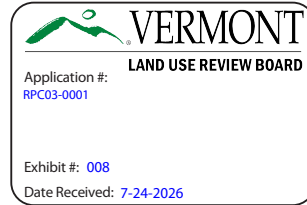


Gott, Catherine

From: Stephen Whitaker <whitaker.stephen@gmail.com>
Sent: Friday, July 24, 2026 2:22 PM
To: Act250 - Board
Cc: Dingledine, Brooke
Subject: Written Comments on Preapplication RPC03-0001 CVRPC

Categories: Catherine



You don't often get email from whitaker.stephen@gmail.com. [Learn why this is important](#)

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Written Comments of Stephen Whitaker

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

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 on August 31, 2026, 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