Comments:

The following people spoke at one of the public hearings or submitted comments to be entered in the record:

- Alan Goldman, Montpelier (spoke at 9/8/2026 hearing)
- Amy Hornblas, Cabot (spoke at 9/8/2026 hearing)
- Carrie McMillan, Waterbury (submitted written comments, Exhibit A)
- Karen Horn, Moretown* (submitted written comments, Exhibit B)
*commenting as an individual community member, *not* in her capacity as Chair of Moretown Planning Commission
- Ken Denton, Cabot (spoke at 9/8/2026 hearing)
- Steven Whitaker, Montpelier (spoke at 9/8/2026 and 9/14/2026 hearings, and submitted written comments, Exhibit F)
- Thomas Weiss, Montpelier (spoke at 9/8/2026 and 9/14/2026 hearings, and submitted written comments, Exhibits C and D)

Exhibits from 9/8/2026 and 9/14/2026 Hearings: (See attached)

- A. Carrie MacMillan, Waterbury 8/26/2026 written comments
- B. Karen Horn, East Montpelier 8/31/2026 written comments
- C. Thomas Weiss, Montpelier 9/1/2026 written comments
- D. Thomas Weiss, Montpelier 9/9/2026 written comments
- E. Draft transcript of the 9/8/2026 Hearing
- F. Steven Whitaker, Montpelier 9/14/2026 written comments
- G. Draft transcript of the 9/14/2026 Hearing

Link to 9/8/2026 Public Hearing recording:

https://us02web.zoom.us/rec/share/dLzO3wHWV4kzVkm0VKnjdiJX71rYJdS_seTOgJnlH56p6Ys93itlLa163vL0LZg.XjyOywNtQmZPLtVu?from=hub

Hearing opens at 00:06:57 and closes at 00:30:45

Link to 9/14/2026 Public Hearing recording:

https://us02web.zoom.us/rec/share/gCQNhAK9yVXXia3QfTWMd4cZHoqIPj0Xe8MXoW2WfQcGYUEYiVNAU-6qk0ewS0td.pijDcS_SWFWqb28r?startTime=1789425337000

Hearing opens at 00:09:24 and closes at 00:38:03

To: Central Vermont Regional Planning Commission

Re: Draft 2026 Regional Plan and Regional Future Land Use Map — Waterbury
Downtown Center / Stanley-Wasson Parcel

Dear Commissioners and Regional Plan Committee Members:

The Stanley Wasson Community Alliance supports the creation of additional housing in Waterbury and throughout Central Vermont. We also strongly support directing new housing toward locations where it can be developed safely and sustainably without increasing long-term flood risk to future residents, surrounding neighborhoods, public infrastructure, or municipal investment.

We submit these comments and objections because the treatment of flood-hazard land within designated growth areas raises an important question under the Draft 2026 Regional Plan, the Regional Future Land Use Map, and Vermont's new regional planning framework.

Our particular concern is the former Stanley and Wasson parcel adjoining Waterbury's State Office Complex, Park Row, and Randall Street.

A legacy designation should not substitute for a current suitability determination. We recognize that Vermont law requires the new regional mapping methodology to account for state Designated Downtowns that existed on December 31, 2025. We are not asking CVRPC in this proceeding to adjudicate the legality of Waterbury's 2024 Downtown Designation boundary amendment.

We are asking CVRPC to make a critical distinction: Inclusion within a state Designated Downtown boundary is not the same as a site-specific determination that every parcel within that boundary is safe, suitable, or appropriate for intensified development or reduced state land-use review.

That distinction is particularly important at the Stanley-Wasson parcel at the State Office Complex. The parcel is presently vacant and substantially open. The Stanley and Wasson Halls were demolished in 2021 following flood damage associated with Tropical Storm Irene. The Town has subsequently identified the majority of the property as lying within Fema's mapped SFHA and Waterbury's Flood Hazard Overlay District, and the parcel has experienced inundation during recent flood events, including 2023 and 2024.

The circumstances of the 2021 demolition are themselves relevant to the present regional planning inquiry. CVRPC's own Project Review Committee records concerning Act 250 applications 5W0431-12 and 5W1012-3 described the demolition project as resulting in the area being restored as an "open grassed field." State historic review documentation concerning the same project stated that no new structure was proposed and that the site would be landscaped "as part of the flood mitigation plan for the campus."

We do not contend that this language permanently prohibits all future development of the property. Nor do we ask CVRPC to resolve the continuing legal effect of those Act 250 permits in this Regional Plan proceeding.

The significance is different. The record demonstrates that the Stanley-Wasson parcel did not simply become vacant through ordinary abandonment or removal of obsolete buildings. Following Irene, flood damaged structures were demolished and the resulting land was intentionally returned to an open, landscaped condition that State documentation associated with flood mitigation at the State Office Complex.

That history is directly relevant to how the parcel should be understood today.

The historical presence of Stanley and Wasson Halls therefore should not, by itself, be treated as evidence that the land remains functionally equivalent to previously developed land or is presently suitable for intensified infill development. The relevant inquiry must include what the land does now.

Current conditions differ materially from the conditions that existed when Stanley and Wasson Halls occupied the parcel. The Stanley-Wasson parcel has now existed as open land for approximately five years. During that period, Waterbury has experienced significant flood events, including the July 2023 and July 2024 floods. Those events provide information concerning the behavior of the parcel in its present open condition that was not available when Stanley and Wasson Halls stood on the property.

Residents have observed the Stanley-Wasson parcel inundating from river flooding before portions of upper Randall Street inundate. As river levels continue to rise, floodwater subsequently progresses toward the Upper portion Randall Street and neighboring properties on Park Row.

This observed sequence raises a significant site-specific question:

Does the presently open Stanley-Wasson parcel perform flood-storage, backwater, conveyance, or other floodplain functions affecting the timing, depth, direction, or extent of inundation on surrounding land?

We are not asking CVRPC to accept resident observations as a substitute for hydraulic analysis. We are asking that those observations, together with the parcel's mapped flood-hazard status, post-Irene history, present physical condition, and recent inundation, be evaluated before the land is characterized for regional planning purposes as appropriate for intensified future development.

The State's Flood Hazard Area and River Corridor framework itself recognizes the distinction between encouraging infill and redevelopment within established centers and avoiding unnecessary encroachment into undeveloped flood-hazard areas that provide floodwater and sediment-storage functions.

The Stanley-Wasson parcel presents precisely the type of circumstance in which that distinction deserves careful examination.

Whatever terminology ultimately applies, "infill," "redevelopment," "Downtown Center," or another classification, the terminology cannot substitute for evaluation of the land's current physical function.

The 2024 Downtown Designation did not resolve this parcel-specific question.

The record surrounding the 2024 expansion of Waterbury's Designated Downtown does not demonstrate that these parcel-specific flood conditions were fully examined and resolved before the boundary was approved.

At the October 28, 2024 Vermont Community Investment Board meeting considering the Stanley-Wasson boundary amendment, Board members specifically raised questions concerning flood zones. The approved minutes subsequently state that it was confirmed that the State Hospital did not flood in July 2023.

Whether the larger State Hospital or State Office Complex flooded, however, is materially different from whether the vacant Stanley-Wasson parcel itself was inundated.

During Waterbury's August 4, 2025 Select Board discussion of the Stanley-Wasson development RFQ, the Town was publicly informed that the parcel itself flooded during the 2023 and 2024 events. During that discussion, the Town Manager stated that he had received a resident letter saying the site flooded in 2023 and that this had not been his understanding.

The Town's RFQ at that time acknowledged that the majority of the property lies within the Flood Hazard Overlay District while also stating that the site had not flooded since Tropical Storm Irene. Following the public discussion, the Select Board directed revisions that included changes to the flood-hazard language and removal of references to previous flooding.

This history is relevant not because CVRPC must revisit the motives or legality of the 2024 designation decision, but because it demonstrates why that designation should not be treated as evidence that the Stanley-Wasson parcel's flood suitability was previously investigated and affirmatively resolved.

The materials supporting the 2024 designation also warrant caution.

The Town's August 2024 submission to the State characterized an enclosed property survey as "recent." The survey included in the designation materials, however, depicts conditions that plainly predate the application. Stanley and Wasson Halls remain shown despite their 2021 demolition; a garage is depicted; and the plan reflects an older property configuration predating a subsequent boundary adjustment. More current State survey and subdivision work had been undertaken by 2023–2024.

Again, we do not raise this to ask CVRPC to determine whether the prior designation was valid.

We raise it because the new Regional Future Land Use Map should rely upon current physical, environmental, property, and hazard information, rather than assuming that an inherited designation constitutes a contemporary evaluation of every parcel within it.

The 2021 demolition history makes this distinction particularly important. A map or survey depicting Stanley and Wasson Halls does not depict the land condition that has actually existed since their removal, nor the flood behavior observed on the open parcel during subsequent major events.

The Future Land Use Map presents an apparent parcel-level inconsistency. The proposed Waterbury Future Land Use mapping raises an additional question that we ask CVRPC to explain.

Existing residential properties immediately across from the Stanley-Wasson parcel are mapped as Rural Conservation, while the vacant Stanley-Wasson property is carried within the Downtown Center.

CVRPC's Draft Regional Plan identifies Special Flood Hazard Areas among the lands that may appropriately be included within Rural Conservation and states that development and investment in identified flood-hazard areas should be avoided or limited.

The neighboring residential parcels and Stanley-Wasson occupy the same immediate floodplain environment.

We therefore request that CVRPC identify the criteria and GIS layers responsible for the Rural Conservation classification of the residential properties opposite Stanley-Wasson and explain why those same flood-hazard considerations do or do not apply to the vacant Stanley-Wasson parcel.

If Special Flood Hazard Area status contributed to the Rural Conservation classification of the existing residential properties, the substantially different treatment of the vacant floodplain parcel directly across the road requires explanation.

The existence of Waterbury's recently expanded Downtown Designation may explain the origin of the mapped boundary, but it does not by itself explain why the physical characteristics that constrain neighboring parcels should cease to matter at the edge of that boundary.

Flood risk involves the function of the land, not simply the elevation of a future building.

The Stanley-Wasson parcel also raises a broader flood-resilience question that we believe should be addressed by the Regional Plan. Flood resilience is not solely a question of whether a proposed building can be elevated, floodproofed, or designed to comply with special flood hazard regulations. It is also a question of what the land currently does with floodwater and what happens elsewhere if that function changes.

Development of presently open floodplain land may affect storage, displacement, backwater conditions, flow paths, access and egress, adjacent properties, infrastructure, and the timing or extent of inundation elsewhere.

That inquiry is particularly important here because Waterbury is simultaneously pursuing substantial public investment in the neighboring Randall Meadow floodplain reconnection project for the express purpose of increasing floodplain storage and reducing flood elevations affecting Randall Street, Park Row, the State Office Complex, and downtown.

The Stanley-Wasson parcel and Randall Meadow are not abstract points on separate maps. They occupy adjoining portions of the same floodplain system.

Regional planning should therefore consider the combined function of these neighboring floodplain lands rather than assuming that increased flood-storage capacity on one parcel renders the present function of another irrelevant.

Vermont law requires an independent flood-resilience inquiry.

Under 24 V.S.A. § 4348a(a)(11), a Regional Plan must contain a flood-resilience element identifying flood-hazard areas and areas to be protected, including floodplains and river corridors, and must recommend policies and strategies to reduce risks to public safety, infrastructure, improved property, and public investment. The Future Land Use element must be based upon the other required Regional Plan elements.

In addition, 24 V.S.A. § 4348a(a)(12)(B)(iv) provides that Planned Growth Areas generally exclude identified flood-hazard and river-corridor areas except for areas containing preexisting development in areas suitable for infill development.

This creates an important question where a recently expanded Downtown boundary contains land that:

- is presently vacant and substantially open;
- lies within an identified flood-hazard area;
- was returned to open landscaped condition following demolition of flood-damaged buildings;
- was described in State documentation as being landscaped as part of a flood-mitigation plan;
- has demonstrably inundated during recent major flood events; and
- may presently perform flood-storage, backwater, conveyance, or related floodplain functions.

The historical presence of buildings on a parcel should not automatically convert presently open floodplain land into “preexisting development suitable for infill” without evaluation of current site conditions and the land’s present flood function.

Likewise, statutory continuation of an existing Downtown Center boundary should not automatically establish that every parcel within that boundary is appropriate for the highest levels of future development intensity or Tier 1 treatment.

Recent flooding must inform current regional planning.

Waterbury and Central Vermont experienced significant flooding in 2023 and 2024. Those events provide current information concerning the behavior of land that was unavailable when earlier municipal planning preferences were established.

For example, Waterbury’s frequently cited 2013 community survey regarding high-density housing at the State Office Complex was conducted in the immediate post-Irene period and more than a decade before the recent flood events. The same planning process also reflected significant community concern regarding floodplain protection.

A historic preference for housing density somewhere within the State Office Complex cannot substitute for a contemporary parcel-specific evaluation of flood risk, flood-storage function, safe access and egress, effects on neighboring properties and infrastructure, and consistency with current municipal and regional hazard-mitigation policies.

Nor should the fact that buildings once occupied the Stanley-Wasson parcel substitute for examination of what has happened since those buildings were deliberately removed. The purpose of a new Regional Plan should be to incorporate what communities know now.

SWCA therefore asks CVRPC to clarify and, where necessary, revise the Regional Plan and Future Land Use Map to establish that:

1. Inclusion within a Downtown Center or other growth-area boundary does not constitute a finding that every parcel within that boundary is suitable for intensified development.
2. Carry-forward of a legacy state designation does not eliminate CVRPC's independent obligation to consider current flood-hazard conditions and the mandatory flood-resilience requirements of 24 V.S.A. § 4348a.
3. Vacant or substantially undeveloped land within an identified flood-hazard area should not be treated as "preexisting development suitable for infill" solely because buildings historically existed on the property.
4. Where flood-damaged buildings have been demolished and land subsequently restored to an open condition associated in State records with flood mitigation, that history should be considered together with present site conditions rather than treating the parcel as functionally unchanged from its previously developed state.
5. Current FEMA flood-hazard information, municipal flood-hazard overlays, river-corridor information, documented or observed recent inundation, flood-storage and flow-path functions, safe access and egress, and adopted Local Hazard Mitigation Plans should inform Future Land Use classifications and any determination concerning Tier 1 eligibility.
6. CVRPC should clearly distinguish between making existing developed centers more resilient and encouraging substantial new development on presently vacant or open flood-hazard and flood-storage land.
7. Where an inherited Downtown Center boundary contains individual parcels whose present environmental conditions may conflict with regional flood-resilience policies, CVRPC should explain what mapping, policy, overlay, qualification, or other mechanism preserves that distinction.
8. CVRPC should explain the mapping methodology resulting in existing residential properties immediately opposite Stanley-Wasson being classified Rural

Conservation while the presently vacant and recently inundated Stanley-Wasson parcel remains within the Downtown Center.

9. Where observed flood behavior indicates that a vacant or open parcel may perform flood-storage, backwater, conveyance, or other floodplain functions, those functions should be evaluated before the parcel is identified for intensified future development.

Specific Waterbury clarification requested.

For the Stanley-Wasson parcel,, we ask CVRPC to answer the following:

Does carrying forward Waterbury's 2024 Designated Downtown boundary require CVRPC to treat the Stanley-Wasson parcel as land suitable for intensified growth and Tier 1 treatment, or does CVRPC retain authority and responsibility to distinguish this presently open flood-hazard parcel based upon current physical conditions, its post-Irene land-use history, observed flood behavior, and the requirements of 24 V.S.A. § 4348a?

We further ask CVRPC to identify:

- the flood-hazard, river-corridor, and other environmental GIS layers used in classifying the Stanley-Wasson parcel;
- the criteria resulting in Rural Conservation classification of neighboring residential parcels;
- whether recent observed inundation was considered in the Waterbury Future Land Use mapping;
- whether the 2021 demolition and resulting open condition of Stanley-Wasson were considered in evaluating its Future Land Use classification;
- whether CVRPC has evaluated the potential flood-storage, backwater, conveyance, or flood-flow function of Stanley-Wasson; and
- how those considerations will affect any future determination regarding Tier 1 eligibility.

Housing and flood resilience need not be competing objectives.

Directing new housing toward land that can safely and sustainably accommodate it protects future residents, existing neighborhoods, municipal infrastructure, public investment, and the housing itself.

The Stanley-Wasson parcel illustrates precisely why a regulatory boundary drawn for one purpose, and the historical existence of development within that boundary, should not substitute for current analysis of the land within it.

Here, that current analysis is especially warranted. Flood-damaged buildings were removed in 2021. Contemporary records described the land as being restored to an open grassed condition and associated its landscaping with flood mitigation. The parcel subsequently inundated during major flood events. Today, Waterbury is simultaneously

investing millions of dollars in restoring additional floodplain function immediately downstream at Randall Meadow.

Those facts should be reconciled before the Regional Future Land Use Map is used to characterize Stanley-Wasson as appropriate for intensified future development.

We respectfully request that CVRPC address these issues before adoption of the 2026 Regional Plan and Regional Future Land Use Map.

Please treat this submission as written comments and objections submitted for consideration at the September 8 and September 14, 2026 public hearings on the Draft 2026 Regional Plan and Regional Future Land Use Map and include this submission in the formal hearing record.

The Stanley Wasson Community Alliance also requests copies of proposed changes or revisions to the Plan and Future Land Use Map relevant to these comments pursuant to 24 V.S.A. § 4348 and requests continued notice as this review proceeds.

Thank you for your consideration.

Stanley Wasson Community Alliance

Carrie MacMillan

28 Park Row
Waterbury, Vermont

Comments on Central Vermont Regional Plan, Draft Dated June 28, 2026

Karen Horn, Moretown Planning Commission Chair, Commenting Solely as an Individual

I serve on the Moretown Planning Commission, currently as its chair, and as such have a window on the planning related issues at the state and regional level as they affect our small rural town in particular, and rural towns generally. Having said that, the comments below are mine alone and not made on behalf of the planning commission or town.

I have read the entire 308-page draft plan, dated June 25, 2026. Thank you to the CVRPC staff for your considerable efforts in developing the draft. In general, the draft plan is thoughtful and thorough – perhaps a bit on the long side! It is not entirely clear to me if this draft is a complete re-write of the plan or an update to comply with new legislation.

Although not entirely the purview of this CVRPC draft plan, I need to state that I remain concerned about the state's venture into statewide zoning and planning that is embodied in Act 181 of 2024 and requirements to adhere to Future Land Use Area definitions in legislation. I am aware that some requirements were pulled back this past legislative session.

Volunteer Boards and Commissions.

Clearly a problem with which every community is faced, and which threatens the continued viability of municipal planning and land use regulation particularly in smaller communities, is the difficulty in sustaining a volunteer centered planning and zoning system. Residents and citizens are reluctant to serve on such municipal bodies. A number of factors contribute to that reluctance, including time commitments in the face of family and career obligations; the complexity and breadth of municipal planning and related issues as they are established by the legislature in statute; both regional and state oversight and approval processes also established in statute; and the potential dangers associated with public service in this time. In addition to on-going trainings, it would be helpful for regional commissions (potentially in collaboration with VLCT) to offer innovative public engagement and recruitment strategies, and de-escalation training to equip local officials with techniques to calm tempers in difficult meetings.

The following are comments specific to the draft dated June 28, 2026.

Page 14 last paragraph list of diverse characteristics needs to include the “unhoused”.

Page 18 Quality of Life desires and aspirations: include safe and healthy housing for all.

Page 28- 29 Natural Resources and Working Lands Trends. The bullet list should note that longtime farmers are hanging on by their fingernails and also that new small farms are starting up with some non-traditional agricultural enterprises. “Developed land will increase. The amount of developed land will be a function of several variables”... needs to include availability of community assets such as schools, accessible health care facilities, grocery stores, wastewater treatment, water supplies and more.

Page 30-31 re wildlife habitat should mention the reality of increasing populations of deer, bear, and migrating animals due to warming climate.

Page 32 (and **page 43** Goals) should establish that any regional stormwater management districts should be based on watersheds instead of any other less relevant boundary. Stormwater management is vital to protecting existing development and to providing opportunities for future development, such as housing, in places planned for growth.

Page 36 addresses the topic of eligibility for the National Flood Insurance Program. If all towns and cities in CVRPC are NFIP eligible, the regional plan needs to note that.

Page 40, “As such it is a primary goal of this regional plan to preserve and promote a viable agricultural economy, culture, and land base”. The matter of preserving agricultural soils to the exclusion of other uses that landowners and farmers may find necessary to keep farming (devoting a portion of land to septic, housing, or solar to name a few) is complicated and is a reason that Act 187 was significantly revised in the 2026 legislative session. This goal should be reworded to specify collaboration with the farmers and landowners who have husbanded their land for generations.

Page 47. Goal 2 Policies list of measures to protect agricultural soils – consider including paying landowners for carbon sequestration.

Page 53. Land Use Policy Statement. As stated in other sections of the draft plan, many people in Central Vermont rural towns choose to live in rural environments rather than clustered developments and thickly settled areas. Those residences are evident wherever one travels in Central Vermont. Are they “land use shortcomings and impacts of sprawling development patterns” that should no longer be allowed? We believe there are ways to accommodate rural lifestyle choices outside of clustered developments without fragmenting ecologically sensitive, forest or farmlands, and without effectively “slamming the door” behind those already living in rural areas.

Page 54 and following. Future Land Use Planning Areas. I am concerned about the regional Future Land Use Planning Area maps designation as boundaries of state designations. Despite assurances that they are not intended to be “distinct areas of segregated future land uses” under current legislation, it is exceptionally clear that legislation can turn on a dime from suggestive to mandatory. It should be clear that a

local land use plan and maps may deviate from state and regional future land use maps if in the municipality's estimation such differences meet its community vision.

Page 57. Downtown and Village Center Policies. #6. "Affordable" needs to be defined. A downtown or village center is not viable if it is host to only "affordable" housing and assisted living facilities. The policy should include support for "missing middle" housing and naturally occurring affordable housing (NOAHS) that may need rehabilitation or weatherization and are home to moderate income residents.

Page 62. "Rural areas encompass the majority of the Region's land area and are generally rural in character". Beyond the redundancy of the sentence, it highlights the concern regarding Central Vermonters' appetite for rural lifestyles expressed in reference to page 53.

Page 67. General Land Use Goal 1. Policies. "New development should be planned so as to respect the historic settlement pattern of compact villages, neighborhoods," rural residential and working lands, and urban centers separated by rural countryside. Sub d) of this policy should include "areas currently served by public water and sewer systems" or suitability for public water and sewer systems... We strongly endorse sub h) of this policy on page 68.

Page 69. General Land Use Goal 2. Policies.

3 ... "however towers should use stealth technology". Please no fake trees.

#4 Outdoor lighting should be down directed and limited to minimum levels ...

#8 CVRPC encourages the state and municipalities to maintain existing roadside views by means of vegetation clearing at times of year to discourage spread of invasive plants, where appropriate.

Page 70. General Land Use Goal 4. Policies. 2, 4, 5 Structural Best Management Practices (BMPs) should be used... Stormwater management strategies and infiltration should be allowed to be employed in wetland buffers. Wetlands function to absorb stormwater runoff, whether they be natural or constructed wetlands. This may require a rule change at the state level.

Page 95. Reduce costs and needs for energy related to transportation. This section needs to acknowledge the tremendous cost associated with sidewalks or multi-use paths and that few if any municipalities in Central Vermont could build such facilities without state or federal financial assistance.

Page 129. Strategy b). Add to list "encourage and incentivize community shared energy infrastructure such as geothermal".

Page 132. Goal 4 Strategies. The regional plan calls for working with utilities and municipalities to inventory and map infrastructure such as fiber optic cable to identify gaps. My understanding is that these inventories and maps exist today with the communications union districts including CV Fiber.

Page 135. Strategies. b) Working with municipalities to update municipal road standards...to reflect Complete Streets principles where appropriate. Complete Streets strategies do not make sense on rural gravel roads.

Page 139. Highways. In Vermont roads are owned and maintained either by the State or the municipality. Put in the statistics – truly amazing. The state maintains approximately 2708 of 15,756 miles of highway in Vermont.

<https://vtrans.vermont.gov/planning/maps/stats>

Page 162. Transportation Goal 3. Policies. Add a new policy 10, to state “discourage development along Class IV roads”.

Page 164. Transportation Goal 5. Policy #6. The policy should acknowledge the reality of remote work, which is quite common, and the fact that remote workers do not use the transportation network as regularly as those who commute to work. The climate action and telecommunications discussions should also note this new work mechanism.

Page 165. Transportation Goal 6. Policy 5. The policy should support requiring VTrans to provide bridge structural condition reports to towns. I have recently heard that those reports are not reliably provided to towns.

Page 179. Utilities, Facilities and Services. “The vulnerability of our critical infrastructure, including our energy systems to high wind, wet heavy snow, and flooding has become increasingly apparent.” The regional plan should recommend undergrounding utilities where feasible. I understand there is a substantial cost to doing so. There is also a substantial avoided cost during and after extreme weather events.

Page 180. Wastewater Systems. The regional plan should call on the Agency of Natural Resources to update its on-site septic regulations to not only accommodate new technologies but also reflect those technological advances in the gallons per day per bedroom requirements.

The plan states that “combined sewer and storm water systems are still releasing raw sewage to receiving waters during heavy rains”. Combined sewer systems are designed to overflow in heavy rains. Sanitary sewer overflows are not designed to overflow in heavy rain events. When an untreated or unpermitted discharge occurs, facility operators must follow the procedure for public notice of those discharges to surface waters of the state. I recommend providing more accurate context to the statement in

the plan. <https://dec.vermont.gov/watershed/wastewater/notice-untreated-or-unpermitted-discharges>

This wastewater section should also note that when septic tanks are pumped, the septage is delivered to a municipal wastewater treatment facility that has capacity. Thus, it is in everyone's interest for aging wastewater treatment facilities to be maintained to current standards, an enormously expensive and complex endeavor. The plan should also note that sludge, which is a byproduct of wastewater treatment facilities and septic systems, must be deposited somewhere, at significant cost to the wastewater facilities.

Page 184. Water Supply. Last sentence in first paragraph is incomplete. Please note that schools specifically are public water supplies and depend on a plentiful, clean water supply for operations.

Page 195. Broadband and Internet Services. Some areas in Central Vermont municipalities have access to entirely inadequate and intermittent internet.

Page 198. Medical Facilities. The narrative needs to acknowledge that CVMC has eliminated local facilities in the Central Vermont area. CVMC is an arm of the UVM Hospital network. In that capacity, CVMC closed the Mad River Valley clinic, replacing it with telehealth or going to facilities in other towns. There is no pharmacy in the Mad River Valley. These are significant drawbacks to providing health care in the Mad River Valley.

Page 216. Libraries. We ask more and more of our libraries and the regional plan should acknowledge those increasing demands. The list in the regional plan should include programs for young children who are not yet in school and their parents.

Page 236. Housing. Housing, as the plan notes, is the most significant challenge most communities face, not only in Vermont but across the country. The Town of Moretown seeks to make it easier to build housing that suits the variety of needs of our current and future residents both in the village and in surrounding areas. People often move to Moretown for the experience of rural living and to raise families. The town supports growing housing in the more densely populated village areas. It should also be possible and affordable to live in more rural parts of town where there is already some housing situated in less compact settlements. Among other considerations, that involves assuring that existing housing units are habitable, weatherized and affordable to a variety of income levels.

Page 265 and Following. Economic Element. The economic element needs to include references to self-employment and micro-businesses. Although hard to quantify self-employment, home based businesses or even remote work, these enterprises contribute significantly to the regional economy and provide necessary flexibility to those who do that work. From small farming to food products, crafts, art, sole

proprietorships, and individual manufacturing, our farmer's markets and artisan shops bear witness to the products of the self-employed. In an AI heavy future, such work may be more valuable and sustainable than ever.

Thank you for the opportunity to comment.

Karen Horn

Thomas Weiss, P. E.
P. O. Box 512
Montpelier, Vermont 05601
August 31, 2026

Central Vermont Regional Planning Commission
29 Main Street, Suite 4
Montpelier, Vermont 05602

Subject: June 24, 2026 Draft Regional Plan

Dear Commissioners:

I am a civil engineer with experience in planning. My experience includes reviewing plans and other documents to ensure that they comply with statutory and regulatory requirements.

I find that in parts the draft plan is not consistent with, or fails to comply with, requirements for a regional plan.

My comments based on my review of the June 24, 2026 draft regional plan. Please review the all the comments and revise the plan for all the comments before you adopt a 2026 plan.

My comments are in four parts:

1. Written comments in this letter.
2. Written comments in my letter of August 7, 2026 to the Land Use Review Board.
3. Verbal comments to the Land Use Review Board at their pre-application public meeting on July 23, 2026.
4. Verbal comments at your regular meeting on July 14, 2026.

The comments in this letter

These comments are new and address issues that are relevant to a revision of the Central Vermont Regional Plan. These comments appear to me to be outside the purview to the Land Use Review Board's review. These comments are not part of the comments that I submitted to the Board on August 7, 2026.

Here is an explanation of comment numbers. For example, C13.A

- C A written comment to the CVRPC
- 13 The comment refers to something found on page 13 of the draft.
- A This is the first comment related to that page. (B is second and so on.)

Comment C13.A Nothing in chapter 1 indicates that the intent of this 2026 regional plan is to make minimal changes to the regional plan to comply with the requirements of Act 181 (2024).

. Some of my comments have to do with the failure to actually update the regional plan in 2024. This failure makes much information on this 2026 draft plan out of date. The failure causes multiple problems.

- Having so much outdated information in a 2026 plan makes it difficult for future researchers to understand conditions as they existed when the 2026 plan was created.

- Many goals, policies, and strategies are inappropriate because they do not apply to current conditions. Others might no longer be needed.

- The outdated information shows the Central Vermont Regional Planning Commission in a poor light. It makes it look like the Commission is unaware of what is going on in its region.

I commented during your July 14 meeting that the goals, policies, and strategies of the draft plan were essentially the same as for the 2016 plan. This despite changes in conditions within the region and despite changes in laws. There was no response during the meeting, that everyone watching then and later could hear. Instead, I was told after the meeting had adjourned and the recording had stopped, that this was a hurry-up plan

to meet statutory changes relating to future land use requirements and to tier 1A and tier 1B status, I find that response to have been inappropriate. Inappropriate because it was made after the recording had stopped and was not part of the public record. It is also inappropriate because the commission, for whatever reasons (which I have not investigated), chose not to update the 2016 plan before its expiration in 2024 and chose instead to re-adopt the 2016 plan.

Please put into chapter 1, right up front, what I was told is the intent of the 2026 regional plan. It would be along the lines of

"This 2026 regional plan provides a quick revision of the 2016 regional plan as readopted in 2024. This 2026 plan is adopted in order to meet the requirements of Act 181 (2024) relating to future land use and to Tiers 1B and 1A and other statutory changes since re-adoption of the 2016 regional plan in 2024. Portions of the 2026 plan that amend the 2016 plan as it was re-adopted in 2024 are identified by _____."

Comment C14.A Early settlement in many towns began in the hills and only moved to the valleys for the mills powered by water. Northfield is one example. Please amend the paragraph.

Comment C.14.B Planning and zoning and septic regulations are other reasons for the "shift" into the countryside. Montpelier is an example. The older sections of what is now the City are densely developed compared to those sections developed post-zoning. Zoning regulations required lower density for new residential housing, so the land in the city was filled more quickly because of the larger minimum lot sizes. Also farmers selling individual lots to help their bottom lines contributed to the shift into the countryside. Please amend the paragraph.

Comment C.14.C The recognition of strip development and urban sprawl go back before the creation of the Central Vermont Regional Planning Commission almost 60 years ago. Thus it is a fallacy to state that we have only noticed this very recently. Please amend the paragraph.

Comment C17.A. The Central Vermont Region everywhere abuts other other Vermont regions. Please amend the first sentence in the paragraph about abutting other jurisdictions.

Comment C17.B Because the sentence is about Act 250 proceedings, it seems that the order should be reversed. The District Environmental Commission makes the decision in all Act 250 proceedings. The Environmental Division only makes the decision in the rare case of an appeal of a decision made by a District Environmental Commission. Please amend the sentence.

Comment C23.A The link to the Public Environmental Data Partners is essentially useless. The link goes to <https://screening-tools.com/>. That's a home page which has no indication of how to find the documents linked in the footnotes. Please provide a link that goes directly to the appropriate document or to a screen on which the document is listed by name with a link to that document.

Comment C32.A It seems that mentioning the work begun by the Montpelier Commission on Flood Recovery on the Winooski River is appropriate here. Please revise the paragraph.

Comment C38.A This entire section on "Agricultural Land" is the same as in 2016. Please update the text to provide information on the change in agricultural lands, lands protected, and production between then and now. Please update the text in the paragraph in the draft and in subsequent goals, policies, and strategies.

Comment C41.A. I believe the westward expansion ended more than 100 years ago, not within the last century, and the sheep industry was basically gone by 1926. I am not sure whether the statement about the timber industry in the last century is accurate now. Please revise the paragraph.

Comment C42.A This entire section on "Forest Land" is the same as in 2016. The draft notes that Act 171 (2016) amended multiple provisions relating to timber harvesting and forest management. Ten years later, how

has Act 171 changed the region? Please update the text in the paragraph and in the relevant goals, policies, and strategies.

Comment C42.B. The draft notes that it is important that productive forestlands be conserved. How well have they been conserved in the last ten years? Please update the text in the paragraph and in the relevant subsequent goals, policies, and strategies.

Comment C180.A. The correct jargon term under chapter 1 of the Environmental Protection Rules is "Clean Slate" systems. It is not "grandfathered". Please correct the term.

Comment C181.A. The second sentence after the table is confusing. A more accurate statement would be "It should not be inferred, however, that operating at less than hydraulic capacity represents available capacity." Please change the sentence.

Comment C185.A This is confusing as written. It might help those not used to the jargon, if the second sentence were written along the lines of:

"Fire districts in Vermont are independent , self-governing municipalities with limited jurisdiction, established by acts of their respective Towns or Cities under the authority of State law."

Please amend the sentence.

Comment C191.A The Salvation Army has long operated in Barre. It closed as a result of the 2023 flood and now has moved to the Barre-Montpelier Road in Berlin. The Restore at Recycle North left Barre sometime after 2012. By 2015 the Resource began a similar re-use operation in the same building. ReStore returned to the area in 2026 by opening a facility in what I still call the Vermont Shopping Center on the Barre-Montpelier Road. Please correct the Re-use paragraph.

Comment C191.B The Central Vermont Solid waste Management District has long held household hazardous waste collections in the district. The District held perhaps five each year in different towns in the district. Household and business hazardous collection has been consolidated with other functions of the District in its EcoDepot which opened in Berlin in 2026. Please revise the paragraph to incorporate this information.

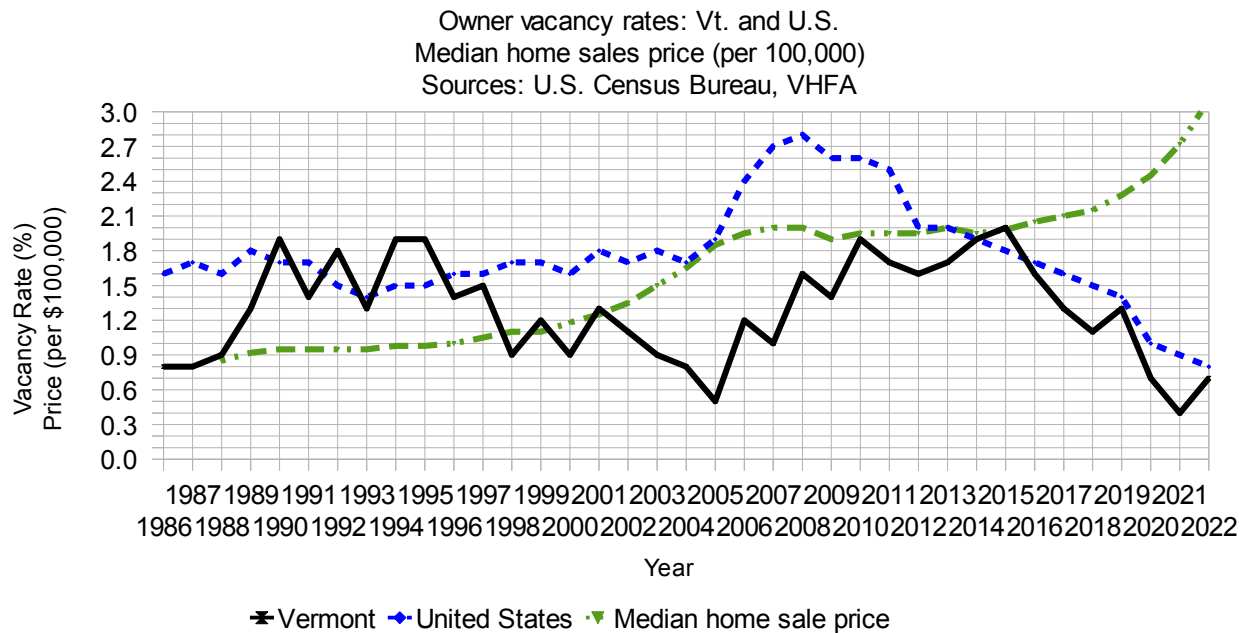
Comment C215.A Vermont College no longer exists. After several sales and changes of name it is now Greenway Institute. And the T. W. Wood Art Gallery has moved out of its former location at the college into a building on Barre Street in Montpelier. Please correct this information.

Comment C241.A The healthy vacancy rates for owner-occupied homes used by the Vermont Housing and Finance Agency are inconsistent over time, and therefore not to be relied upon.

Source	healthy vacancy rate for owner-occupied homes
"Vermont Housing Needs Assessment: 2020-2024", VFHA, February 2020, pages 25 and 26	between 1.3% and 2%
"Why Vermont needs 30,000 to 40,000 more homes", Leslie Black-Plumeau, VHFA, April 3, 2023	5%
"Vermont Housing Needs Assessment: 2025-2029", VFHA, February 2020, page 19	2%

I analyzed VVHFA's own data (housingdata.org) in April 2023. The analysis covered the period 1986 through 2022. Over that period, the average Vermont vacancy was 1.3 %. The maximum was 2.0 % (2015) and the minimum was 0.4 %. I found that only when vacancy rates dipped below 1.2% did sales prices start to rise, as shown in the solid black and the dash - double dotted green lines in the graph. Vacancy rates above 1.2% result in stable sales prices. Thus, VHFA's data show that a vacancy rate for owner-occupied homes as low as 1.2%

provides a healthy and stable housing market. Please revise the text on pages 241 and 242 to use the lower vacancy rate as healthy.



Comment C261.A The allocation of the 17% of homes owned by their occupants to low-income rentals does not seem morally correct. The morally correct response seems to me to be to plan for coming up with the means to keep these households in the homes they own. And when the existing owners whose incomes are low do sell, planning how to keep the homes as ones owned by the future owners instead of reducing the options for low-income households to become home owners. Please revise this text (which is new to this 2026 draft) to plan to retain these homes for the existing occupants, and when the homes are sold, to make them available and affordable for this low-income segment of the population to buy.

Comment C264.A The majority of housing will be built outside the Act 250 process. Regional planning commissions will not have the opportunity to participate in much housing development through the Act 250 process. This means that the impact of strategy 12 (active participation in the Act 250 process to support housing) is minimal to non-existent. This seems an ideal location to support specific planning goal 6 (24 V.S.A. 4302(c)(6)(A) by adding to the plan how the principles of the Act 250 criteria will be used to maintain and improve the quality of the listed resources in relation to housing. Please add a strategy along the lines of:

"Support maintaining and improving the quality of air, water, wildlife, mineral, and other land resources by use and development of housing in accordance with the principles of the Act 250 criteria (10 V.S.A. §6086(a)), even in instances where an Act 250 permit is not needed."

Comment C266.A Please explain in the plan why the percentage of the adult population with a high school diploma has dropped 5 percentage points. The 2026 draft has a rate of 87.3%. The re-adopted 2016 plan has a rate of 92.6%. Or differently expressed, why has the percentage of the adult population without a high school diploma increased by 70%?

Comment C300.A The table of the environmental benefits and burdens analysis has no information in the three columns needed to complete the analysis: "Regional Level"; EJ Focus Population Level"; and Disproportionate Benefit / Burden". Three regional plans have been adopted by the regions and approved by the Land Use Review Board. Those three plans show the following.

- The Rutland County Regional Plan has a similar table with different measures (pages 430 and 431). Rutland's table has information in all its columns, including the three corresponding columns of "Regional Level"; EJ Focus Population Level"; and "Analysis Result".

- The Northwest Regional Plan has a similar table (pages 158 through 161) with the same measures as in the draft Central Vermont Regional Plan. Northwest's table has information in all its columns, including the three columns "Regional Level"; EJ Focus Population Level"; and Disproportionate Benefit / Burden". Northwest's table has two additional columns, one of which is "How the Regional Plan Mitigates Disproportionate Benefits / Burdens". Central Vermont's draft plan states that it has adapted Northwest's methodology.

- The Chittenden County Regional Plan has a table which summarizes the results of the analysis. The link to the analysis itself is not available to the public without giving up personal information to an unknown entity (the keeper of the site). So the content of the analysis is not available to the public.

Please complete the table in the draft plan and publicize its availability before the September 8 meeting, so the public has the ability to make meaningful comments on or before the hearing on September 14, I believe it is. If the table is not available before the September 8 hearing, then I believe your proper course of action is to delay the September 14 meeting until one week after the completed table is made available to the public.

Comments to the Land Use Review Board on August 7, 2026

My comments to the Land Use Review Board on August 7, 2026 are part of these comments. Those comments are document 030 in the Land Use Review Board's "Regional Plan Tier 1A/B Database". The document is available through a link at <https://anrweb.vt.gov/ANR/Act250/RPDetail.aspx?AppNum=RPC03-0001>

The Board's pre-application guidelines (version 1.4, 06/16/2026) point out that the Board merely co-ordinates comments from any persons or entities during the pre-application. (Section 1.104, Pre-application Review) and that "While comments are collected and made available, the Board will not necessarily comment on these submissions or incorporate them into preapplication responses. It is the applicant's responsibility to review these comments and respond as necessary." (Section 1.104 B.3. Comments).

The second paragraph of the Board's draft pre-application response states:

"The Board's preapplication review does not encompass nor reflect its position with respect to comments received. The comments received are provided for Central VT Regional Planning Commission information and consideration for potential revisions to its draft plan or Tier 1B requests, as the Central VT Regional Planning Commission may elect.

" I. Board Review

"The purpose of the preapplication process is for the Board to: (1) coordinate comments on the draft regional plan from all interested agencies and entities . . . "

Please revise the plan to address each of the written comments that I submitted to the Land Use Review Board.

Summary of verbal comments to the Land Use Review Board at their meeting of July 23, 2026

Comment 7/23/26 A. This draft plan has goals, policies, and strategies throughout, hundreds of them. This draft plan also has an implementation plan in chapter 9. The implementation plan has a mere 14 items listed in "Action / Strategy". The problem is, that there is no linkage, no correlation, between the 14 actions / strategies in chapter 9 and the hundreds of goals, policies, and strategies in the draft plan. The problem is exacerbated by the fact that many of the goals polices, and strategies are at least 10 years old.

I think that each goal, policy, and strategy (there are hundreds of the combined) needs to be addressed in the implementation plan. And, perhaps, if a goal, policy, or strategy is not in the implementation plan, should it even be included in the regional plan?

Please revise the implementation plan to show how each of the hundreds of goals, policies, and strategies will be implemented. And if there is no reasonable expectation of taking action on a goal, policy, or strategy, then remove it from the regional plan.

Comment 7/23/26 B What has happened in the last ten years? I acknowledge that Christian Meyer expressed, after your July 14, 2026 meeting adjourned, the intent to do the minimum now in order to comply with Act 181 (2024). I think that reflects poorly on the Commission, because this is really delaying a comprehensive revision of the 2016 regional plan another year? Two years? Three years? When it should have been revised in 2024.

Comment 7/23/26 B I find nothing in the draft plan that states whether the regional plan shows that Vermont's air, water, wildlife, mineral, and land resources have been planned for use and development according to the principles of the Act 250 criteria. (Specific goal (c)(6)(A)) Please clarify whether and how those resources have been planned according to those principles.

Summary of verbal comments at your meeting on July 14, 2026

Comment 7/14/26 A The plan exhibits one of the common lacks of plans. The plan lacks an evaluation of the successes and failures of the previous plan. Please evaluate each of the goals, policies, and strategies in the 2016 plan and revise each of them accordingly in the 2026 plan.

Comment 7/14/26 B This comment relates specifically to chapter 2. The comment applies to much of the 2026 draft plan. The goals, policies, and strategies are essentially the same as from 10 years ago, the 2016 plan. This is despite changes within the region and changes in laws. There is no indication of the means used to implement strategies. Nor is there any indication of how successful the strategies were and why they were retained. I would hope that some of the goals, policies, and strategies had actually been achieved and could be eliminated from this draft plan. Please evaluate each of the goals, policies, and strategies in the 2016 plan and revise each of them accordingly in the 2026 plan.

Comment 7/14/26 C This comment relates specifically to what is now chapter 5 (Transportation Element). This comment applies to other parts of the 2026 draft plan. Chapter 5 has been rewritten in a major way. Yet none of the goals, policies, and strategies have changed. There is no explanation of why none of them are changed.

Comment 7/14/26 D This comment is the same as 7/23/26 A to the Land Use Review Board on July 23.

Conclusion

I find that the draft plan: is out of date; is not fully consistent with State planning goals; is not fully consistent the purposes of a regional plan; does not fully address the required elements of a regional plan; does not fully comply with assignment of future land use categories to some areas; requests tier 1B status for some ineligible areas.

I ask that you evaluate each of the comments in this letter, including those I submitted to the LURB that are incorporated by reference. I ask that you find these comments relevant. I ask that you revise the draft plan accordingly before adopting the 2026 regional plan or that you explain why each comment is not incorporated into the draft plan.

Sincerely,
Thomas Weiss, P. E.

Thomas Weiss, P. E.
P. O. Box 512
Montpelier, Vermont 05601
September 9, 2026

Central Vermont Regional Planning Commission
29 Main Street, Suite 4
Montpelier, Vermont 05602

Subject: Central Vermont Regional Plan public comments

Dear Commissioners:

Thank you for making the September 4, 2026 Staff Working Draft Regional Plan available to the public in time for this meeting.

Thank you for placing responses to some of my previous comments into the staff working draft

These comments supplement my August 31, 2026 written comments to the Commission on this regional plan. The comments begin with WD (working draft) to differentiate them from my previously submitted comments.

Comment WD20.A. The map on page 39 shows multiple headwaters draining to basins other than the Winooski River basin. The drainages to other basins ought to be at least acknowledged in this subsection on watershed planning. I suggest providing a map with the watershed boundaries here with one color for the watersheds within the Winooski Basin and a second color for all the watersheds in the other basins.

Comment WD20.B.

- I consider Vermont routes 12 and 14 to play an integral part in connecting Central Vermont to our neighboring regions. I would add those two routes to the paragraph on transportation.
- Also, Routes 2 and 302 are U.S. routes.. I suggest changing the opening sentence to something like "Interstate 89, as well as other significant routes, including U. S. Routes 2 and 302 and Vermont Routes 12, 14, and 100, play an integral part . . . ". You could add other state routes in the region: 17, 25, 215, 232 to the list.

Comment WD21.A The last red paragraph. State agencies do not "base" their land use regulation on proposed developments' conformance to regional plans and municipal plans. Rather, State agencies have their own requirements to follow, specific to an agency's permit. A development's conformance to regional and municipal plan plays only a minor role in the agency's regulation. This minor role for regional and municipal plans is true even when the development is under the jurisdiction of either Act 250 or Section 248. The sentence might read something like "State agencies consider a proposed development's conformance to regional plans and municipal plans when involved with Act 250, Section 248, and other land use regulation.

Comment WD39.A I suggest placing the information on this map onto two maps and removing this map.

- The watershed boundaries would be on a map on page 20. See that comment above.
- River corridors and flood hazard areas belong on one map. Add the river corridors to the map on page 45.

Comment WD45.A

Showing both floodways and flood zones in the legend and on the map is not useful, because the scale of the map is too small. The two cannot be distinguished. I also suggest adding the river corridor information from the map on page 39, as suggested in that comment above. This combination might need three symbols in the legend. One symbol for reaches in which "both flood hazard areas and river corridors" have been mapped. A second symbol for reaches with "flood hazard areas only". And a third symbol for reaches with "river corridors only".

Comment WD52.A. Not all enterprise areas are used for resource extraction. The National Life property in

Montpelier is shown as an enterprise area. Montpelier has two other enterprise areas, neither of which is used for resource extraction. Thus mineral resources need to be shown on a map as mineral extraction areas.

Comment WD52.B. Resource extraction areas are lumped in the enterprise future land use category, which is more than just resource extraction. It still seems really hard to guard against the more harmful aspects of mineral extraction if one cannot tell easily which enterprise areas are not used for resource extraction. Resource extraction needs its own map or its own symbols on some other map.

Comment WD58.A. Goal 3, policy 6. WHPA was changed to SPA earlier in the draft.

Comment WD65A. Apologies for not catching this earlier. The descriptions of the categories need to quote the definitions in 24 V.S.A. 4348 (a)(12). For example, the centers do not have to be vibrant, it is not in statute. The boundaries of the planned growth areas are defined by 4348a(a)(12)(B)(ii), (iii), (iv), and (vii). The boundaries are not determined primarily as stated in the paragraph. The text needs to refer to these requirements. I can make similar comments about the other land use categories.

Comment WD67.A. Policy 3. The phrase "growth areas" is ambiguous. Does it mean the land use category "planned growth areas"? Or is it a short way of referring to "Higher Density Growth Areas"? Use of the phrase continues through page 69.

Comment WD77.A Act 250 permitting. Exemption from Act 250 does not mean that the Act 250 criteria may be ignored. How does this plan support the specific goal (24 V.S.A. 4302(c)(6)(A)) that use and development in Tier 1A and 1B areas are done according to the principles of the Act 250 criteria?

Comment WD77.B. State designation programs. I think the paragraph should be rewritten.

- There should be a period after "Centers and Neighborhoods". Otherwise the sentence reads that "the five legacy designation types . . . are now determined through the Future Land Use Map", which I think is incorrect.
- I think it is inaccurate to characterize Act 181 (2024) as consolidating the five chapter 76A designation types into two chapter 139 types. I find that Act 181 ends the five chapter 76A designation types and creates the two chapter 139 types. The chapter 76A designations are allowed, in some instances, to linger until 2034 when they will expire and go out of existence.
- Being a chapter 76A village center or new town center is only one of the three requirements for directly entering step 2 as a chapter 139 Downtown or Village Center.
- Being a chapter 76A downtown development district is only one of the ten requirements for directly entering step 3 as a chapter 139 Downtown or Village Center.

Comment WD80.A. Policy 3. You're kidding about including the part about shedding plastics, right?

Comment WD110.A. A line of text between "no one" and "reasonably" was dropped.

Comment WD152.A Limited access highway map. I am surprised that U. S. Route 2 from the Montpelier - Berlin town line to either of the East Montpelier - Barre Town lines (I'm not sure which is depicted) is shown as a limited access highway.

Comment WD152.B. Limited access highway map. I acknowledge that the map is titled "Limited Access Highway" and it does show State highways. Vermont Route 215 is not shown. Vermont Route 25 is not shown (or maybe it is shown and the 0.3 miles in Orange does not show at this scale).

Comment WD172.A. Thank you for adding the tables on the VTrans capital program. The information will be more useful if planned construction dates and planned costs are included.

Comment WD209.A. Radio. Listenership can no longer be measured solely by those listening to the broadcast. Some stations have gained listenership and financial support through their own streaming. Central Vermont Community Radio (WGDR / WGDH) is an example. The sentence on streaming could be modified to acknowledge that streaming is not always detrimental to a station and can be beneficial.

Comment WD233.A. The colors used for the trails are indistinguishable from each other and from the major roads (even enlarged to 200% on a monitor).

Comment WD262.A. Figure 15, Age of Central Vermont Housing Stock. The figure shows something like 13,000 houses in Orange County. That seems way too large for only the three towns of Orange, Washington, and Williamstown. Please show only the numbers in the region's three Orange county towns. Showing all distorts the importance of Orange County.

This comment also applies to other charts or tables showing Orange County.

Comment WD262.B. Figure 15, Age of Central Vermont Housing Stock. Please provide a table with numbers. For Orange County, only the three towns.

Comment WD272.A. Figure 19, Current Distribution of Housing in Central Vermont. It would be useful to have a table with the numbers of each of the three types of units plus the total for each municipality.

The table would also have columns for the target allocations for each municipality.

Comment WD281.A. Housing Affordability Targets. The text next to the bar chart states that 17% of homeownership households make less than 50% of the Area Median Income. It is not clear what is intended by "In assigning these housing targets, we have allocated this segment of households to future low-income rentals." the text following that statistic intends. It might be intending to have those homeowners moved out of their homes and become renters, losing whatever equity they have in their homes. Or it might mean that it wants to convert those homes into rental units, depriving other low income individuals of the opportunity to become homeowners. I hope neither is the intent. I hope that instead the plan is to plan a way to keep the current low income owners in their homes and that the homes become available for other low income individuals to purchase.

Comment WD310.A. Appendix H, Community Outreach Report. Now the draft plan is missing this important document. Much of the document can be written now, because much of the outreach has already occurred. An example is the library tabling, which happened already. Another example is the public hearings and comment period for which much of the outreach has occurred and there should be a good plan for the remaining outreach. And the plan for future outreach in the next 3 1/2 months leading to adoption should be reasonably well developed and that can be added now, subject to amendment as the actual outreach occurs.

Comment WD316.A. The table of land areas in the four high density land use categories by municipality has been removed from Appendix D. Instead of removing the table, I ask that the table be expanded to include all the land use categories.

Comment WD319. Appendix D, Environmental Benefits and Burdens Analysis. Thank you for completing the information on environmental benefits and burdens.

- It is not clear when something is disproportionate, if it is a burden or a benefit. Splitting the column into two would help.
- What is basis for determining whether the difference is disproportionate vs. proportionate?
- For example in Water Pollution, % of land acreage in impaired watersheds. The EJ Focus Population Level is 1/6 that of the Regional Level. It is listed as having no environmental benefit or burden. I would list that as a "Yes" because a ratio of 6 to 1 seems disproportionate. It seems to be a disproportionate benefit. So why is it

not disproportionate with such a large divergence.

- NRPC and RRPC have some metrics that could be applied to those declared in Appendix D to be without metrics. Possibly other RPC's have metrics for others of those without metrics.
- The data used in the analysis needs to be provided. For example, how was the number of recreational sites per 1,000 population determined?

Comment WDMaps Some of my previous comments were about required features not shown on maps. I was going to do that for the maps now shown in the working draft. I used sec. 4348a to develop a list of features required to be shown on maps. I think that maps are required for elements 2, 3, 4, 5, 10, and 11, even if the word "map" is not in the element. After developing the list, I planned to check what is on the maps to see what has not been included in the working draft.

However, I noticed that some required maps are missing. And that many of the required features were not shown and still are not shown. Rather than providing a detailed list now, I am asking that you review what is required by sec. 4348a and provide maps with the required features. And provide them in time for review and comment before the time for submitting comments in preparation of the second hearing.

An example of a missing map is "wireless telecommunications facilities and ancillary improvements". The pre-application draft had a map on energy and telecommunications. I did not find a comparable map in the working draft. I expect a map with those features to come back.

Another example is that I interpret the energy element to require a map showing potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources. I do not think that the listing of possible constraints in tables 14 and 15 is sufficient. Nor is there a depiction showing the potential areas for renewable energy resources. One might say a map is not needed. I think a map is needed.

Some of my previous comments to you and to the Land Use Review Board pointed out issues with the maps in the pre-application version. They still apply to the comparable maps in the working draft and to any maps to be added..

Please make sure that all maps are legible as printed. They might be easy to read on a monitor and then become difficult at the size of the printed page. I find many of the maps are difficult to read. Mostly it is that the differences in map symbols are difficult to distinguish. See above my comment WD233.A on the trails map.

Conclusion

I ask that you evaluate each of the comments in this letter. I ask that you find these comments relevant. I ask that you revise the draft plan accordingly before adopting the 2026 regional plan or that you explain why each comment is not incorporated into the draft plan.

Sincerely,
Thomas Weiss, P. E.

Transcript of the CVRPC Public Hearing held September 8, 2026 on the subject of the 2026 Central Vermont Regional Plan

00:06:59.120

Peter Carbee: I would like to welcome the public. Purpose of tonight's hearing is to get input from the public on the draft CVRPC Regional Plan.

Notice of the... Hearing was published in the Times Argus on August 6, 2022, or 2026. As the plan, and all our required documents were sent to all required, partners, including, municipalities and regional planning, neighboring regional planning commissions.

Individuals who provide testimony this evening or at any other public hearing for the CBRPC Regional Plan will be recorded as participating in the Regional Plan adoption process under VSA 4348 Subsection I.

Following the public hearing, CVRPC staff will provide a review of where we are in the adoption process, review plan revisions, and commissioners will have an opportunity to discuss specific matters of the plan

Testimony will be welcomed from the board and public.

Written comments may be submitted to Banbury@cvregion.com.

In-person members of the public will be called on an order they have signed in. We will then welcome comments from members of the public attending remotely, in the order in which hands have been raised. Finally, any other members of the public will be given an opportunity to comment.

I hereby open this public hearing at... 18:41.

00:09:01.720

Christian Meyer: So, I will get the sign-in sheet.

Lorraine Banbury: I'm gonna start the slide show?

Christian Meyer: No, we're going to do the hearing first

So, first on the list is Thomas Weiss. You're welcome to go first, or everybody has the right to pass, and we can come to Thomas.

00:09:24.010

Thomas Weiss: I'll go first. No problem with that.

Good evening, I'm Thomas Weiss. I am a resident of Montpelier. And I'd like to thank the staff and commission for making the September 4th, 2026 staff working draft of the Regional Plan available to the public in time to review it before tonight's meeting.

And I also thank you all for amending the staff working draft in response to some of my previous comments.

Would make comments I'm making tonight, I'm going to limit them to three. Supplement my August 31st, 2026 written comments, and I will submit additional written comments, probably tomorrow, based on my review of that, of the working track.

The first comment is on page 281, and I neglected to write down what that page was about. There's a bar chart relating to housing. And it states that 17%, the text next to the bar chart states that 17% of homeowners make less than 50% of the area median income. And it's not clear to me what the following text intends. It might be intending to have those homeowners move out of their homes and become renters, losing whatever equity or having to take whatever equity they have out at that time. Or it might mean that it wants to convert those homes into rental units, depriving other low-income individuals of the opportunity to become homeowners.

I hope that neither is the intent. I hope that instead, the plan is to find some way to keep the current low-income owners in their homes, and that the homes become available for other low-income individuals to purchase those homes. That's my first comment.

Second comment is on page 36... relates to page 316 of the working draft. There was in the pre-application version, back in June, a table of land areas in the four high-density land use categories by municipality. That's been removed from Appendix B.

Instead of removing the table, I ask that the table be expanded to include all of the land use categories by municipality, so we know how much is in the district. I'm a civil engineer, and I like data, and I like numbers. And I find that there are other places that I will comment on, or have already commented on, where not just bar charts, or you know, that kind of approximate what the numbers are, but what the actual numbers are that went into the... into those tables and charts.

The third comment has to do with... oh, actually, I have... Five comments. Description and page 65. The descriptions of the categories, the future land use category, or the land use categories, need to match precisely the definitions, I think, in, the statute. Example, the draft says that centers have to be vibrant because of the downtown and village centers, but that's not a word that's in the statute. So I would prefer that you quote the statutes, and then if there are embellishments to be made to make those embellishments.

Thank you for adding, on page 172, the tables on the VTRANS capital program. The information will be more useful if it includes planned construction days and planned costs.

I find that the plan is lacking a lot of future costs and future capital programs information. The last one is comments on Appendix B. That's the environmental justice, benefits and burdens. Thank you for adding the information. But it's not clear in the table when something is disproportionate if it is either a burden or a benefit. Just putting the column into two would help. What is the percentage transition that determines whether something is disproportionate or proportionate? Why was

the level chosen? As an example of water pollution, percent of land acreage in impaired watersheds. The population the EJ-focused population level is 1 sixth that of the regional level. It is listed as having no environmental benefit or burden. I would list that as a yes, because a ratio of 6 to 1 seems to me to be disproportionate. And to me, it seems to be a benefit, but I don't know how the developer of the table thought that to be. So I think the table needs to be clearer. And there... and I'll live with my comments to there. Thank you very much for Hearing my comments... And, I'll have these, and some more in writing to you for attention. Thank you.

00:14:52.490

Peter Carbee: Next on the list, Christian.

Christian Meyer: Ken, you're welcome to go next.

00:14:56.510

Ken Denton: Sure, Ken Denton from Cabot. I just have a couple of quick, quick things. I do see that... I... texted about, or emailed about, and revisions, and I see they were made. I don't know what those revisions look like under the current, current draft.

But the, the one thing I did ask about the other day was, on the town maps, it would be helpful for me, to see what percentage of land for the towns go in these categories. So, if we had... for me, it looks like there's 90% of the land is listed as, Forestry and, Rural Forestry, Rural Ag, and maybe 10% is the Village Center, the general... Rural, general, categories, so it would be helpful to see that.

That would be it, thank you. Thank you.

00:16:06.260

Christian Meyer: Amy?

00:16:07.700

Amy Hornblas: Yeah, Amy Hornblas, yeah, from Cabot. It's nice to see some old friends and everything, at the table here at the Board of Commissioners. My general question is really about, putting protections and allowances, even, for small farms and homesteading, because I know that when I was served on the commissions a number of years ago, that was something we rubbed up against, was that that wording was not in the statute and therefore, we couldn't protect small farms and homesteads with the decisions we were making. However, the BERT amendment, which passed at the very end of the legislative session last year, added that language in. So my question would be, how is that new language added to the statute? Does that apply to this town plan? And, and if so, where and how do you plan to implement that?

Thank you.

Peter Carbee: Thank you.

00:17:05.099

Christian Meyer: And Mr. Whitaker, Stephen, you're last on the list, and I'll just say anyone attending online, if you wouldn't mind raising your hands, and after we finish in the room, we will turn to online participants.

00:17:16.819

Stephen Whitaker: I want to appreciate or second the comments, the last two comments. I couldn't quite follow all of Thomas's, but I will review them carefully and maybe second them later, but... but especially the percentage of land. Montpelier's proposing almost 2,000 acres of planned growth area, which is a bit much.

These comments concern both process and disclosure obligations under 24 VSA 4348, and 4348a that apply region-wide.

The 4348(d)(1) with a parenthesis around both the little d and the 1, conformance report was never produced. On August 10th, CVRPC transmitted the plan, map, checklist, and energy form, but no separate report documenting conformance with the 4302 goals and the 4348 Element A elements, which 4348(d)(1) requires. I flagged the gap that evening. Calculating the 30-day deadline from CVRPC's own stated hearing date, the delivery date fell August 15th.

August 15th passed. August 19th, Christian Meyer responded that no separate document would be sent. Relying on a LURB guidance document application Guidelines Section 1.106. With the quote, the draft regional plan review checklist will serve to meet the statutory requirements of 24VSA 4348(d)(1). We do not intend to submit another document at this time. That's a flagrant disregard of statute over a non-statutory guideline document. That's exactly why Montpelier's Growth Center application was revoked. Back in 2024, because a state guidelines document was relied upon by Mike Miller, instead of the statutory... the text of the statute.

And... I've called this out several times, but... you'll hear more of why... why that's important. Section 4348(d)(1) requires three distinct items joined by the word AND, the plan, a conformance report, and a description of future land use map changes. A guideline administers a statute, it can't redefine what the statute requires. And CVRPC's only own response confirms this collapsing is happening region-wide, not just here.

Public records requests were answered with partial commitments. In the same August 10th letter, I requested paper-rolled copies on behalf of... I'm speaking on behalf of myself personally, and on behalf of a community organization, ASAP for CV. Accountable, sustainable, affordable planning for Central Vermont. That's a community organization intervening in this process.

I requested paper roll copies of the plan. Not rolled, of course, for the plan. And the full future land use map set, and completion of the 17 remaining municipal maps missing from the Kellogg Hubbard Library.

CVRPC's August 19th response did not agree to mail paper copies. It directed me to view copies by appointment, or print them myself, and did

not commit to completing the library map set. Neither request was refused outright, neither was fulfilled. They did later put the 17 maps shrunk down to what would fit an entire town on an 11x17 tabloid sheet, which is totally unreasonable to read or discern parcels.

This is a flagrant disregard for the statutory requirements. Those statutory requirements were to deliver with certified receipt the documents they have no certified receipt that any... and I've made a records request for how many community organizations requested these records.

So, staff is... flagrantly disregarding the statute, and that's a problem that the entire Commission needs to reckon with.

Map changes summary omits the growth area parcels region-wide. CVRPC's August 6th quote summary of Proposed Regional Future Land Use Map Changes memo lists for Montpelier, only downtown, the Gallison Hill Road corner, and the Northfield Street, Berlin area, omitting Country Club Road, Terrace Street, Sabins Pasture, and Mountain View, each proposed for a growth center or planned growth area as its designation. Across all 23 towns, no notes.

Entry, address, Address either infrastructure criteria, governing plan growth area eligibility, which I've repeatedly asked for, and I'm going to explain that one a little bit. The planned growth area.

In order to be on the map requires 7 criteria to be met. They're listed in the statute.

I've asked that the seven criteria per parcel be identified. Do they meet the criteria? Do they not meet the criteria, or did we not even assess that? That should be in the electronic map, so that anyone who owns land could see their parcel and see why the neighboring parcel was in the plan growth area, why their parcel was not.

The Regional Planning Commission staff refuses to make that data available. And when I asked, I was told last week by Ms. Banbury, oh, you can go find that on the LARM site. I went to the LARM site, there's nothing. There is 2008 water lines and combined sewer overflow. But that data is uselessly out of date.

So... The fact that the region... the Land Use Review Board today voted out I would say inconsequential response to the plan, the draft plan, saying it appears to me they're not standing behind that. They know that it's going to be challenged, and they know that they're going to be forced to look at the statute and reject things. But for this Planning Commission to be relying on appears to meet when they're not giving us the information we need to decide whether a parcel qualifies for a planned growth area or doesn't qualify for a planned growth area is really unconscionable and unaccountable.

Though wastewater, water service, complete streets infrastructure, VTRANS noted in their comments that the bike paths and bike lanes were not mapped.

So, how are we expected to make decisions? And even process-wise, are we commenting on the... staff review draft that Mr. Weiss just referred to, which was just published a few days ago? Are we commenting on the version that was sent to the Land Use Review Board for their review a month ago?

How is this process to be coherent to anyone who's supposed to be participating? Is this... what's called enabling Active Supported, participation?

Not on this planet.

Historic district alignment, renaming of flood hazard exclusion. This is a region-wide gap, not a Montpelier-specific one.

Comments already on the record is not reflected in the current draft. My August 7th filing, Part 38, raised as a region-wide principle that planned growth area designations should not outpace separation of combined sewer overflow systems from sanitary capacity.

Given that part of the region's wastewater infrastructure, including Montpelier, still periodically discharges untreated combined flow in heavy rains, with consequences falling on typically, low-income swimmers, boaters, anglers who can't afford to drive somewhere higher up in the watershed where the water's clean.

00:25:49.130

Stephen Whitaker: Or not... Maybe not clean, but at least not combined with sewage.

00:25:54.400

Peter Carbee: Please wrap up.

00:25:55.450

Stephen Whitaker: This is a public hearing.

00:25:57.710

Peter Carbee: Please wrap up.

00:25:58.810

Stephen Whitaker: I'm gonna finish my comments.

Are you gonna discontinue the hearing?

00:26:03.570

Peter Carbee: Nope, I'm asking you to please wrap up.

00:26:14.789

Stephen Whitaker: I know, you've done this repeatedly, and this is contrary to statute, and it's contrary to public participation process. So, I'm not going to accept your...

Montpelier... Comparing the September 4th working graph to the June 24th draft. The relevant utilities and cultural resources language is unchanged, word for word. I raise this not to insist on adoption verbatim,

but because the absence of any visible response is itself informative about how public comments are being incorporated.

So, the requested action requires CVRPC to produce 4348,(d)(1) conformance report, distinct from the checklist and confirmed its delivery method and date to all parties entitled to that notice. Require CVRPC to state which planned growth area and village area parcels have documented findings on the water and wastewater and complete streets criteria of 4348a(12)(B), and supplement the summary of map changes where missing.

Require CVRPC to state whether and how region-wide comments already timely filed, including Part 38 of my August 7th filing, have been considered in preparing the current draft.

Thank you.

00:27:30.320

Peter Carbee: Thank you very much.

Online?

Christian Meyer: Do we have any members of the public online who would like to comment, you can just speak up if you're... can't find your hand. The raise hand feature. But we had one comment online Alan Goldman.

00:27:54.760

Peter Carbee: Alan Goldman?

Unmute.

240

00:27:59.280

Alan Goldman: Thank you.

I will try to be easy and quick. I apologize, I'm a little behind the process.

On the future land use map. Have you had a chance to make any modifications on the one that I'm looking on online? Because it looks like it's the same one, and I apologize, I may be just out of step.

00:28:19.440

Christian Meyer: We are incorporating, changes now, Alan.

00:28:23.740

Alan Goldman: Thank you. Then my second question would be, when may those be available so we can take a look?

00:28:29.210

Christian Meyer: Well, they certainly will be available before, we warn the final draft. We anticipate, yeah, I don't want to give you a hard date, but within the next two weeks, and you'll have a full month to comment on those. Those comments, those, those changes as well.

00:28:49.060

Alan Goldman: Thank you, folks. Hopefully we'll get some good weather to enjoy. Thank you.

00:28:54.970

Peter Carbee: Thank you, Mr. Goldman.

Is there any other comments?

Lorraine Banbury: I was just gonna ask the person who has Page as their name, if you can put your, name and town in the chat, that would be great.

Christian Meyer: There's no requirement to identify yourself unless you're speaking.

Lorraine Banbury: Sorry, okay, I take that back. So it's up to you, Page.

00:29:20.560

Peter Carbee: Thank you for joining us. Right, I see no other... Comments?

In that case...

All the comments have been entered and they are being re-recorded.

Assuming no board members object, I will close the hearing.

Are there any board members who wish to comment?

00:29:50.340

Peter Carbee: We'll hear. I, oh, sorry, couldn't see you.

Paula Emery: Commissioner Carbee, no, wait...

Christian Meyer: Chair?

Paula Emery: Chair Carbee. Right? Would it be possible to, just for the record, say what the next step is?

Christian Meyer: So, I... the next step in the process, I will be going through the process as the first item of... in the agenda after this. Yeah, we thought of. We thought of all of. But next step would be, another hearing. Right.

00:30:25.610

Peter Carbee: Any other comments from Commissioners?

Hearing none. I will now adjourn this hearing at... 19:03.

Compilation of Written Comments Filed with the Vermont Land Use Review Board

Docket RPC03-0001 — Central Vermont Regional Planning Commission, Draft Regional Plan and Regional Future Land Use Map

Submitted into the record of the CVRPC public hearing on the 2026 Draft Regional Plan and Regional Future Land Use Map, by Stephen Whitaker, Montpelier, Vermont

The comments that follow were filed with the Vermont Land Use Review Board under Docket RPC03-0001 between July 24 and August 7, 2026, during the preapplication comment period on CVRPC's Draft Regional Plan and Regional Future Land Use Map. They are compiled here, as filed, into a single continuous record, and submitted for consideration at CVRPC's own public hearing on the Plan. Nothing below has been altered in substance from the filed text; editorial notes added only for this compilation are marked as such where they appear.

Docket RPC03-0001 — Central Vermont Regional Planning Commission (CVRPC), Draft Regional Plan and Regional Future Land Use Map

This file consolidates all nine written submissions filed under this docket between July 24 and August 7, 2026, in one continuous, searchable record: 42 numbered parts plus a closing synthesis. Source note: Parts 1–20 (Original, Supplemental, Second Supplemental) are pulled verbatim from the outbound email bodies as actually sent — the authoritative text for those three filings, since minor wording may have been adjusted in-line when composing the email versus the underlying draft. Parts 21 onward (Third Supplemental through the Closing Comment) are pulled from the Google Docs that were converted to PDF and filed as attachments, which is the authoritative source for those six filings.

Table of Contents

1. Original Written Comments — July 24, 2026 (Parts 1–9)
2. Supplemental Written Comments — July 27, 2026 (Parts 10–14)
3. Second Supplemental — July 31, 2026 (Parts 15–20)
4. Third Supplemental — August 4, 2026 (Parts 21–31)
5. Fourth Supplemental — August 5, 2026 (Parts 32–35)
6. Fifth Supplemental — August 6, 2026 (Parts 35–38)
7. Sixth Supplemental — August 6, 2026 (Parts 39–41)

8. Seventh Supplemental — August 7, 2026 (Part 42)

9. Closing Comment and Consolidated Synthesis — August 7, 2026

1. Original Written Comments of Stephen Whitaker — July 24, 2026

Preapplication RPC03-0001 — Central Vermont Regional Planning Commission

Draft Regional Plan and Regional Future Land Use Map, with Tier 1B Status Requests

To: Vermont Land Use Review Board — Act250.Board@vermont.gov

From: Stephen Whitaker, Montpelier, Vermont

Date: 24 July 2026

Preapplication deemed complete: July 8, 2026 · Comment period closes: August 7, 2026

A note on what these comments do and do not attempt. The Board is reviewing eleven regional plans against a December 31, 2026 deadline. These comments are therefore directed at interpretation rather than at any particular parcel. They ask the Board to state, in its preapplication response, how three of the § 4348a(a)(12)(B) criteria are to be demonstrated — questions that arise identically in every region and that are more usefully answered once, now, than parcel by parcel later. Where I refer to a specific designation, I do so to illustrate the interpretive question, not to ask the Board to resolve it on this record. The evidentiary case belongs to a later stage of this proceeding, and I intend to make it there.

Quotations attributed to the Board's meeting of July 23, 2026 are taken from a machine-generated transcript, have not been verified against an official recording, and are attributed to role rather than to named individuals. I will correct any error promptly on notice.

Summary

Three interpretive questions, and three procedural requests.

The interpretive questions:

1. Criterion (vii) counts "planned" transportation infrastructure and offers one illustration — investments in a municipal capital improvement program adopted pursuant to § 4430. What must an applicant identify to establish that infrastructure is planned?
2. Criterion (ii) asks in the present tense whether an area is served by public water or wastewater infrastructure, and contains no planned alternative — unlike criterion (vii), and unlike the parallel Tier 1A requirement at 10 V.S.A. § 6034(b)(1)(H), which expressly admits "planned improvements." Is that distinction operative?
3. Criterion (iii) asks whether an area is "generally within walking distance." Is there a measure, and must it be stated?

The procedural requests concern matters within the Board's § 4348(b) review that are, by the terms of § 4348(i)(3), unavailable at the objection stage: the form in which the future land use map is before the Board; the absence of demonstrated provenance and change control over a map to which jurisdiction now attaches; the absence of any parcel-level record of which criteria a parcel was found to satisfy; and the participation and education duties of § 4348(a) and 3 V.S.A. § 6002(6).

Why these are raised now. Under § 4348(i)(3) a post-adoption objection is confined to consistency with the elements and future land use areas described in § 4348a. The matters in Parts 1, 2, 5 and 6 arise under § 4348 and chapter 139 and do not bridge to § 4348a. They are within the Board's review at this stage and at no later stage. The interpretive questions in Parts 3, 4 and 7 are raised now because six regional plans remain to be filed and an answer stated in a preapplication response governs them all.

Scope

These comments are submitted under 24 V.S.A. § 4348(b), which directs the Board to provide review and comments on the conformance of the draft with 24 V.S.A. § 4302, § 4348a, and chapter 139 of Title 24.

That scope is broader than what follows adoption. Under § 4348(i)(3), an objection by an interested party is limited to "whether the regional plan is consistent with the regional plan elements and future land use areas as described in section 4348a." The State planning goals of § 4302 and the designation criteria of chapter 139 are within the Board's review now.

These comments are structural. They concern the adequacy of the record and the process and are not directed at any individual.

1. The future land use map is not before the Board in a fixed, reviewable form

Section 4348a(a)(12) requires a future land use element consisting of a map delineating future land use area boundaries. Section 4348(d)(1) requires the plan be accompanied by a description of any changes to the Regional Future Land Use Map. Section 4348(d)(2) requires each member municipality receive a written description of map changes and a municipality-wide map showing old versus new areas with labels.

What the record contains. Appendix A (Exhibit 003) contains no future land use map. It comprises legacy thematic sheets — Topography; Primary Agricultural Soils; Natural Resources 1–3; Energy & Communication; Transportation; Wastewater Systems; Emergency Management; Educational Facilities; Public Recreational Resources; Population Change 1995–2005; Zoning by Town — prepared approximately 2007–2017 at roughly one inch to 3.5 miles. At that scale an individual parcel is narrower than the line used to draw a road.

What is relied upon instead. The operative map appears to be a live interactive web map service. A live service is not a fixed exhibit: no version, no date stamp, no fixed extent. Two reviewers consulting it on different days may see different things, and neither can demonstrate what the other saw. A record that cannot be reproduced cannot be reviewed, and cannot support a finding.

The applicant confirmed the map is not final. At the July 23 meeting the Commission described three changes it intends to make before submission, one of them presented with no graphic and no boundary. A "resilience" special-use class was described that a Board member observed is not on the map at all. A member municipality advised that its planning commission would vote the following week on a letter seeking further changes. Commission staff acknowledged classification gaps discovered during the presentation itself.

An inconsistency the Board can check without the map. The Draft Regional Plan Review Checklist (Exhibit 005) and Appendix D of the draft plan report different acreages for the same future land use areas in at least two municipalities. Two exhibits in the same submission do not agree on the size of the areas the Board is asked to approve.

Requested action. Before commenting on conformance, require the applicant to enter into the docket a date-stamped, versioned, fixed-format Regional Future Land Use Map at a resolution permitting parcel-level review, together with the § 4348(d)(1) description of changes and the § 4348(d)(2) old-versus-new labeled municipal comparison maps;

identify that filed version as the map under review; and reconcile the acreage figures across exhibits.

2. There is no demonstrated provenance or archival control over the map

This comment is systemic and affects every region.

The stakes are new. Under Act 181, Act 250 jurisdiction is location-based. A Planned Growth Area designation is the predicate for Tier 1A status, and 10 V.S.A. § 6081(z)(1) exempts a Tier 1A area from Act 250 review. Under 24 V.S.A. § 4348(m), once the Board approves the plan it is not appealable. Legal jurisdiction — and its removal — now attaches to a polygon on a map.

The map is a mutable digital object. In a geographic information system both the geometry and the attribute data can be edited. An attribute change is invisible on casual inspection: the boundary appears unmoved while the designation beneath it changes. A boundary that visibly moves invites comment; an attribute changed beneath a stationary boundary does not. Where the authoritative map is a live service, nothing inherently records that such a change occurred, when, by whom, or on what authority.

The question was put and not fully answered. Asked at the July 23 meeting whether a change log captures edits to both geometry and attribute data with date, editor, and authority, the Commission responded that changes between the posted version and the final application will be called out, and the Board noted the existence of a portal archive and a GIS standard operating procedure. Neither response addressed attribute-level logging with editor and authority.

Requested action. Condition any affirmative comment on conformance upon (a) deposit of an immutable, date-stamped archival copy of the future land use map in the docket, designated the legally operative version; (b) a published change log covering geometry and attributes, recording date, editor, and authority; and (c) a statement of the provenance and metadata standard the applicant will maintain. If no such standard exists statewide, I ask the Board to raise it with the Community Investment Board before further Tier 1A determinations issue.

3. Criterion (vii): what must an applicant identify to establish that infrastructure is "planned"?

3.1 The interpretive question

Section 4348a(a)(12)(B)(vii) provides:

"The area is served by planned or existing transportation infrastructure that conforms with 'complete streets' principles as described under 19 V.S.A. chapter 24 and establishes pedestrian access directly to the downtown, village center, or new town center. Planned transportation infrastructure includes those investments included in the municipality's capital improvement program pursuant to section 4430 of this title."

The second sentence is the only guidance the criterion gives on what "planned" means. I read "includes" as non-exhaustive. But the Legislature supplied one illustration, and it is a highly definite one.

A capital improvement program adopted under 24 V.S.A. § 4430 must, by § 4430(a), describe each capital project to be undertaken in the coming fiscal year and in each of the following five years, with the estimated cost of each and the proposed method of financing. By § 4430(b) it must be arranged in order of priority, must identify financing by source — appropriation or reserve funds, federal or State amounts, impact fees, and obligations with their type and period of probable usefulness — and must estimate the effect on municipal operating costs. By § 4443(a) it may be adopted only following one or more public hearings on public notice, only if a utility and facility plan as described in § 4382(a)(4) has been adopted by the legislative body, with the proposal filed at least fifteen days before the final hearing with the municipal clerk and the secretary of the planning commission, and it must be adopted or rejected by an act of the legislative body.

Where a term is illustrated by a single example, that example indicates the degree of definiteness the term carries. A located project, a cost, a funding source, and a year.

3.2 Why the question matters, and why now

Absent an answer, "planned" can mean a concept sketch, a grant application, a line in a master plan, an intention expressed at a meeting, or infrastructure whose alignment is expressly left to a future developer. Each of those has been offered somewhere as evidence that an area is served.

At the Board's July 23 meeting, asked which existing facility satisfies criterion (vii) for a particular planned growth area, or whether the Commission relies on planned infrastructure and in which adopted municipal capital program that infrastructure is included, the Commission answered that it considers that "between the existing pedestrian infrastructure and the planned pedestrian infrastructure" the requirements are met, and referred to grant funding in place. No capital improvement program was identified. Grant funding is money; it is not a plan. I offer that exchange not to litigate

the designation but to show that the question is live and that the record does not presently answer it.

I note that the requirement is non-regulatory and permissive: § 4430 sits in subchapter 8 of chapter 117, nonregulatory implementation of the municipal plan, and no municipality is obliged to adopt a capital budget and program. Nothing in this reading imposes a duty on any municipality or burdens any landowner. It bears only on what a regional planning commission must identify when it relies on the planned branch of the criterion.

3.3 The second clause is independent

Whatever the planning status of the infrastructure, the criterion separately requires that it conform with complete streets principles and establish pedestrian access directly to the downtown, village center, or new town center.

19 V.S.A. § 2401, added by Act 62 of 2023, defines complete streets as streets providing "safe and accessible options for multiple travel modes for individuals of all ages and abilities, including walking, cycling, public transportation, and motor vehicles." Four modes, all ages, all abilities.

Two points follow that the Board may wish to state.

First, 19 V.S.A. § 2402(b) exempts projects involving unpaved highways from the State policy of incorporating complete streets principles. That is a duty exemption for project managers. It does not deem any road conformant. Criterion (vii) asks whether infrastructure conforms with the § 2401 definition, not whether anyone was obliged to build it.

Second, § 2401 is a design-outcome standard concerning who can use a facility. A facility usable only by a fit and experienced traveler does not provide options for individuals of all ages and abilities, whatever its funding status and whatever design guidance may permit. The criterion also requires access directly to the center — which raises a network-continuity question distinct from the character of any single segment.

Requested action. State in the preapplication response that where a planned growth area relies on planned rather than existing transportation infrastructure, the applicant shall identify the instrument in which that infrastructure is planned and demonstrate that it is fixed as to location, estimated cost, and funding source — the statutory illustration being a capital improvement program adopted pursuant to § 4430, supported by the § 4382(a)(4) utility and facility element on which § 4443(a) conditions it. State it as a general interpretation applicable to all regional plans still to be filed.

4. Criterion (ii): does the absence of a planned alternative mean what it appears to mean?

Section 4348a(a)(12)(B)(ii) provides: "This area is served by public water or wastewater infrastructure."

Present tense. No "planned or existing," unlike criterion (vii) immediately below it in the same list.

The contrast with the Tier 1A stage is instructive. At 10 V.S.A. § 6034(b)(1)(H), the requirement is that "public water and wastewater systems or planned improvements have the capacity to support additional development." The same Legislature, addressing the same subject in the same Act, admitted planned improvements at Tier 1A and did not at the mapping stage — and framed its concern there as capacity to support additional development rather than the existence of a connection.

Two questions follow, and both arise in every region:

4. Where an area is presently served at a capacity adequate to existing use but not to the development the designation contemplates, is it "served by public water or wastewater infrastructure" within criterion (ii)?

5. Where service to the contemplated development depends on infrastructure not yet constructed, may criterion (ii) be satisfied on the basis of that planned infrastructure, given that the criterion contains no planned branch and the parallel Tier 1A provision does?

Requested action. State how criterion (ii) is to be demonstrated, distinguishing areas presently served from areas whose service to the contemplated development depends on infrastructure not yet built.

5. The map carries no parcel-level record of which criteria are met

The future land use digital data layer is already a required attachment. It is a GIS layer, not an image. Four of the seven criteria — water service, wastewater service, flood hazard and river corridor, and zoning district — already exist as State or municipal geospatial data. Attaching them to each parcel is a table join, not a study.

Nothing in the filed package records, parcel by parcel, which criteria a parcel was found to satisfy. The consequence is that no member of the public and no reviewer can evaluate whether a boundary was drawn consistently, because the only thing that makes an included parcel intelligible is the excluded parcel beside it and the reason it was excluded.

The Commission's own account of its method is candid. Introducing the map demonstration on July 23, staff observed that the work would need to proceed parcel by parcel and that what had been done so far was to take "the big paintbrush."

The Commission already does this elsewhere in the same filing. Appendix B, the Enhanced Energy Supplement, states that the Commission is working with municipalities to identify preferred sites to the parcel level and to ensure additional constraints are represented by a mapping layer so both can be integrated into the regional plan. Energy siting — which carries no Act 250 consequence — receives parcel-level treatment with constraints carried as a layer.

5.1 Why the remedy is necessary and not merely useful

The Commission's stated method for surfacing error is peer comparison. Staff invited the public on July 23 to report where one parcel is a different color from a neighbouring parcel the observer considers comparable, because that is where inconsistencies may be uncovered.

That mechanism cannot work in the direction that matters, for a structural reason:

6. Designation into a growth area confers a benefit on the owner. The owner has no reason to object, and where the owner is a municipality seeking the designation, every reason not to.

7. The parties burdened by over-designation are not the owner. They are abutters, downgradient and downstream owners, users of the affected road network, and the public interest in prime agricultural soils, traffic, and flood risk. Nothing on their own parcels changes on the map. The instrument gives them no signal that anything has happened.

8. Therefore the comment channel can surface only complaints about restriction. It is structurally incapable of surfacing scrutiny of over-designation.

This bears on how the volume of comment received should be read. Approximately twenty-five comments were reported received on the map region-wide across twenty-three municipalities, and the Commission does not track who submits them. On the analysis above, that figure cannot be read as acquiescence in any particular designation. It measures dissatisfaction with restriction. It does not measure, and cannot measure, whether an expansion is supported.

Requested action. Comment that for every parcel proposed for inclusion in a Planned Growth Area, and for parcels immediately outside the proposed boundary, the future land use digital data layer carry an attribute for each criterion of § 4348a(a)(12)(B)

valued met, not met, or not evaluated, published in the Commission's public map viewer before its first § 4348(c) hearing. Permitting a "not evaluated" value is essential; without it the exercise collapses into an assertion of compliance across the board.

6. The participation and education duties are not satisfied on this record

6.1 The duties are affirmative and defined by cross-reference

Section 4348(a) provides that at the outset of the planning process and throughout it, regional planning commissions shall solicit the participation of member municipalities, local citizens, and organizations by holding informal working sessions that suit the needs of local people, to allow meaningful participation as defined in 3 V.S.A. § 6002, to provide consistent information about new statutory requirements, to explain the reasons for them, and to gather information for the plan and future land use element.

This is not a notice duty. It is an education duty, restated twice more: § 4348(d)(2) requires information about the Tier structure including how to obtain Tier 1A or 1B status; and 3 V.S.A. § 6002(6), incorporated by reference, defines meaningful participation to require that communities are enabled and administratively assisted to participate fully through education and training, and to require operating transparently as to opportunities for input.

The consequence of a Planned Growth Area designation — candidacy for Tier 1A and removal from Act 250 review — is not self-evident from a color on a map. Participation without comprehension is form, not substance.

6.2 Formal hearings do not discharge the working-session duty

Section 4348(c) separately requires two or more formal public hearings; § 4348(a) requires informal working sessions in addition. A timed public-comment slot at a formal meeting is not an informal working session: it is not informal, it is not a working session, it does not suit the needs of local people, and it runs in one direction. Whatever its merits as meeting management, it cannot discharge a duty whose stated purposes include explaining and gathering.

6.3 The applicant's own testimony to this Board

Two statements made at the Board's own July 23 meeting bear on whether the education duty was discharged.

Describing the difficulty of explaining the classification methodology, Commission staff observed that when people say the methodology is confusing, the Commission agrees

and encourages them to consult the methodology document — "which they're not likely to do. And I don't blame them."

Separately, describing public reaction to the map, staff observed that when people see their property classified in a way they did not expect, "first, it confuses them, and then it frustrates them, and at least occasionally they have gotten fairly upset about it." A commissioner made a comparable observation from the floor.

Confusion, then frustration, then anger, on discovery, describes a process in which the public learns of a designation after it is set rather than one in which the public was enabled to participate in setting it.

6.4 Consultation with municipal bodies does not discharge the duty owed to communities

Section 4348(a) names member municipalities, local citizens, and organizations. Consultation with municipalities is required and appropriate. It is not a substitute for the citizen and organization prongs, and 3 V.S.A. § 6002(6) runs to communities, not to governmental bodies.

The outreach record in Exhibit 005 is weighted toward municipal bodies: office hours for municipalities and commissioners, meetings with governing bodies before mapping began, one-on-one meetings with planning commissions, delivery of maps to municipal offices and libraries, and a planning-essentials training for development review board and planning commission members. Commission staff confirmed on July 23 that municipal future land use maps were used as the basis of the regional mapping.

Two consequences follow. First, consulting the planning commissions that produced the municipal maps used as the basis of the regional map is not independent corroboration; it is the same source consulted twice. Second, where the consulted municipal body is itself the proponent of a designation, consultation with it is advocacy received, not participation enabled.

6.5 Non-disclosure of the objection gateway

Under § 4348(i)(1), the prerequisite to objecting before this Board after adoption is having participated by providing written or oral comments stating objections for consideration at a public hearing held by the regional planning commission. Under § 4348(m), once approved the plan is not appealable. The Commission's hearing is therefore the gateway to being heard here at all.

Further, § 4348(i)(2) confines "interested party" to a party entitled to notice under subsection (d), or to twenty persons by signed petition. An individual resident who

attends the Commission's hearing and objects does not thereby become an interested party. The path to the objection right is narrower than participation alone, and it is not apparent from any material I have seen.

Requested action. Require the applicant to place in the record, municipality by municipality: dates, locations, and materials of § 4348(a) informal working sessions; § 4348(d)(2) transmittals with proof of receipt; steps taken to reach environmental justice focus populations under 3 V.S.A. § 6002(4); the number and distribution of comments received on the map; and any materials informing the public of the § 4348(i) objection right, its participation prerequisite, and the interested-party definition.

7. Criterion (iii): is there a measure of "walking distance"?

Criterion (iii) asks whether an area is "generally within walking distance from the municipality's or an adjacent municipality's downtown, village center, new town center, or growth center."

At the July 23 meeting the Commission applied, in different municipalities and without apparent reconciliation, a quarter-mile buffer; the presence or absence of sidewalks; below-threshold traffic volumes as a substitute for sidewalks; and terrain. Asked for the walking distance from a particular area to its downtown and the source of that figure, staff advised that the mapping software was no longer open, and no figure was supplied.

I do not suggest any of those approaches is wrong. I suggest that four tests applied in four places, with no stated measure and no figure in the record, is not a demonstration that the criterion is met — and that the same question will arise in every remaining region.

Requested action. State whether criterion (iii) requires a stated distance and route, and if so what measure applies.

8. An auditable standard for when public education is sufficient

Each item below is verifiable from documents:

9. **Delivery.** Documented § 4348(d)(2) transmittal to every member municipality, with proof of receipt and date.

10. **Working sessions.** Documented § 4348(a) informal working sessions in each municipality where a future land use area changed, with dates, materials, and attendance.

11. **Consequence notice.** Evidence that owners of, and abutters to, land newly placed in a Planned Growth Area were individually informed that the designation is a predicate for Tier 1A status and that Tier 1A status removes the land from Act 250 review.

12. **Equity.** Documented engagement with environmental justice focus populations under 3 V.S.A. § 6002(4).

13. **Transparency of the instrument.** A fixed, archived map; a published change log; and the per-parcel criteria attributes described in Part 5.

14. **Comprehension, not merely contact.** A reportable count and distribution of comments, and evidence the information landed.

9. The asymmetry that should govern the Board's comment

Over-designation is effectively permanent. Upon approval the plan is not appealable (§ 4348(m)). A Planned Growth Area is the gateway to Tier 1A, and Tier 1A removes Act 250 review entirely (10 V.S.A. § 6081(z)(1)), which removes Criterion 9(B) (10 V.S.A. § 6086(a)(9)(B)) and the primary agricultural soils protections of 10 V.S.A. § 6093. Tier 1A status is subject to periodic review and may be terminated on a finding of non-compliance (§ 6034(d)), but whatever is built while the status is in effect is never reviewed, and terminating the status later un-builds nothing.

And no later proceeding examines the questions raised in Parts 3, 4 and 7. The Tier 1A requirements at 10 V.S.A. § 6034(b)(1) are: (A) a municipal plan approved under § 4350; (B) boundaries consistent with downtown or village centers and planned growth areas as defined in § 4348a(a)(12) in an approved regional plan future land use map; (C) flood hazard and river corridor bylaws, or exclusion; (D) permanent zoning and subdivision bylaws without broad exemptions; (E) permanent land development regulations furthering smart growth principles, regulating form and scale, allowing at least four stories in a reasonable portion of served areas; (F) compatibility with adjacent historic districts and other significant cultural and natural resources; (G) identification and planning for significant natural communities and rare, threatened and endangered species, or exclusion; (H) public water and wastewater systems or planned improvements with capacity to support additional development; and (I) municipal staff adequate to support coordinated comprehensive and capital planning, development review, and zoning administration.

None of the nine concerns whether a person can walk or bicycle from the area to the downtown. The boundary test at (B) imports the approved future land use map rather than examining it. And the Board is directed to issue an affirmative determination on finding those requirements met within forty-five days (§ 6034(a)(2)).

Criteria (iii) and (vii) are therefore tested at the mapping stage or at no stage.

I note that the Legislature wrote capital planning into the Tier 1A capacity requirement at (I), and permitted water and wastewater at (H) to rest on "planned improvements" with no capital-program condition attached, while criterion (vii) attaches one. The drafting distinguishes these deliberately.

Under-designation is curable. Section 4348(j) permits minor boundary amendments — expressly including changes under ten acres — without a plan amendment; § 4348(n) permits amendment in light of changed conditions; and § 4348(p) requires adoption by December 31, 2026, which a minimally drawn map meets as well as an expansive one. The Legislature built an on-ramp for growth areas to expand as municipalities demonstrate readiness. It built no off-ramp for growth areas drawn too large.

Requested action. Comment that Planned Growth Areas be approved only where each criterion of § 4348a(a)(12)(B) is affirmatively supported on the record, and that acreage beyond that showing be deferred to the § 4348(j) and § 4348(n) processes as municipalities document readiness.

Summary of requested actions (Parts 1–9)

15. Require a date-stamped, versioned, fixed-format future land use map at parcel-reviewable resolution, plus the § 4348(d)(1) and (d)(2) materials, entered as the map under review; reconcile the acreage discrepancies between Exhibit 005 and Appendix D.
16. Require an immutable archival copy, a change log covering geometry and attributes with date, editor, and authority, and a stated provenance standard; raise the statewide absence of such a standard with the Community Investment Board.
17. State how criterion (vii) is to be demonstrated: that where a planned growth area relies on planned rather than existing transportation infrastructure, the applicant identify the instrument in which that infrastructure is planned and demonstrate that it is fixed as to location, estimated cost, and funding source.
18. State how criterion (ii) is to be demonstrated, distinguishing areas presently served from areas whose service to the contemplated development depends on infrastructure not yet built.
19. State whether criterion (iii) requires a stated distance and route, and what measure applies.

20. Require per-parcel attributes for each § 4348a(a)(12)(B) criterion — met, not met, or not evaluated — on included parcels and on parcels immediately outside each proposed boundary, published before the first § 4348(c) hearing.

21. Require documentation of § 4348(a) working sessions, § 4348(d)(2) transmittals, comment counts and distribution, and disclosure of the § 4348(i) objection right, its participation prerequisite, and the interested-party definition.

22. Adopt an auditable standard for sufficiency of public education before growth-area expansion is approved.

23. Approve Planned Growth Areas minimally, on affirmative criterion-by-criterion support, directing expansion to the § 4348(j) and § 4348(n) mechanisms.

A note on what follows. I intend to provide written objections at the Commission's public hearing [date to be confirmed by CVRPC — see status note below], and, if the designations at issue are carried into the adopted plan, to file an objection under § 4348(i) within fifteen days of adoption. The evidentiary case for the particular designations that concern me belongs to that stage. These comments are confined to the interpretive and procedural questions that are properly before the Board now and that will not be before it later.

Thank you for the opportunity to comment, and for scheduling a site visit in connection with this preapplication.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont

Note (added for this consolidated file, not part of the original filing): The original text above referenced "the Commission's public hearing on August 31, 2026." That date, sourced from the LURB preapplication form's estimated/scheduled field, is stale and unconfirmed — the actual CVRPC hearing date has not yet been set as of this file's compilation. Do not cite August 31 as confirmed.

2. Supplemental Written Comments of Stephen Whitaker — July 27, 2026

Preapplication RPC03-0001 — Central Vermont Regional Planning Commission

Draft Regional Plan and Regional Future Land Use Map, with Tier 1B Status Requests

To: Vermont Land Use Review Board — Act250.Board@vermont.gov

From: Stephen Whitaker, Montpelier, Vermont

Date: July 27, 2026

Preapplication deemed complete: July 8, 2026 · Comment period closes: August 7, 2026

A note on what these comments do and do not attempt. These are supplemental comments. They do not restate, and are not a substitute for, my written comments of July 24, 2026, filed under this docket. They continue the numbering of that filing — the present submission opens at Part 10 — so that the two documents may be read as a single record. Each part below addresses an interpretive or procedural question distinct from anything raised in Parts 1 through 9 of the July 24 filing.

The same conventions apply. Quotations attributed to the Board's meeting of July 23, 2026 are taken from a machine-generated transcript, have not been verified against an official recording, and are attributed to role rather than to named individuals. Where I refer to a specific municipality or designation, I do so to illustrate an interpretive question that arises identically across the region, not to ask the Board to resolve any particular designation on this record.

10. Criterion (i)'s municipal-plan predicate: does the plan before this Board satisfy 24 V.S.A. § 4382(a)(2)(C)?

10.1 The predicate and the requirement it imports

Criterion (i) of § 4348a(a)(12)(B) requires, as a predicate for designation, "a municipal plan approved in accordance with section 4350 of this title." Section 4382(a)(2)(C), added by Act 181, prescribes content that a municipal plan's land use element must contain:

"Identifies those areas, if any, proposed for designation under chapter 76A of this title and for status under 10 V.S.A. §§ 6033 and 6034, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought."

Section 6033 is Tier 1B; section 6034 is Tier 1A. A municipal plan confirmed under § 4350 is required, by CVRPC's own confirmation practice, to contain the elements listed in § 4382(a)(1)–(12). Element (2) is the land use element, and subpart (C) is one of its required components — not a Tier 2/3 provision and not a matter of ecosystem-protection designations. It asks whether the plan itself — in advance of any regional map process — identifies the areas the municipality intends to bring forward for Tier 1A or 1B status, and explains how each meets the applicable requirements.

10.2 Why this bears on the document now before the Board, not on any past confirmation vote

I am not asking the Board to sit in review of any regional planning commission's past decision to confirm a particular municipal plan. That is a different question, addressed to a different forum. The question here is narrower and is squarely about the document the Board is reviewing today: the draft regional plan and Future Land Use Map designate Planned Growth Areas, and criterion (i) conditions each such designation on the existence of a § 4350-approved municipal plan. If the predicate plan for a given area does not contain the § 4382(a)(2)(C) identification and explanation for that area, then the designation now before the Board — not a prior vote, but the map presently under first-instance review — rests on a predicate that has not been shown to be satisfied.

I raise this as a question about the plan before the Board now, not as a request to revisit either municipality's confirmation.

Requested action. State whether the Board's review of criterion (i) includes confirming that the § 4382(a)(2)(C) identification and explanation exists in the underlying municipal plan for each area proposed as a Planned Growth Area or for Tier 1B eligibility, and, where it does not appear to exist, how the Board proposes to treat that absence.

11. Where Tier eligibility depends on a neighboring municipality's infrastructure, whose capital program carries the disclosure?

CVRPC's own Tier 1B Memorandum to the Land Use Review Board, dated June 25, 2026 (Exhibit 006 of the same submittal package), describes Moretown's North Moretown Tier-eligible area as "is / could be served by the Town of Waterbury's water and wastewater infrastructure" — prospective service from a neighboring municipality's utility district, not existing service and not infrastructure Moretown itself would build or finance. I have not found this identification, or the underlying capital-disclosure question it raises, addressed in Moretown's own town plan.

Criterion (vii)'s planned-infrastructure branch, and the § 4430/§ 4443/§ 4382(a)(4) chain it references, contemplate disclosure of cost, financing method, and operating-cost effect for planned infrastructure. Where the infrastructure in question would be built and billed by a neighboring municipality rather than the one seeking the designation, it is not evident which municipality's capital program is understood to carry that disclosure. I do not represent that I have reviewed Waterbury's plan to determine whether it addresses this extension; I raise the structural question rather than a finding about Waterbury's own record.

Requested action. State how cross-boundary utility dependency is to be documented for capital-disclosure purposes where one municipality's Tier eligibility rests on infrastructure understood to be built, owned, or financed by a neighboring municipality.

12. Criterion (vi) was amended effective July 1, 2026 — does the current record reflect it?

Act 152 § 13, effective July 1, 2026, rewrote criterion (vi). The prior text asked only whether an area "provides for housing that meets the needs of a diversity of social and income groups in the community." The current text asks whether the area "provides for opportunity for development, infill development, and redevelopment that is needed to meet the regional and municipal housing targets that meet the present and future needs of a diversity of social and income groups in the community" — adding a targets-based element to the diversity element already there, not replacing it.

This amendment took effect before this preapplication's July 8, 2026 completeness date, but I raise it because the distinction between the two versions is easy to miss — the diversity language is unchanged and reads naturally as complete on its own — and because the same question will arise for every region still to file.

Requested action. Confirm, generally and for application to all regional plans still to be filed, that criterion (vi) is to be applied in its current form — including the regional and municipal housing-targets element added by Act 152 § 13 — and not in its pre-July 1, 2026 form.

13. Map governance, across the regional-to-statewide transition, as a direct illustration of the participation duty

My July 24 comments at Part 2 raised whether the Commission's future land use map is subject to a change log recording edits to geometry and attribute data, with date, editor, and authority. That question becomes more consequential, not less, as individual regional plans are assembled into a statewide tiled Future Land Use Map. Two related

questions follow. First, at the statewide level as at the regional level, does the map's archive record who made each change and under what authority. Second, once a region's tile is submitted, does editorial control pass exclusively to the Board, or does the originating regional planning commission retain concurrent access to the same tile.

How these maps are managed at the regional and state level is itself a clear example of what "informed and enabled" public participation requires under 3 V.S.A. § 6002 and 24 V.S.A. § 4348(a) — and a case where that obligation is genuinely achievable, not merely aspirational.

Requested action. State whether the statewide tiled map records attribute- and geometry-level change history with editor and authority, and whether editorial control over a submitted tile passes exclusively to the Board or remains concurrently accessible to the originating regional planning commission; and consider explaining this governance structure to the public as part of the Board's ongoing education efforts under § 4348(a).

14. The per-parcel attribute layer already requested (July 24, Part 5) should distinguish capacity from presence for criterion (ii)

My July 24 comments at Part 5 asked that the future land use digital data layer carry an attribute for each § 4348a(a)(12)(B) criterion, valued met, not met, or not evaluated. As to criterion (ii), a binary "served" attribute does not capture the distinction that matters: infrastructure being present is not the same fact as infrastructure having capacity for the scale of development a Planned Growth Area designation contemplates. A parcel already served at a capacity adequate to a modest existing use can be marked "met" under a presence-only reading, while the capacity increase the designation anticipates — a larger main, a new pump or lift station, expanded treatment capacity — remains undisclosed, unbudgeted, and unbuilt.

This matters for reasons beyond any single designation. Where expanding capacity would cost in the millions or tens of millions of dollars, and no capital program identifies that cost or its funding source, a designation resting on "planned" capacity can effectively sequence the housing it purports to enable years or decades into the future — while still counting, today, as served land removed from Act 250 review. The gap between designation and deliverable housing is invisible on a map that records presence only.

Requested action. Extend the per-parcel attribute request in Part 5 so that, for criterion (ii), the attribute set distinguishes existing capacity sufficient for current use from capacity sufficient for the development scale the designation contemplates, and,

where the latter requires infrastructure expansion, identifies whether that expansion appears in an adopted capital program with an estimated cost and funding source.

Summary of requested actions (Parts 10–14)

- State whether the Board's review of criterion (i) includes confirming the § 4382(a)(2)(C) municipal-plan identification exists for each area proposed as a Planned Growth Area or for Tier 1B eligibility.
- State how cross-boundary utility dependency between municipalities is to be documented for capital-disclosure purposes.
- Confirm that criterion (vi) is to be applied in its current, post–July 1, 2026 form, for all regions still to file.
- State whether the statewide tiled map preserves change-attribution history and clarify which body holds editorial control over a submitted tile; consider explaining this to the public as part of the Board's education efforts.
- Extend the per-parcel attribute request in Part 5 so that, for criterion (ii), the attribute set distinguishes existing capacity from capacity sufficient for the designation's contemplated development scale, and identifies whether required infrastructure expansion appears in an adopted capital program with an estimated cost and funding source.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont

3. Second Supplemental Written Comments of Stephen Whitaker — July 31, 2026

Preapplication RPC03-0001 — Central Vermont Regional Planning Commission

Draft Regional Plan and Regional Future Land Use Map

To: Vermont Land Use Review Board

From: Stephen Whitaker, Montpelier, Vermont

Date: July 31, 2026

Preapplication deemed complete: July 8, 2026 · Comment period closes: August 7, 2026

Continues Parts 1–14 of my July 24 and July 27, 2026 comments under this docket, opening at Part 15.

COMMENTS

24 V.S.A. § 4345a(a)(5)(A) does not ask CVRPC to permit public comment. It requires CVRPC to "encourage and enable widespread citizen involvement and meaningful participation" in preparing this plan. That is a higher bar, and it is worth asking directly what it would actually take to clear it — not as an abstract compliance exercise, but because the answer determines whether the designations on this map rest on a process residents could actually engage with, or only on one they were allowed to attend.

I offer six illustrations below of where the gap between "permitted" and "encouraged and enabled" currently sits.

15. Residents can't get in the door, or find out where the door is

I have on multiple occasions found CVRPC meeting locations physically inaccessible without prior insider knowledge — main entrance doors to stairway vestibules locked, with no signage directing the public to an alternate entrance. I have also made repeated requests that meeting agendas be posted at Montpelier City Hall and at the Kellogg Hubbard Library, alongside the City's other official public notices and meeting warnings, and those requests have gone unanswered. Whatever the substance of a given meeting, a resident who cannot find out it is happening, or cannot get through the door once they arrive, has not been afforded the participation § 4345a(a)(5)(A) requires.

16. The record of what happens in committee meetings is being made harder to see, not easier

Effective with a December 9, 2025 bylaw amendment, CVRPC stopped publicly posting recordings for every committee except the Executive Committee and full Board — recordings are now available only by individually requesting them from staff. A commissioner asked, on the record, for three safeguards before that change was adopted: a website notice on how long recordings are kept, 30-day advance notice before any deletion, and a downloadable format. None of the three appear to have made it into the final policy.

I raise this not because I expect the Board to referee CVRPC's internal recording policy, but because it illustrates the same pattern as Part 15: participation is treated as

satisfied by permitting access to those who already know to ask, rather than by making the record something residents can actually find.

The "by request" mechanism has a further cost worth naming. Requesting a specific recording necessarily identifies the requester to staff — there is no way to watch anonymously. Many residents, particularly those inclined to disagree with a designation, will not want their interest in a specific meeting or topic visible to the staff administering that same process. A video library open to anyone, without a request or a name attached, removes that chilling effect entirely.

17. The map doesn't tell residents what they most need to know

My July 24 and July 27 comments already asked that the future land use map's digital data layer carry a per-parcel attribute for each § 4348a(a)(12)(B) criterion, and that criterion (ii) distinguish existing capacity from capacity sufficient for the development the designation contemplates. I ask that this be extended one step further: the map should also disclose known environmental constraints bearing on a parcel — flood hazard, prime agricultural soils, and CSO-affected drainage among them. CVRPC already does this kind of parcel-level attribute work elsewhere, in its Enhanced Energy Supplement. A map that can show energy attributes but not capacity or environmental attributes has made a choice about what residents are entitled to know, not run into a technical limit.

18. A concrete example of what's missing: Montpelier's combined sewer system

Montpelier's sewer system, like many older Vermont downtowns, combines sanitary sewage and stormwater in the same pipes. In a large enough storm, the combined volume exceeds what the system can handle, and the excess — untreated sewage mixed with stormwater — discharges directly into the Winooski River and North Branch rather than backing up into homes and streets. This isn't a malfunction; it's a known, decades-old design condition the City has been correcting in phases, at a cost of tens of millions of dollars, for years, with years still to go. The City currently operates six such outfalls, in documented violation of Vermont Water Quality Standards under its own state discharge permit (No. 3-1207).

I raise this not to criticize the City — the separation work is costly, real and ongoing — but because, engaged as I am in this process, I did not know these specifics until researching this comment, and if I did not know, most residents affected by growth designations almost certainly do not know either. None of it appears anywhere on the Future Land Use Map. That bears directly on 3 V.S.A. § 6003, which makes meaningful participation in environmental decision-making a matter of state policy with particular

attention to exactly this kind of population, and on 24 V.S.A. § 4302(c) Goal 15, which requires this plan to equitably distribute environmental benefits and burdens.

Standing note: *There is no documentation that Country Club Road's own wastewater service is specifically tied to a CSO-affected line. This is raised throughout the filing record as a general, region-wide planning principle, not a claim specific to any one parcel.*

19. Even CVRPC's own process for fixing this shows the same pattern

CVRPC's Code of Conduct and Public Participation Work Group has spent eight months revising the rules for public comment. Its own published minutes and requested recordings show deliberations substantially organized around managing one identified, highly engaged resident's input — including a sitting Board chair's own on-record warning that uneven discretion to limit comment risks becoming, in his words, "dictatorial powers of chairs."

A similar pattern, which I have not independently verified, has reportedly played out at Two Rivers-Ottauquechee (TRORC), where a commissioner's attempt to yield his own floor time to a resident was reportedly denied by staff on an unwritten, on-the-spot basis.

I raise this last because it is the clearest illustration of why the requests above matter: even when a commission sets out to fix its own participation practices, the process tends to default toward managing individual residents rather than building a standard that works for anyone who shows up.

20. What giving real form to participation would actually look like

It is easy for "public participation" to become a phrase satisfied by attendance logs. CVRPC could put up posters and send notices that say, plainly: come learn what the regional plan and the Future Land Use Map mean for your property. Not a hearing notice — an invitation. It could pose the actual trade-offs residents are being asked to accept, in those terms: should new high-density housing be prioritized in areas where stormwater and sewer systems are already separated, ahead of areas that still discharge into the river during storms? Should clean water and swimming safety factor into where growth is encouraged, and if so, how?

It could also replace the "by request" video recording access model addressed in Part 16 with an open video library — every committee recording posted and watchable by anyone, without asking staff's permission or attaching a name to the request.

None of this requires new statutory authority. It requires CVRPC to treat § 4345a(a)(5)(A) as something to actually build toward, not a phrase already satisfied by the meetings it already holds.

Requested actions (Parts 15–20)

- Extend the per-parcel attribute request already made at Parts 5 and 14 to include known environmental constraints — CSO-affected drainage, flood hazard, and prime agricultural soils — published in the Commission's public map viewer on the same basis as the criteria attributes already requested.
- State whether known environmental capacity constraints bearing on water quality, including documented CSO status, are required to be disclosed as part of the future land use designation process under 3 V.S.A. § 6003 and 24 V.S.A. § 4302(c) Goal 15.
- State whether the § 4345a(a)(5)(A) and § 4348(a) participation duties are understood to reach practical access barriers of the kind described above — meeting-location signage, agenda posting at municipal and library locations, and public accessibility of the committee record — and not only the formal comment period itself.
- Consider recommending that CVRPC, and regional planning commissions generally, replace request-based recording access with an openly posted video library requiring no request or identification to view.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont

4. Third Supplemental Written Comments of Stephen Whitaker — August 4, 2026

**Preapplication RPC03-0001 — Central Vermont Regional Planning Commission
(CVRPC)**

Draft Regional Plan and Regional Future Land Use Map

To: Vermont Land Use Review Board — Act250.Board@vermont.gov

From: Stephen Whitaker, Montpelier, Vermont

Date: August 4, 2026

Preapplication deemed complete: July 8, 2026 · Comment period closes: August 7, 2026

Continues Parts 1–20 of my July 24, July 27, and July 31, 2026 comments under this docket, opening at Part 21. Parts 21–31 are numbered sequentially within four topic clusters: I. Participation; II. Telecommunications and Critical Infrastructure; III. Flood Resilience; IV. Housing and Environmental Justice.

Terms used in this filing. "CVRPC" refers to the Central Vermont Regional Planning Commission generally. CVRPC's Executive Committee adopted the August 3, 2026 amendment to the Rules of Meeting Conduct and Public Participation discussed in Part 23. CVRPC's Regional Plan Committee is a sub-committee of CVRPC, not the full Commission, and is the body that met on August 4, 2026, referenced in Parts 21, 23, and 29. Separately, this filing distinguishes two City of Montpelier bodies: the Montpelier Housing Committee, an advisory committee that met the evening of August 4, 2026, and the Montpelier Planning Commission, the body responsible for the City's official comments to the Board, due August 7, 2026, discussed in Parts 21 and 24.

I. Participation

21. The Board should require the map to display, per parcel, both the criteria met and the criteria lacking, not merely a final classification

CVRPC's Regional Plan Committee's own August 4, 2026 staff memo states, regarding the classification of flood-adjacent developed areas, that when this was discussed with the Board, "the ensuing discussion demonstrated that there is no single accepted interpretation of how these areas should be classified." That admission, from CVRPC's own staff, is symptomatic of a larger problem this comment asks the Board to address directly: the map shows a final color, not the reasoning behind it.

A concrete example surfaced the same evening this comment is being finalized. At a City of Montpelier Housing Committee meeting on August 4, 2026, it was stated, in the course of presenting the mapping work behind the City's growth-area proposals, that a parcel generating fewer than 1,000 vehicle trips per day, characterized as roughly under 100 houses, or located on a road with a posted speed limit under 25 miles per hour, is not required to have a sidewalk to qualify for growth-area classification. I have not verified this against the applicable statewide mapping methodology or the complete-streets standard at 19 V.S.A. § 2401, and I do not believe it is accurate as stated. Whether or not it is accurate, the fact that this kind of claim can circulate

unchallenged in a public meeting, and apparently inform which parcels are proposed for growth-area designation, is itself the problem.

I ask the Board to require, as a condition of any future affirmative determination, that the Future Land Use Map display for each parcel proposed for Planned Growth Area status: (1) which specific statutory and mapping-methodology criteria the parcel satisfies, with the factual basis for each; and (2) which criteria the parcel does not currently satisfy, so that gaps are visible rather than absorbed into a single approved designation.

This request has immediate application. The Montpelier Planning Commission is expected to submit a revised map this week proposing the entire Country Club Road parcel for Planned Growth Area status, among other changes, as described in Part 24.

22. The technical infrastructure for parcel-level transparency already exists; the gap is a scope decision, not a capability limit

Two facts independently establish that the transparency requested throughout this filing is within demonstrated capability. First, CVRPC's own Enhanced Energy Supplement already performs parcel-level attribute mapping. Second, Board Member Alex Weinhagen confirmed in writing (August 3, 2026) that the Board's future land use map viewer is built to display the current adopted or approved version and any proposed update "as different map layers," specifically so a user "can display one or the other to compare." A system already built to render comparable layers for adopted-versus-proposed map versions is capable of rendering comparable layers for classification criteria versus final designation.

Relatedly, at the August 3, 2026 Board meeting, when a member of the public asked who is responsible for telling residents that a twenty-signature petition preserves standing to object to a regional plan after adoption, no regional planning commission representative present had a clear answer, and Mr. Weinhagen acknowledged that this information is not on the Board's own "how to participate" webpage — only in statute.

23. CVRPC's August 3 participation amendment was tested for the first time on August 4 and did not deliver

CVRPC's Executive Committee amendment to the Rules of Meeting Conduct and Public Participation, adopted August 3, 2026, took effect after the close of that meeting, meaning the Regional Plan Committee's August 4, 2026 meeting was the first meeting held under the new policy. I asked the Regional Plan Committee chair near the end of that meeting whether it was an appropriate time for public comment. The chair

indicated only a few minutes remained and that the Committee was not yet finished with its discussion. The Committee then continued its Future Land Use Map and Special Use – Resilience discussion through to adjournment. The comment did not occur.

The same meeting's agenda included a Public Outreach discussion item. That item was not reached before adjournment. No commitment was made, on the record, to a special or follow-up meeting to address either the missed public comment or the unreached Public Outreach item.

24. The Montpelier Planning Commission's vote authorizing its chair to submit comments does not, in my view, validly delegate the substantive parcel-inclusion decisions within that submission

Separately from Part 21, I raise a municipal-level participation concern that parallels the pattern this filing documents at the regional level. Per my direct observation as a participant in this process, the Commission did take a vote — but the vote taken was to authorize its chair to submit comments on the Commission's behalf, not a vote on which parcels to include, exclude, or how to resolve the discrepancies between the Housing Committee's broader candidate list and the narrower list going forward, described in Part 21.

In my view, that distinction matters. Authorizing an individual to transmit a document is different from deciding what the document says. I raise this as my own reading of what a quorum requirement is meant to accomplish, not as a legal conclusion I am asking the Board to adjudicate.

II. Telecommunications and Critical Infrastructure

25. The Utility and Facility Element does not contain the recommendations the statute requires

24 V.S.A. § 4348a(a)(5) requires the utility and facility element to include, for wireless telecommunications facilities and other utilities, "recommendations to meet future needs for those facilities, with indications of priority of need." CVRPC's draft Plan, Chapter 6's Communications section, is a descriptive inventory — providers, coverage areas, siting authority under 30 V.S.A. § 248a — but contains no needs assessment and no priority indications for any communications facility. The section identifies one specific vulnerability on its own terms — that "concerns over E-911 and the reliability of wireless service in a power outage are valid and should be carefully considered" — and

then states no recommendation to address it. A statement of concern is not a recommendation to meet a future need.

26. Backup power for wireless, cellular, and public-safety land mobile radio infrastructure must be treated as a higher priority than the Plan currently reflects, because the traditional fallback no longer exists

For decades, a landline telephone worked during a power outage regardless of whether the customer's own home had power, because the phone company supplied current to the line from battery and generator plant at the central office, not from the customer's premises. CVRPC's draft Plan, Chapter 6, documents that this fallback is disappearing: it reports that "as of 2020 only 12% of Vermonters live in a landline only household," and that landline use "has seen a significant decline as cellular and internet options have abounded."

What is replacing it does not have the same property. Voice service delivered over fiber or cable depends on customer-premises equipment that requires local power at the customer's home to function at all, with battery backup, where provided, typically measured in hours rather than days. Cellular service depends on power at the cell site itself; sites without well-maintained generators and assured fuel resupply go dark during extended outages. Public-safety land mobile radio (LMR) sites face the identical dependency, with the added consequence that a site going dark degrades responders' ability to communicate with each other while responding, not just residents' ability to call for help.

27. Montpelier's regional dispatch facility has already flooded once; this is not a hypothetical risk

Montpelier's police station houses the regional dispatch center serving more than twenty agencies. During the July 2023 flood, the basements of the Montpelier police department, fire department, and City Hall all flooded, and the city was forced to relocate dispatch, police, and fire operations entirely to the Berlin water treatment plant. Three county radio towers used by dispatch were reported non-functional during the same event.

III. Flood Resilience

28. The Flood Resilience Element's public-safety and critical-infrastructure mitigation language does not appear to reach communications infrastructure

24 V.S.A. § 4348a(a)(11)(A)(ii) requires the flood resilience element to recommend policies and strategies to mitigate risks to "public safety, critical infrastructure, historic structures, and public investments" within identified flood hazard and river corridor areas. Communications infrastructure serving public safety — towers, backhaul routes, and facilities supporting dispatch and emergency communications — falls within "critical infrastructure" under the plain language of that provision. I do not see this addressed anywhere in the Flood Resilience Element as drafted.

29. The Plan's resilience framework should affirmatively identify sites capable of serving during disasters, not just classify which parcels to avoid building in

The Regional Plan Committee's August 4, 2026 discussion of the Special Use – Resilience category, like the Flood Resilience Element itself, operates in one direction only: identifying land to be protected or built around. Nowhere in that discussion does the Plan ask the inverse question: which sites in this region are elevated, accessible, and suitable to actively serve the region during a flood event, as staging areas, shelters, or alternate locations for the critical functions Part 27 describes as already having failed once during the July 2023 flood.

I would ask CVRPC to add an affirmative element to the Flood Resilience Element: identification of sites within the region, by virtue of elevation and accessibility, suitable to serve as staging areas, emergency shelters, or alternate locations for critical public-safety functions during a flood event.

Two areas already under the Regional Plan Committee's consideration illustrate why this matters beyond the abstract: the Sugarbush base area, and the Country Club Road parcel in Montpelier, both of which present the elevation and infrastructure characteristics relevant to disaster-response planning.

30. CSO status should be one of the readiness criteria governing future PGA expansion, not just a disclosure item

Part 9 of my July 24 filing asked the Board to require CVRPC to approve Planned Growth Areas minimally and direct any further expansion to the § 4348(j) minor-boundary and § 4348(n) changed-conditions processes, as municipalities

document readiness. This comment proposes a concrete readiness criterion for that framework: where a candidate area is served, directly or indirectly, by a combined sewer system, it should not be treated as ready for growth-area expansion until that system has been separated.

Under-designation is curable — a municipality that documents adequate capacity can seek expansion later. Over-designation is not curable in the same way, and that is even more true where the consequence of premature growth is not merely an unbuilt designation but an active, recurring environmental burden: combined sewer overflow events increase with added flow, and those events fall disproportionately on downstream and lower-income residents.

IV. Housing and Environmental Justice

31. The Plan should address shelter and hygiene infrastructure for residents who will remain unhoused regardless of new housing production, as a matter within its own housing and equity elements

24 V.S.A. § 4348a(a)(9) requires the Plan's housing element to identify regional housing need and include "a set of recommended actions to satisfy the established needs." Unhoused residents are the starkest and most immediate expression of unmet housing need in this region, and I don't believe the Plan currently treats that need as one requiring its own recommended actions, as distinct from the region's general housing production targets.

Under current cost conditions, a single new housing unit in this region runs roughly \$250,000 to \$500,000 to build. At that cost, no realistic level of near-term funding closes the gap for the unhoused population specifically. I would ask that any such recommendations account for three things the Plan does not currently appear to address: first, congregate shelter models do not serve everyone; second, the State's hotel and motel voucher program is rationed and, at current funding and eligibility levels, inadequate to serve as this region's default shelter strategy; and third, the Plan should address non-congregate, lower-barrier shelter options together with hygiene infrastructure, planned as distributed, actively managed sites.

Summary of Requested Findings for the Board (Parts 21–31)

Participation

- Require, as a condition of affirmative determination, that the Future Land Use Map display for each parcel proposed for Planned Growth Area status both the specific criteria satisfied and the criteria not satisfied, with factual basis for each.
- Require publication of the parcel-level classification criteria underlying the Future Land Use Map before any further endorsement.
- Require CVRPC and the Board to add clear disclosure of the twenty-signature objector petition process to public-facing outreach materials.
- Require CVRPC to document, in the plan record, how the Regional Plan Committee's deferred Public Outreach discussion and the missed August 4 public comment will be remedied.
- Note, in evaluating the Montpelier Planning Commission's forthcoming submission, that its content was determined by the Commission's chair pursuant to an authorization vote rather than a vote on the submission's substance, and weigh that accordingly.

Telecommunications and Critical Infrastructure

- Require the Utility and Facility Element to include the § 4348a(a)(5) recommendations and priority-of-need indications it currently lacks.
- Require identification of backup generator power adequacy at wireless, cellular, and public-safety LMR sites as a priority future need.
- Require the Plan to identify the current and any prospective location of the region's dispatch function relative to mapped flood hazard and river corridor areas.

Flood Resilience

- Require the Flood Resilience Element to state whether any wireless, cellular, or public-safety LMR infrastructure has been identified within mapped flood hazard or river corridor areas.
- Require the Plan to address § 4302(c)(14)(C)'s flood emergency preparedness goal specifically as it relates to communications infrastructure.
- Require the Flood Resilience Element to include an affirmative process for identifying sites suitable to serve as staging areas, shelters, or alternate critical-function locations during a flood event.
- Require that future PGA expansion requests under § 4348(j)/(n) include a showing that any combined-sewer-served portion of the proposed area has completed separation.

Housing and Environmental Justice

- Require the housing element to include specific recommended actions addressing residents who will remain unhoused within the Plan's planning horizon.
- Require the Plan to address non-congregate shelter options and hygiene infrastructure as a distinct public facility need, planned as distributed, managed sites.
- Require the Plan to state explicitly that the State's hotel/motel voucher program is not sized to serve as the region's default shelter strategy.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont

5. Fourth Supplemental Written Comments of Stephen Whitaker — August 5, 2026

Preapplication RPC03-0001 — Central Vermont Regional Planning Commission (CVRPC)

Draft Regional Plan and Regional Future Land Use Map

To: Vermont Land Use Review Board — Act250.Board@vermont.gov

From: Stephen Whitaker, Montpelier, Vermont

Date: August 5, 2026

Preapplication deemed complete: July 8, 2026 · Comment period closes: August 7, 2026

Continues Parts 1–31 of my July 24, July 27, July 31, and August 4, 2026 comments under this docket, opening at Part 32.

V. Scheduling and Process Integrity

32. The compressed adoption schedule creates a notice-timing bind the Board should be aware of before it relies on CVRPC's process

Preapplication feedback under this docket is expected September 7-8, 2026. CVRPC has indicated an intent to have an adopted plan submitted to the Board by October 1, 2026. I raise this timeline because I believe it creates a conflict with the plan's own notice requirements.

24 V.S.A. § 4348(d)(1) requires that the proposed plan and supporting materials be delivered to the statutory notice list at least 30 days before the first public hearing. 24 V.S.A. § 4348(f) separately requires that any revisions made in response to review comments be delivered to municipalities and requesting parties at least 30 days before the final public hearing. Applied to a plan substantively revised in response to the Board's September 7-8 feedback, either provision places the earliest lawful hearing date at approximately October 8, 2026 — after CVRPC's own October 1 target.

Requested action. Ask the Board to require CVRPC to state, before or concurrent with its response to this preapplication docket, which of two paths it intends to take: (1) hold its hearings after substantive revisions are complete, with notice timed accordingly, which would place adoption after October 1; or (2) hold its hearings on a plan that does not yet incorporate the Board's feedback.

33. CVRPC's Executive Director has indicated an expectation that much of the Board's feedback may not be treated as required

At CVRPC's Regional Plan Committee meeting on July 7, 2026, Executive Director Christian Meyer stated, regarding the Board's forthcoming preapplication feedback: "I don't anticipate a lot of them will be mandatory, and a lot of them will be recommendations that we can choose to integrate into our new plan next year."

I raise this because it bears directly on how the Board should weigh its own review. This matters specifically for the comments I have filed under this docket. I have made an extensive, sourced record across four filings addressing statutory gaps in the utility and facility element, the flood resilience element, the housing element, and the plan's participation practices.

34. No forum currently exists on CVRPC's own calendar to develop the public participation strategy this filing has repeatedly requested, and the three things the law requires cannot all be satisfied on the current schedule

CVRPC's Regional Plan Committee meeting on August 4, 2026 did not reach either its Public Outreach discussion item (5:15 PM) or its Regional Plan Schedule Updates item

(5:25 PM), adjourning directly from its Future Land Use Map discussion. No commitment was made to reschedule either item.

The Committee's own agenda for that meeting states, at the bottom of the document: "Next Meeting: 1 September 2026." That date is, in any case, before the Board's preapplication feedback is expected (September 7-8), meaning even that meeting cannot substantively address the feedback that is driving the balance of this schedule.

A special meeting is not a hypothetical option here — it was already under active discussion at the August 4 meeting itself, for a different, narrower purpose. When I raised whether a special meeting might be needed, a Committee member confirmed one could be held to bring the full Committee back together for that unresolved item.

I want to be direct about what this adds up to. Over the past year, I have participated in this process consistently, and at nearly every turn where that participation could have been given practical effect, it has instead run into a closed door, literally and otherwise. A locked meeting-room door at two consecutive meetings this week, a participation-rules amendment adopted one meeting too late to apply to the meeting that prompted it, an agenda item on outreach deferred twice without a rescheduled date, and a standing-preservation requirement the Board's own member has confirmed isn't published where a resident would find it, are all part of the same pattern.

I raise this because I believe three things the law requires cannot all be true at once on the schedule currently in view: that comments already made be given genuine effect rather than deferred; that the public participation process required by 3 V.S.A. § 6002(6) and § 4348a actually be developed and carried out, not merely intended; and that the public have a meaningful opportunity to attend a hearing with prior access to the actual version of the plan being discussed there.

35. Physical map materials made available to the public are incomplete relative to the region

This is a further instance of the access gap described in Part 21. The copies of the draft Plan and map deposited at the Kellogg-Hubbard Library in Montpelier include individual map excerpts for only six of this region's twenty-three municipalities — Berlin, Calais, East Montpelier, Middlesex, Worcester, and Montpelier. Residents of any of the other seventeen towns visiting that library have no way to view their own town's map there, and no visitor to that library can view the region as a whole.

Summary of Requested Findings for the Board (Parts 32–35)

- Require CVRPC to state, before or concurrent with its response to this preapplication docket, whether its public hearings will be held before or after substantive revisions responding to the Board's feedback are complete, and to confirm the applicable notice requirement under § 4348(d)(1) or § 4348(f) will be satisfied.
- Note, in weighing its own preapplication review, that CVRPC's Executive Director has indicated an expectation that much of the Board's feedback may be treated as optional and deferred to a future plan cycle.
- Require CVRPC to provide accelerated notice to the public — as soon as its hearing date is set — specifically informing residents that written or oral comment at that hearing is the prerequisite to preserving § 4348(i) objection rights.
- Require CVRPC to identify, in writing, when and how it intends to develop the public participation strategy this filing has requested.
- Require CVRPC to ensure that physical map and plan materials placed at public libraries and town offices cover the full region, not a sub-regional subset.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont

6. Fifth Supplemental Written Comments of Stephen Whitaker — August 6, 2026

Preapplication RPC03-0001 — Central Vermont Regional Planning Commission (CVRPC)

Draft Regional Plan and Regional Future Land Use Map

To: Vermont Land Use Review Board — Act250.Board@vermont.gov

From: Stephen Whitaker, Montpelier, Vermont

Date: August 6, 2026

Preapplication deemed complete: July 8, 2026 · Comment period closes: August 7, 2026

Continues Parts 1–34 of my July 24, July 27, July 31, August 4, and August 5, 2026 comments under this docket, opening at Part 35.

35. Requiring genuine per-parcel criteria documentation will necessarily narrow this cycle's Planned Growth Area ambitions, and that is a feature, not a cost, of taking Parts 21-22 seriously

If the Board adopts the per-parcel documentation standard requested in Parts 21-22 — showing, for each parcel proposed for Planned Growth Area status, which statutory criteria are met, which are not met, and which have not yet been reviewed — that standard cannot be satisfied on the current schedule for every parcel currently proposed. CVRPC's own August 4, 2026 staff memo already documents that classification methodology remains unsettled even among Board members. Genuine documentation, done honestly rather than as a formality, takes time that this cycle's October 1 target does not appear to allow across the full scope of area currently contemplated.

I raise this because I believe that is the correct outcome, not an unintended side effect to be minimized. A regional plan adopted this year does not need to resolve every candidate Planned Growth Area this year. Parcels that cannot yet be documented to the standard the statute contemplates are better identified now as candidates for a future plan amendment than designated now on an incomplete record.

36. Criterion (ii) should require demonstrated capacity for the development contemplated, not merely the presence of water and wastewater service

24 V.S.A. § 4348a(a)(12)(B)(ii) asks whether an area is served by existing water and wastewater service. As written, and as CVRPC's methodology appears to apply it, this is treated as a binary: a parcel with any water and sewer connection is scored as served, regardless of the scale of development the Planned Growth Area designation contemplates relative to what that connection can actually support. That reading rests on an assumption the statute does not require: that existing service implies existing capacity. A connection sized to serve a golf course clubhouse and restaurant is a real, existing service — and is not evidence of capacity to serve the scale of housing development a Planned Growth Area designation is understood to enable. Where expanding that capacity would require infrastructure investment in the tens of millions of dollars, with no capital program under § 4430 identifying it, "served" and "capable of serving the contemplated development" are materially different findings.

37. A Planned Growth Area designation for Country Club Road would set up a Tier 1A application this parcel's complexity cannot

responsibly be reviewed under, and that risk counsels against the designation now

I filed a Request for Jurisdictional Opinion under 10 V.S.A. § 6007(c) with District 5 Coordinator Susan Baird on January 28, 2026, concerning Act 250 applicability to the proposed redevelopment at 203 Country Club Road, and filed a supplement on March 17, 2026 detailing the segmented roadway work affecting Route 2. That request remains unanswered as of this filing — over six months later. Separately, on July 28, 2026, I raised with the Agency of Transportation a specific question about its concurrent jurisdiction under 19 V.S.A. § 1101 over roadway work near this parcel. I have not yet received a substantive response to either.

I raise this not for the engineering specifics, which are not properly before this Board, but for what it illustrates about the consequence of the designation itself. A Planned Growth Area designation does not grant Tier 1A status — it makes the parcel eligible to apply for it, under a separate application subject to § 6034's own, considerably compressed statutory review period. A parcel with this many live, unresolved threads is not a parcel this Board can responsibly evaluate within that compressed window.

38. Planned Growth Area expansion region-wide should not outpace separation of combined sewer overflow systems from sanitary sewer capacity

As raised in my July 31, 2026 filing, portions of the region's wastewater infrastructure — including Montpelier's — operate as combined sewer overflow systems. I do not have documentation that Country Club Road's own wastewater service is specifically tied to a CSO-affected line, and I am not raising this as a parcel-specific claim about that site. The point I ask the Board to weigh is a planning principle that applies across every Planned Growth Area proposed in this draft Plan, not any single one: adding significant new sanitary sewer demand anywhere in the region onto infrastructure that still periodically discharges raw sewage should not outpace separating stormwater capacity from sanitary sewer capacity.

Requested actions (Parts 35–38)

- Require, before confirming any Planned Growth Area designation, that the per-parcel documentation described in Parts 21-22 actually exists for that parcel, and exclude any parcel lacking it from this cycle's designations.

- Require, for any parcel relying on 24 V.S.A. § 4348a(a)(12)(B)(ii)'s water/wastewater criterion, a demonstration of capacity adequate to the scale of development contemplated, not merely the presence of existing service.
- Require CVRPC to address, region-wide, whether the pace of Planned Growth Area designation accounts for combined sewer overflow capacity constraints before adding sanitary sewer demand.
- Decline to designate Country Club Road as a Planned Growth Area in this cycle, given the unresolved Act 250 jurisdictional opinion pending since January 2026, the unaddressed question of concurrent state highway jurisdiction, and the compressed Tier 1A review window a designation would set in motion.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont

7. Sixth Supplemental Written Comments of Stephen Whitaker — August 6, 2026

Preapplication RPC03-0001 — Central Vermont Regional Planning Commission (CVRPC)

Draft Regional Plan and Regional Future Land Use Map

To: Vermont Land Use Review Board — Act250.Board@vermont.gov

From: Stephen Whitaker, Montpelier, Vermont

Date: August 6, 2026

Preapplication deemed complete: July 8, 2026 · Comment period closes: August 7, 2026

Continues Parts 1–34 of my July 24, July 27, July 31, August 4, and August 5, 2026 comments, and Parts 35–38 of my Fifth Supplemental filed August 6, 2026, under this docket, opening at Part 39.

39. Brownfield remediation timing, traffic impacts, and capital-budgeting certainty should be resolved before Planned Growth Area designation, as a matter of logical sequence, for any brownfield parcel proposed in this draft Plan

Where a parcel proposed for Planned Growth Area status is a brownfield enrolled or eligible for enrollment in Vermont's Brownfields Reuse and Environmental Liability Limitation Act (BRELLA) program, 10 V.S.A. §§ 6641–6656, state law and DEC's Investigation and Remediation of Contaminated Properties Rule establish a fixed sequence: site investigation, then a Corrective Action Plan (CAP), then DEC approval of that CAP, then implementation. Until a CAP is approved, the remedy that will govern the site does not yet legally exist.

This bears directly on two things a Planned Growth Area designation implicitly represents. First, capital budgeting: § 4430(b) requires a capital program to state each project's estimated total cost, method and source of financing, and priority ranking. None of that can be done credibly for infrastructure that must be routed through, or connected across, a site without an approved CAP. Second, traffic impact: remediation method drives remediation traffic, and neither the scale nor the duration of that impact is knowable before a CAP is approved.

There is also a structural timing mismatch: § 4430 sets a six-year capital-planning horizon (one-year budget plus five-year program). CVRPC's own consultant, Stone Environmental, has put BRELLA project completion for the Country Club Road brownfield at 2030 — beyond that six-year window unless the capital program is continuously re-adopted and rolled forward every year. Nothing in this draft Plan or CVRPC's designation methodology shows that ongoing re-adoption is planned, required, or even contemplated.

I am not asking the Board to evaluate any specific parcel's remediation status here; that determination belongs to DEC. I am asking the Board to recognize the logical conclusion this sequencing compels: a capital program that cannot be credibly built cannot supply criterion (vii)'s planned-infrastructure showing, and this conclusion applies to every brownfield parcel proposed for Planned Growth Area status lacking an approved CAP, not to any single one.

40. Primary agricultural soils protection should be part of the Planned Growth Area designation determination for any brownfield parcel carrying primary agricultural soils, and food-grade remediation adequacy is a related gap the Board should ask CVRPC to address

24 V.S.A. § 4302(c) Goal 9(B) commits the state to the protection and continued productivity of viable primary agricultural soils. Act 250 Criterion 9(B) is the existing regulatory mechanism that enforces it today — a mandatory, judicially enforceable

permit condition carrying a fixed mitigation ratio of no less than 2:1 and no more than 3:1 for impacted primary agricultural soils. A Tier 1A designation removes Criterion 9(B) review from the process entirely.

I ask the Board to require that this draft Plan's own Planned Growth Area criteria, or the § 6034 Tier 1A checklist, identify what — if anything — replaces Criterion 9(B) review before, not after, a parcel carrying primary agricultural soils is designated. This requirement stands independently of Part 39's Corrective Action Plan requirement and is not satisfied by it: an approved CAP resolves contamination remediation generally, evaluated against DEC's Residential or Commercial Soil Values, neither of which addresses food-crop exposure.

Vermont's soil cleanup framework, administered by DEC, evaluates remediation adequacy against Residential Soil Values and Commercial Soil Values. Neither addresses a food-crop ingestion exposure pathway. A site remediated to a standard sufficient for residential or commercial reuse is not thereby shown to be safe for continued food cultivation.

41. A Planned Growth Area designation should not credit site-specific planning intent, under criterion (v) or otherwise, unless that planning was actually adopted through the process 24 V.S.A. §§ 4384–4385 require

24 V.S.A. § 4348a(a)(12)(B)(v) asks whether "the municipal plan indicates" that an area is planned for compact, higher-density development. That criterion refers to the municipal plan — the document Chapter 117 defines and governs, whose required content is set by 24 V.S.A. § 4382(a) and which becomes part of the plan only through the warned public hearings before the planning commission and legislative body that 24 V.S.A. §§ 4384–4385 require. A concept map, site design, or consultant deliverable that has not gone through that adoption process is not the municipal plan, whatever its quality or however closely it resembles one.

This problem compounds where the parcel is also a brownfield, as discussed in Part 39. A concept-level site plan for a brownfield necessarily depicts road alignments, building footprints, and infrastructure routing before a Corrective Action Plan has been approved — meaning the very layout it shows is provisional by definition. Criterion (v) and criterion (vii) fail together on this record, for the same underlying reason: neither an adopted plan nor a credible capital program can rest on a site whose physical remedy has not yet been determined.

Requested actions (Parts 39–41)

- Do not designate, and do not credit under criterion (vii), any brownfield parcel as a Planned Growth Area or Tier 1A-eligible without an approved Corrective Action Plan.
- Require this draft Plan's Planned Growth Area criteria, or the § 6034 Tier 1A checklist, to identify what replaces Act 250 Criterion 9(B) review for any parcel carrying primary agricultural soils, before that parcel is designated.
- Require, for any Planned Growth Area parcel where criterion (v) is asserted to be met, confirmation that the site-specific planning relied upon was actually adopted as part of the municipal plan through the 24 V.S.A. §§ 4384–4385 process, not merely produced or referenced as a concept.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont

8. Seventh Supplemental Written Comments of Stephen Whitaker — August 7, 2026

Preapplication RPC03-0001 — Central Vermont Regional Planning Commission (CVRPC)

Draft Regional Plan and Regional Future Land Use Map

To: Vermont Land Use Review Board — Act250.Board@vermont.gov

From: Stephen Whitaker, Montpelier, Vermont

Date: August 7, 2026

Preapplication deemed complete: July 8, 2026 · Comment period closes: today, August 7, 2026

Continues Parts 1–41 of my July 24, July 27, July 31, August 4, and August 6, 2026 comments under this docket, opening at Part 42.

42. A question for the Board: who checks whether a document labeled a §4430 capital program actually is one?

Section 4430 sets out what a capital budget and program must contain: a description and cost estimate for each project, a priority order, a financing breakdown (direct appropriation, reserve funds, federal or state funds, impact fees, or bonded obligations), and "an estimate of the effect, if any, upon operating costs." The only review the statute itself provides for is subsection (c) — a municipality's own planning commission may, at its option, recommend the budget and program to its own legislative body for conformance with the municipal plan. Nothing in section 4430 or in criterion (vii)'s cross-reference to it assigns any body — CVRPC, the Board, or anyone else — the job of checking whether a document a municipality calls its "capital improvement program pursuant to section 4430" actually contains what subsection (b) requires before that document is credited toward a Planned Growth Area designation.

I'd ask the Board directly: when a criterion (vii) showing rests on a capital improvement program, does the Board (or does it expect CVRPC) to review that document against section 4430(b)'s specific content requirements — priority order, financing detail, operating-cost effect — or is the label itself, applied by the municipality or the regional commission, taken at face value absent a challenge in the record? I raise this because the same question has a direct precedent in this docket's own history: a Regional Planning Commission's confirmation that a municipal plan is "approved" under section 4350 was accepted without independent review, a confirmation I have separately challenged and which remains pending before the Vermont Supreme Court in Docket No. 26-AP-064. If capital programs are credited the same way — by label rather than by review — a designation could rest on a document of any quality that happens to call itself compliant.

Requested actions

- Confirm, for the record, whether the Board or CVRPC reviews a capital improvement program's content against section 4430(b) before crediting it under criterion (vii), or whether the document's own label is accepted at face value.
- If no such review currently occurs, consider whether the Tier 1A Application Guidelines or the Board's preapplication feedback should establish one, given that section 4430(c)'s own internal check is optional and confined to conformance with the municipal plan rather than to the statute's content requirements.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont

9. Closing Comment and Consolidated Synthesis — August 7, 2026

Preapplication RPC03-0001 — Central Vermont Regional Planning Commission (CVRPC)

Draft Regional Plan and Regional Future Land Use Map

To: Vermont Land Use Review Board — Act250.Board@vermont.gov

From: Stephen Whitaker, Montpelier, Vermont

Date: August 7, 2026

Preapplication deemed complete: July 8, 2026 · Comment period closes: today, August 7, 2026

This closes my written comments under this docket — eight filings since July 24, running to forty-two numbered points. I don't want to send the Board a forty-third point, or a table of contents. What follows is the idea that was underneath all of them, said plainly, without asking anyone to go back and match it to a part number or a section citation.

The idea underneath all of it

Everything in this record traces back to one dependency chain, and the chain only runs in one direction.

Start at the ground. A site's contamination has to actually be delineated — mapped, sampled, understood — before a municipal plan can responsibly describe what happens there. A plan compliant with Chapter 117 is supposed to say where development goes and at what density; it can't say that honestly for ground whose contamination footprint isn't yet known. That's not a formality. It's the difference between a plan describing a place and a plan describing a hope about a place.

Once that's settled, the plan has to actually lay out — even conceptually — where roads, water, and sewer would go before anyone can build a real infrastructure plan around it. You can't cost, finance, and schedule a pipe whose route hasn't been decided. A concept-level roads-and-utilities picture is an input a capital budget needs; it isn't something a capital budget can substitute for or invent on its own.

A town's capital budget is usually thought of as a bookkeeping document — a schedule of what gets paid for and when. It's actually something more useful than that. When a

road, a sewer main, or a water line shows up on a six-year capital program with a cost and a priority attached, that's the town saying, in a form anyone can check: this is real, this is funded, this is coming. When something doesn't show up, that's just as informative — it tells you the town hasn't gotten there yet, whatever the plan's narrative language might say. That visibility is what makes a capital program a public-participation tool, not just a finance document. A resident doesn't need to master planning law to look at a capital schedule and see whether their street's deferred maintenance is funded in year two or isn't funded at all. That's a much fairer way to find out what a town actually intends than parsing a growth-area map or a plan's aspirational language for the same answer.

There's a second layer to this, and it's easy to miss. A capital schedule isn't a one-time snapshot — projects slip, financing falls through, priorities shift, almost as a matter of course. That's usually treated as a bureaucratic inconvenience. It's actually a second, ongoing participation opportunity, distinct from the first. When a scheduled project stalls, a town has a real choice: let that year's allocated money sit idle, or move a different, ready project up to use it. A visible schedule — the town's top handful of projects, what's funded, what's stalled, and why — turns that choice into something the public can see and weigh in on, rather than something that happens quietly inside a public works department. It functions less like a ledger than a dashboard: what's moving, what's stuck, and what a stall opens up for everything behind it in line.

That's four links — delineation, plan, infrastructure layout, capital budget — and every one has to hold before the next one means anything. A designation that skips ahead of that chain isn't a shortcut. It's a designation resting on a step that hasn't happened yet.

For anyone who wants the citation trail rather than the plain version: this is criterion (ii)'s "served" question, criterion (v)'s adopted-plan requirement, and criterion (vii)'s capital-program requirement, read together rather than as three separate boxes to check.

None of that chain does anyone any good if it isn't visible parcel by parcel. The map itself needs to show, for each parcel, which of these links actually hold — not just a final classification, but why: this parcel has a delineated site, a plan reference, a costed infrastructure line, and that one doesn't. Two parcels a few hundred feet apart can look identical on today's map even though one has completed every step above and the other hasn't started. Without that detail, a neighbor can't tell why their parcel was left out while the one next door made the cut, and nobody outside CVRPC can check the chain at all — they can only take the classification on faith. CVRPC already does this kind of layered, per-parcel attribute display elsewhere in its own mapping work, so

showing the criteria basis parcel by parcel is a scope decision, not a technical limitation.

The last link is what makes this urgent rather than academic. A Planned Growth Area designation is, in practice, close to permanent — the regional plan isn't appealable, and PGA status opens the door to a Tier 1A process that removes Act 250 review, the one forum built to catch what a designation misses. Undesignating a parcel later, after the fact, is far harder than designating it now was. Declining to designate now costs almost nothing by comparison — a parcel that isn't ready can be added next cycle once the chain above actually holds, and actually shows. That asymmetry is the whole argument in one sentence: when a decision is nearly impossible to undo, the burden belongs on showing readiness now, visibly, not on explaining later why it should have waited.

Why it matters beyond this parcel and this plan cycle

This same logic is what should govern how the region prioritizes the harder work still ahead — traffic and transportation mitigation, flood and disaster resilience, and hardening the region's emergency communications, including backup power for dispatch and closing the dead zones in cellular coverage. None of that gets prioritized well without the same capital-budget specificity behind it: knowing what's funded, what isn't, and in what order. I don't expect the telecommunications and dispatch-hardening piece to be resolved in this plan cycle — that's next year's work — but it belongs on the same track, for the same reason.

CVRPC isn't the only regional commission working through this framework, and this isn't the last plan that will come before the Board under it. Whatever standard of documentation gets expected here — that infrastructure has to be actually budgeted, not just intended, before it can justify where growth goes — is likely to be the standard other regions build toward as their own plans come up. That's worth getting right the first time it's tested.

On public participation, going forward

The written comment period closes today, but the record doesn't close with it — CVRPC's adoption process and the Board's later consistency review both remain open. I'd encourage the Board to treat the participation gaps in my earlier filings as something to keep working on through those next stages, not something this deadline closes out. And I'd encourage anyone who hasn't weighed in yet to do so before decisions get harder to revisit. A designation is easy to grant and hard to undo; a comment is the reverse.

Requested actions

- Require, region-wide, that the dependency chain actually hold before a Planned Growth Area designation is credited: site contamination delineated, a Chapter 117-compliant municipal plan resting on that delineation, a concept-level roads/water/sewer layout in that plan, and a capital budget costing and scheduling that layout.
- Require that the map display, per parcel, which links in that chain are satisfied and which aren't — not just a final classification — so residents can see why one parcel qualified and a neighboring one didn't, using the same layered attribute display CVRPC already uses elsewhere in its own mapping work.
- Treat capital-budget specificity — an actual line item, year, and cost, not a statement of intent — as the standard for crediting "planned" infrastructure toward a growth designation.
- Weigh the asymmetry directly: because a designation is functionally permanent and non-designation is easily cured next cycle, the burden belongs on demonstrating the chain is complete now, not on justifying a delay.
- Carry the participation-process concerns raised earlier in this docket forward into CVRPC's adoption process, rather than treating them as resolved by this cycle's comment period.
- Preserve this record for the Board's later consistency review, since the same documentation questions will still be live at adoption regardless of how CVRPC's own process unfolds between now and then.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont

Transcript of the CVRPC Regional Plan Committee Meeting and Public Hearing
held September 14, 2026 on the subject of the 2026 Central Vermont
Regional Plan

00:09:24

John Brabant: Okay, well, let's go. Anybody in the room or online have any comments specific to the draft plan that's out for public evaluation and comment?

00:09:34.260

John Brabant: We'll start in the room.

Steven Whitaker: Open the public...

Christian Meyer: Yeah, we need to do that step first.

Steven Whitaker: Mr. Chair, open the public hearing.

00:09:44.420

John Brabant: It's open.

And I just ask for anybody to raise their hand to... if they have any comments, we'll call on you.

00:09:51.860

Christian Meyer: Staff just has a little preamble that we'll read through and enter comments in from the last hearing into this hearing as well, just to ensure they're on the record.

Just to state that this is the second hearing of the draft 2026 Central Vermont Regional Plan, held pursuant to 224 VSA Section 4348. The first hearing was held on September 8th, 2026. An additional hearing will be held on October 20th, 2026.

Notice for this hearing was published in the Barry Montpelier Times August on October 12th. The draft plan required... September 12th. September 12th. Okay. No, August 12th. Yeah. August 12th. October, September, August. Was published on August 12th.

And, yeah, we're a little ahead. And the draft plan and required documents were sent to all required partners, municipalities, and adjacent regional planning commissions. Any comments made tonight, written or oral, will be entered into the record of the hearing and will satisfy the participation requirement of Section 4348I. Testimony will be welcomed by committee members and the public. Written comments can be submitted to Banbury, B-A-N-B-U-R-Y, Banbury at cvregion.com.

In-person members, of the public will be called on in the order they have signed in.

We will then welcome comments from members of the public attending remotely, in the order in which hands have been raised. Finally, any other members of the public will be given an opportunity to comment.

As stated at the September 8th hearing of the Regional Planning Commission, staff are entering all written and oral testimony received prior to today's hearing into the record, including testimony by Alan Goldman of Montpelier, who spoke at the September 8th meeting.

Testimony by Amy Hornblass of Cabot, who spoke at the September 8th meeting. Testimony by Carrie MacMillan of Waterbury, who submitted written comments on September 26th.

So-called Exhibit A. Karen Horne of Moretown, who submitted comments on August 31st, Exhibit B, commenting as an individual, not in her capacity as a planning commissioner.

Where was I? Sorry. Ken Denton of Cabot, who spoke at the September 8th meeting, or hearing. Steven Whitaker of Montpelier, who spoke at the September 8th hearing.

Thomas Weiss of Montpelier, who spoke at the September 8th hearing and submitted written comments. Exhibit C on September 1st, 2026, and Exhibit D on September 9th.

And the transcript from the September 8th hearing is included in the meeting record as Exhibit A.

E. E, sorry, said the E.

And with that, who do we have from the room? We have Thomas Weiss, you're top of the list.

Thomas Weiss: I'll... I'll let Steve go first.

Christian Meyer: Steven?

Thomas Weiss: I went first last time.

Christian Meyer: Fair enough.

Steven Whitaker: Good evening, Steven Whitaker.

If... behalf of myself and on behalf of ASAP for CV,

Patient, patient, so...

00:13:15.290

John Brabant: Patient, patient, Steve, Steve um can we... I'm just looking, we have more people in the room than I thought online. If I could ask everyone to keep their comments to 5 minutes, and if you need to speak beyond that we'll give everyone else an opportunity, we can circle back to you to finish up your comments, okay?

00:13:32.300

Steven Whitaker: That's fine?

00:13:33.330

John Brabant: Great, thanks, Steve. And that goes to.

00:13:34.860

Steven Whitaker: I haven't timed a time... I haven't timed mine, but I think I can fit this easily in 5 minutes.

00:13:40.660

John Brabant: That's good. Thank you.

00:13:43.640

Steven Whitaker: I said, individually on... and on behalf of Accountable, Sustainable, Affordable Planning for Central Vermont.

First, a procedural objection, renewed and reserved. I renew the objection I raised on September 8th to this hearing being conducted by the Regional Plan Committee, rather than the full Board of Commissioners.

Chair's position that...

the statute doesn't require the full board specifically that a committee may act as the Commission's instrumentality, so long as the full board is the body that ultimately adopts the plan. I don't concede that reading. I'm not re-litigating it tonight. I'm renewing it and reserving all rights on that objection.

By submitting, for the record of tonight's hearing, a PDF compilation of the written comments I filed with the Land Use Review Board between July 24 and August 7th. 42 numbered points.

Staff stated on September 8th that all submitted comments, including mine, quote, have been reviewed.

I'm not asking the committee to re-read them tonight, I'm asking that this compilation be entered as an exhibit to see the RPC's own record.

Not just the Board's record, and that staff state, point by point, or by category, which have been accepted, which have been rejected, and which have not been addressed.

The per-parcel criteria certification and map change descriptions don't go away at adoption. They come back separately. I've asked repeatedly for parcel-level documentation of which of the seven 4348A (a)(12)(B) criteria each proposed growth planned growth area meets, and for a description of proposed future land map changes, land use map changes. I want to flag something for the Commission before it treats those as a pre-application stage ask it can finish satisfying with a checklist.

24 VSA 4348D1, the pre-application provision, requires 3 items. The plan, a report documenting conformance, and a description of map changes.

LURB's Application Guidelines, Section 1.106 (A) lets a checklist stand in for that report at this stage. But 4348H1 imposes the same duty a second

time, independently, when the adopted plan is actually submitted to LURB as the statutory application, and the guidelines owned Section 1.302A

listing what the application must contain doesn't mention a conformance report or a map change description at all. Nothing lumps that requirement away. It's simply not addressed.

So, whatever... gets waived or checklist substituted here at pre-application, this commission will still need real parcel-level documentation and a real map change description when it submits the adopted plan, because at that stage, unlike this one, there's no checklist provision even purporting to cover for it.

Building that record now costs less than being caught without it twice.

Uh... Notice posting.

Actually... I'm gonna insert a paragraph from my testimony to the LURB.

Section 4348A, paren A 12 B says these areas should generally meet 7 specific checkable criteria. Quote, the word should is defined by statute as encouraged, not mandated, but that can't mean the criteria go unevaluated. RPC can't generally meet criteria, it never checks.

Right now, the checklist template at LURB doesn't ask for a criteria-by-criteria showing at all, just one box per area checking off an undefined, quote, mapping process and standards.

I've looked at another RPC's completed application under the same template. That's Lamoille County. 45 pages, genuinely thorough on the general goals, and still never cites the seven criteria by number for a single parcel. That tells me it's a template defect.

So, next topic is notice postings. Precision, not repetition. I've raised the Commission's failure to post meeting notices at City Hall and the Kellogg Hubbard Library before, multiple times, and that stands on the record.

I want to be specific about where, because it matters. 1VSA 312C2 and the parallel posting requirements elsewhere in statute point to the municipal clerk's office

and a designated public bulletin board, not just generically, quote, City Hall, as an undifferentiated building. These two locations are where most residents cross paths with the city and regional notices day to day.

And this commission already knows that. It's exactly where staff chose to post the regional plan at the Kellogg Hubbard Library and some of the accompanying maps. If posting there was the obvious choice for the plan, it's the obvious choice for notice of meetings about the plan.

I asked the Commission to confirm specifically whether meeting notices have been posted at the Montpelier City Clerk's Office and the City's designated bulletin board, and if not, to start doing so.

So, the requested actions are enter my compiled LURB comments as an exhibit to CVRPC's own docket, provide a point-by-point accounting of their disposition, confirm the personal level 4348A, paren A, per N12, Paran B documentation, and a map change description will be produced at the 4348H1 application stage. Regardless of what pre-application checklist practice covered.

Confirm whether notices have been posted specifically at the City Clerk's Office at the Kellogg Hubbard Library.

Thank you.

Lorraine Banbury: Steven, can you please send this to me as a PDF? You said that you submitted a PDF, but you've submitted printed paper copies.

Steven Whitaker: I'll consider it, I'm waiting on a whole lot of things from y'all, so let's see how cooperative you... this gets.

Lorraine Banbury: So you're saying...

Steven Whitaker: I'm not agreeing on the record to send that to you, PDF, right now.

00:20:26.570

John Brabant: Okay, moving on, also in the room, Thomas Weiss, would you like to... Present any new comments?

00:20:35.740

Thomas Weiss: I would. I'm Thomas Weiss, a resident of Montpelier. As Mr. Meyer mentioned, I've made written comments and previous oral comments, but I don't think I've made this particular one too, as part of the public hearings for this comment, either record of our board.

And I remind the committee, and through the committee, the committee being the Regional Plan Committee.

And through you, I remind the entire Board of Commissioners that the Land Use Review Board expects you, as the applicant of the plan, to review and respond to all public comments, including those submitted to the LURB, that the LURB forwarded to the Commission.

The LURB's guidance on applications and the... response letter that the LURB sent to you on the pre-application both indicate that the LURB does not review public comments or comments that they receive as part of the pre-application process, and they expect that you will review and respond to each of those comments.

The LURB's provisional appears to comply... is... does not give, I don't believe the Planning Commission a blanket authority to, or license to not review those comments, where the public, or members of the public, think that the plan is not compliant in certain specific areas.

00:22:25.950

John Brabant: Thomas, just if I can inter... interrupt, we have a period of a few days after... hold on... after, the close of the second comment period, to do that, provide a response to comment.

So, go ahead, I just wanted to let you know that.

00:22:47.840

Thomas Weiss: I'm not sure what the intent of that response was.

00:22:54.120

John Brabant: Well, no, the response was, your concern was that we, the CVRPC, provide responses to the public comments received. both at the LURB, where the LURB said they don't have authority, I was at that meeting, or jurisdiction, and that... and they directed to the CVRPC to review those comments, and for you to submit those comments to the CVRPC, and I'm telling you that we're going to respond to those.

00:23:21.480

Thomas Weiss: And...

00:23:21.800

John Brabant: At the end of the public comment period, but, it will be after the second hearing.

00:23:27.790

Thomas Weiss: Meaning the one in October.

00:23:30.550

John Brabant: Right.

00:23:32.440

Central VT RPC: October 20th, or whatever day it's called. Right.

00:23:35.350

John Brabant: We have a space of a few days afterward to do that. And we can respond in between, too, if staff time allows. Go ahead, Tom. Thomas.

Is that... is that it, Thomas, for your comments?

00:23:54.340

Thomas Weiss: That's it?

00:23:55.230

John Brabant: Oh, okay.

00:23:56.040

Central VT RPC: Isn't it enough? I mean, I...

I shouldn't be glib about it. I have made a lot of other comments. This is one that I have made in this room in the last two months, but I don't believe it was a comment that I had made as part of the public hearing process.

00:24:12.460

John Brabant: Okay.

00:24:12.980

Thomas Weiss: So that's why...

00:24:13.790

John Brabant: And... And you... if you... you are aware of the conversation at the last Regional Plan Subcommittee meeting where we ensured that, or was it the full commission that we ensured that, there's adequate.

00:24:29.700

Thomas Weiss: It doesn't matter.

00:24:30.360

John Brabant: on the plan.

00:24:30.760

Central VT RPC: Which one. I've made my comment, you can respond. I made my comment.

00:24:34.830

John Brabant: Alright, I just didn't want you to go away upset. Anybody else in the room? And if not, anybody online. Please raise your hand, and we'll... Call on ya.

Let's see, we have Montpelier out there. We have Waterbury out there, their zoning people are out there. Do you have any comments on the draft plan, folks? At this time?

00:25:07.380

Christian Meyer: Waterbury's raised. Yep, thanks, Siles.

00:25:12.060

Dana Allen: Yeah, hi, thank you, Dana Allen, Waterbury Planning Commission Chair. Neil Lightner's also in the room listening. Just wanted to, ask a couple questions, more confirmation that you had received our relatively extensive comments on the future land use mapping, in sort of our downtown area, in the general area of the utility district. I'm looking at the online interactive map right now. I'm assuming that hasn't been updated, I'm just curious. If you received those comments at this time, Christian?

00:25:54.150

Christian Meyer: Yep, I'll jump right in. Just to say that yes, yes, Dana, we received them and, shared them with the full board, on September 8th, walked through them. A sort of high-level, review of the criteria as they... as it would impact their inclusion in, a downtown area or downtown village center or planned growth area.

Also noting that some of these, areas may... will likely see a change in, their future land use area. But it may not be a Tier 1 eligible area at this time, though we do recognize we have a longer conversation, that has, impacts on Waterbury, and certainly Montpelier as well, that will continue

into next year. So, comments were received, have been reviewed, and we expect to keep talking about it.

00:26:54.110

Dana Allen: Okay, great, just checking in on that. And then the last question that I have, and it's more just for my understanding, is that, you know, obviously Waterbury has a lot of area within flood hazard or river corridor, you know, and we're seeing currently, with future land use mapping, that many of those previously developed areas are, you know, not in any sort of growth-oriented future land use mapping zone.

Which... we had heard from CVRPC that your understanding was that they were ineligible for, sort of, those growth-oriented future land use mapping districts.

But then we've also sort of heard from LURB that maybe they might be, and so we're just kind of trying to wrap our arms around what's the current understanding at CVRPC of that, because we're also trying to understand, so...

00:27:46.350

Christian Meyer: Yep.

And we can keep talking more about this, as I said, as we move into the future plan. The LERP has asked us not to categorize those areas that are in existing development as conservation.

Which is Rural Conservation, which, I know you've seen is what they're currently labeled as. For a next step, they'll probably... and for this, the plan that we put forward, there'll probably be an infill or transition infill as a placeholder until we have a longer time to really make a policy on these areas that is consistent with the larger plan as a whole.

00:28:26.080

Dana Allen: Okay, that sounds great. I understand that this is sort of building the airplane as it's taking off, and so, you know, recognizing that. Just curious, that's... so when you're talking about the future plan for those updates, that's 2027, calendar year 27? Loosely?

00:28:44.740

Christian Meyer: Yes, yes.

00:28:47.560

Dana Allen: Okay.

Alright, thank you. I appreciate that. That's all I have for now, so I appreciate the answers to the questions and the attention you've been paying to all of this.

00:29:01.330

John Brabant: Great, thank you. Thank you, Neal. Anyone else out there? Aaron Kisicki, anything from you? You're being quiet.

00:29:14.110

Aaron Kisicki: Yeah, I'm gonna continue to be quiet. Thanks for asking, though.

00:29:18.720

John Brabant: Sorry to wake you from your slumber.

00:29:21.140

Aaron Kisicki: Oh, no, no, I'm paying attention.

00:29:24.660

John Brabant: Anyone else? Any commission members that are in attendance? Gerry? Gerry D'Amico's out there watching us?

00:29:34.780

Gerry D'Amico: I'm strictly... I'm just here to listen.

00:29:37.770

John Brabant: Okay.

Any committee members have any... comments on the comments, or thoughts on the comments thus far? Not that you have to say anything, but...

00:29:52.320

Steven Whitaker: Hey, John, can I make one more comment?

00:29:55.240

John Brabant: Sure.

00:29:55.740

Steven Whitaker: What do you think?

00:29:56.430

John Brabant: Yeah, we apparently have time, Steve. Go ahead.

00:29:59.180

Steven Whitaker: Well, the purpose of having a public hearing before a commission is because it gives an opportunity to respond and sense who understands, who's looking puzzled, who's looking... who's nodding their head no, and an opportunity to potentially persuade a few votes on a critical matter. And this defective process of allowing a subcommittee with no chair and no vice chair to proxy for the entire commission denies the public that right to persuade a majority of votes of what needs to change.

And the last example that I put on the record regarding the Waitsfield and East Montpelier plan showed that the record provided to the commissioners was riddled with errors, and even, in some cases, saying the opposite of what testimony had been given. So, I'm trying to give you the understanding of why this needs to be a commission hearing to meet the statutory requirement, and to allow fair opportunity to, uh... inform the full commission. I don't trust staff to relay the intensity of the comments.

00:31:29.250

John Brabant: Well, the staff is responsive to this subcommittee, Steve, and we review the documents, and... so it's with our say-so, ultimately, and our vote on that, so... it's not the staff making the decisions.

Any other public comment?

00:31:53.400

Christian Meyer: Thomas Weiss has his hand up in the room.

Thomas Weiss: I have more of... this is Thomas Weiss again. I have more of a question than a comment, if you would be so kind.

This... first set of public hearings will close tonight, or maybe a few days from tonight. And then what's the process between now and the next public hearing in October? Who does what?

00:32:18.620

John Brabant: Comments, written comments will be received. Staff will continue to evaluate comments, as will this subcommittee, and any interested commissioners outside of this committee providing input to staff, and outside of a quorum, individual committee members can and likely will have conversation with staff. Which is allowable, and discuss the comments, and what our thinking is on them, and how we should be responding.

That's kind of the normal process, as any agency of state government would operate, or... and this is municipal government, but regional municipal government, but that's kind of how it works.

Go ahead, Christian.

00:32:59.930

Thomas Weiss: And then your committee will make recommendations to the full board?

John Brabant: Correct.

Thomas Wiess: And then the full board adopts the plan?

John Brabant: Correct.

Christian Meyer: Sure, I can speak to some of these details.

So we've received, obviously, as you know, Thomas, a lot of comments through the LURB portal, through public directly, through our commissioners directly, through our Regional Plan Committee, directly through the Land Use Review Board. Staff have been integrating those comments in step with how they're received. Some comments are immediately integrated, other ones are held onto, like, that's a good point, but doesn't necessarily... would require a change to the narrative that we're trying to avoid at this point in our plan. So it may not be incorporated at this phase. It may be incorporated once this committee gets back to this work of writing the new plan.

So we will continue to incorporate those comments, essentially, through the end of the week. At which point, a hearing will be warned for October 20th. This committee, the Regional Plan Committee, will meet in early October, discuss that final draft as it stands, if they're... I mean we don't expect to be making additional changes to it at that time. The goal is to hear those comments on the 8th of September and on tonight, address what we can, and we'll probably have a robust conversation of why some things may or may not have been integrated.

And then through a 60% vote, 60%, not a simple majority, 60% vote of our commissioners at their October 20th meeting, will vote on the adoption of the plan, at which point it'll then be submitted to the Land Use Review Board for approval, following day with a check.

Thomas Weiss: Thank you for explaining somebody... something to me, and possibly others who are not that familiar with the process.

Christian Meyer: It's taken us a year to get there.

Thomas Weiss: I appreciate that.

Christian Meyer: I'm excited to share my knowledge.

00:35:00.890

John Brabant: Any other comments?

00:35:04.070

Christian Meyer: Staff hand up in the room?

John, just to note that there were, some folks who joined later online, I don't know if you might want to re-extend your invitation for public comment.

00:35:15.060

John Brabant: Let's see, Renee Carpenter has joined us. I don't know if any others have. So, for those who came on late this is our second public hearing on the draft regional... Central Vermont Regional Planning Commission Regional Plan. That will be ultimately in final draft form, going before the LURB, or final form before the Land Use Review Board for their approval, hopefully.

And we're taking public comment again tonight, oral comment, and you can follow with written comment after tonight's hearing. So is there anyone else who would like to make comments? We have until 7... 7.30, so feel free to... raise your hand. And provide us whatever's on your mind.

Okay.

Christian, this is kind of to you and staff. The way we noticed the agenda, the agenda was noticed, it shows a public comment period ending at 7:30 so I think we need to keep the Zoom window open until then. In case people show up at the last moment, so to speak.

00:36:40.740

Christian Meyer: Yeah, as... as the agendas are usually, written, and this may not be clear, and it may still be worth holding the agenda... the hearing open until 7:30, the time corresponds with the, agenda item directly adjacent.

So, 6:30 meeting opening and public hearing, 7... 7 p.m. opportunity for committee member discussion, so that would close the hearing and go to the Committee member discussion, and then 7:30 adjourn.

Perhaps there's a discussion of committee members could take place during the hearing, there's no need to necessarily close prior.

00:37:17.930

John Brabant: Right, right, okay. But if committee members had nothing more to contribute, I'm suggesting we keep the meeting running until 7.30.

00:37:26.690

Christian Meyer: Staff will be here.

00:37:27.520

John Brabant: But that's the way the agenda is drafted. It doesn't say that we would be adjusting it to a shorter time frame.

00:37:33.970

Christian Meyer: Fair point.

00:37:36.490

John Brabant: So... I guess we'll close the public hearing. If anyone does show up from the public that would like to speak between now and 7:30, we can reopen it and accept oral comment from them. Just saying... just putting that on the record.

But we'll close the comment section for now...

End 38:03