

Gott, Catherine

From: Stephen Whitaker <whitaker.stephen@gmail.com>
Sent: Friday, July 31, 2026 9:20 AM
To: Act250 - Board
Subject: Second Supplemental Written Comments of Stephen Whitaker Preapplication
RPC03-0001 — Central Vermont Regional Planning Commission

Categories: Catherine

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Second Supplemental Written Comments of Stephen Whitaker

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. I am not asking the Board to condition its comment on any single one of these in isolation. I ask that the Board consider them together, because together they show a pattern: at nearly every point where a resident might actually engage — finding the meeting, finding the record of what happened, understanding what a designation means for their property, understanding what it costs and who bears that cost — the current process makes that harder than it needs to be.

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. This is not a small implementation detail; it is the difference between a record the public can use and one that only the already-comfortable will ask to see.

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. And the burden it represents isn't evenly shared: it's residents without the means to drive to cleaner water upstream of the outfalls who are most likely to swim closest to home, in the water nearest downtown. 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. A map silent on where a known burden falls has not distributed anything equitably; it has simply not looked.

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-Ottawaquechee (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. That is the pattern this comment asks the Board to weigh — not any one meeting, any one policy, or any one resident.

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: a session was held at the library, the Planning Commission was briefed, comments were accepted. Holding a session is not the same as engaging the public, and I think it is worth stating plainly what the difference looks like in practice, because the tools to close it are not exotic.

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? These are exactly the kind of questions a regional plan is supposed to answer, and residents cannot weigh in on trade-offs they were never told exist.

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. That single change would do more to "encourage and enable widespread citizen involvement" than any comment period extension, because it removes the two barriers — not knowing where to look, and not wanting to be seen looking — at the same time.

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

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- 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.
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- 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.
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- 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.
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- 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.
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I intend to provide written and oral comments at the Commission's own public hearing on this plan, and, if the designations that concern me are carried into the adopted plan, to file an objection under § 4348(i) within fifteen days of adoption.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont