

# Third Supplemental Written Comments of Stephen Whitaker

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 the four topic clusters below.

**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, and that gap is now visibly producing decisions built on unverified claims rather than documented criteria.

A concrete example surfaced the same evening this comment is being finalized. At a City of Montpelier Housing Committee meeting on August 4, 2026 — a distinct body from the Montpelier Planning Commission described in Part 24 below — 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: without published, parcel-level criteria, neither the public nor the municipal bodies relying on that information have a reliable way to check a stated justification before it becomes the basis for a designation carrying binding legal consequence.

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 is not a new capability question — Part 22 below already documents that both CVRPC’s Enhanced Energy Supplement and the Board’s own map viewer already display comparable layered, attribute-level detail for other purposes. It is a request to apply that same transparency to the criteria driving Planned Growth Area designation itself.

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. If that submission is accepted without the parcel-level criteria and deficiencies being made visible, the public will have no more ability to evaluate that designation than appears to have existed to evaluate the sidewalk-exemption claim informing the City’s own mapping process.

## **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. I raise this because it corroborates, from the Board’s own account, the pattern this filing documents throughout: participation and standing-preservation information that exists in law is not being surfaced where the public would

look for it.

### **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. I raise this because it is a direct, contemporaneous test of the amendment CVRPC adopted specifically to address participation concerns. On its first outing, a member of the public did not get to comment on an agenda item, and the outreach item most relevant to that concern went undiscussed. I do not raise this to suggest bad faith — only to note that a policy change intended to “encourage and enable” participation under 3 V.S.A. § 6002(6) has not yet, in practice, produced that result.

### **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. The Montpelier Planning Commission is expected to submit revised Future Land Use Map comments to the Board this week, proposing, among other changes, that the entire Country Club Road parcel be classified as Planned Growth Area. 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. The substantive determinations at issue here — which parcels qualify, on what basis, and which of the seventeen additional areas the Housing Committee identified are being left out — are decisions with real legal consequence, and I do not believe a single member, including the chair, constitutes the quorum that this kind of substantive land-use determination should require. 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.

I raise it here because it is directly relevant to how the Board should weigh the Planning Commission's forthcoming submission: a decision with the consequence of determining Tier 1A Act 250 eligibility for an entire parcel was, on my understanding, never put to a vote of the body responsible for it — only the act of transmitting a document was. This is the same pattern documented throughout this filing at the regional level, recurring at the municipal level in the same week.

## **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 — exactly the conditions in which the need to call for help is greatest. 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.

The practical result is that Vermont's transition away from landline service has relocated the power-outage vulnerability the Plan itself flags at Part 25 — from the phone company's central office, where it was engineered against, to a patchwork of customer equipment, cell sites, and LMR sites where backup power is inconsistent, often minimal, and not addressed anywhere in this Plan. As landline penetration continues to fall, that dependency will only deepen.

## **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.

A regional dispatch facility serving over twenty agencies is about as concrete an example of critical infrastructure as exists in CVRPC's draft Plan's utility and facility inventory, and it has already demonstrated, in practice, that it is vulnerable to the exact hazard the Flood Resilience Element is required to address.

## **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.

Two of the statewide planning goals in 24 V.S.A. § 4302 reinforce this independently of the element requirement itself. Section 4302(c)(14)(C) states that “flood emergency preparedness and response planning should be encouraged” as part of the goal of encouraging flood resilient communities — communications infrastructure that emergency response depends on falls squarely within that goal. Section 4302(c)(12)(A) separately identifies “fire and police protection, emergency medical services” among the public facilities and services the Plan must efficiently plan for to meet future needs, independent of whether those facilities sit in a mapped flood hazard area. Read together with Part 27 above, Montpelier's regional dispatch facility is a direct,

present-day illustration of exactly what these provisions are meant to anticipate.

## **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 — and nowhere in the Flood Resilience Element as drafted — 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.

This is a planning omission, not merely a resilience-messaging gap. A region that has already lost its regional dispatch function to flooding once needs an identified alternate site, not only a policy discouraging new development in the area that flooded. 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 discussed on August 4 sits well above the valley floor and has water and wastewater infrastructure already in place — the same characteristics of elevation and infrastructure that make a site relevant to disaster-response planning, a use this Plan has not yet considered for it. The Country Club Road parcel in Montpelier presents the same characteristics more acutely, given its elevation relative to the downtown floodplain that has already twice displaced the city's own emergency operations. I would ask that both sites be evaluated for their potential role in the disaster-response framework this comment proposes the Plan adopt.

## **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.

The reasoning follows directly from the asymmetry already established in Part 9.

Under-designation is curable — a municipality that documents adequate capacity can seek expansion later through § 4348(j) or § 4348(n). 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 — the same population this Plan’s own environmental justice analysis, and the equity goal at 24 V.S.A. § 4302(c)(15), are meant to protect. Part 18 of my July 31 filing already documents Montpelier’s CSO system as an example of this burden; this comment asks the Board to treat that status as a gating factor for future expansion decisions, not only as something the map should disclose.

Concretely: as municipalities come forward under § 4348(j) or § 4348(n) seeking to expand Planned Growth Area designation, I would ask the Board to require a showing that any area served by a combined sewer system has completed separation, alongside whatever other capacity showing is already required. Areas with adequate capacity and no CSO impact should be the areas prioritized for expansion first; CSO-served areas should wait for separation regardless of their other planning merits. This applies with particular force to the Montpelier Planning Commission’s forthcoming submission described in Part 24, which is expected to propose the entire Country Club Road parcel for Planned Growth Area status without, to my knowledge, any documented CSO-separation showing.

## **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.

I raise this because production targets and shelter need operate on different timelines, and conflating them leaves a population unaddressed. Even under an optimistic reading of this region’s housing production capacity, it is not realistic to expect that new construction will absorb the current unhoused population within a planning-relevant timeframe. A regional plan that treats housing production as its only response to housing need is, in effect, planning for these residents to remain unsheltered for years, without saying so and without addressing what should happen to them in the meantime.

The funding math reinforces why this can’t wait for new construction to catch up. 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 — this is a matter of scale, not effort. Emergency, non-construction responses are necessary in the near term regardless of how housing production targets are met over the longer horizon. I’d note, based on a personal conversation with the HUD Regional Director, that a soft shelter model co-located with hygiene facilities qualifies for funding under

the federal Emergency Shelter Program — meaning this isn't only a policy preference but an approach with an identifiable funding pathway available now.

I would ask the Board to require the Plan to state this directly, and to address it with specific recommendations rather than silence. Based on my own familiarity with this population and the service landscape available to it, 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. A meaningful portion of the unhoused population is ill-suited to, or fundamentally incompatible with, congregate settings, for reasons that include but are not limited to behavioral health, substance use, trauma history, and household composition. A regional plan that treats “shelter beds” as a single, interchangeable category will systematically fail this portion of the population.

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. A regional plan should not implicitly rely on a state program that is not sized to meet the need it would be asked to cover.

Third, the Plan should address non-congregate, lower-barrier shelter options — what I would describe as soft shelter, such as managed tent or pod sites — together with hygiene infrastructure, including restrooms, showers, and handwashing facilities, as a distinct category of public facility need. These should be planned as multiple distributed, actively managed sites rather than concentrated at a single location, both because concentration creates an unmanageable population at that location and because distribution better serves the geographic spread of need across the region.

This bears directly on the equity framework already built into this Plan’s review. 3 V.S.A. § 6002(1) identifies “healthy homes and buildings” and “health care” among the environmental benefits the Plan’s benefits-and-burdens analysis is meant to consider; the absence of safe shelter and basic hygiene access is the clearest possible failure to deliver that benefit to a specific, identifiable population. The equity goal at 24 V.S.A. § 4302(c)(15) and the general housing goal at § 4302(c)(11) — to “ensure the availability of safe and affordable housing for all Vermonters” — both point the same direction. I would ask the Board to treat this as squarely within the Plan’s housing and equity elements, not as a matter outside the Plan’s scope.

## **Summary of Requested Findings for the Board**

I ask that the Board use the following, drawn from Parts 21–31 above, to require specific sections or answers in the next filed version of the Plan:

### **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 — rather than a final classification alone.
- Require publication of the parcel-level classification criteria underlying the Future Land Use Map before any further endorsement, using the layer-comparison capability the Board’s own viewer and CVRPC’s Enhanced Energy Supplement already demonstrate is

feasible.

- 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, including whether a follow-up meeting will be scheduled.
- 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 for wireless telecommunications facilities, including a specific recommendation addressing the E-911/power-outage vulnerability the Plan already acknowledges.
- 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, given the documented 2023 flooding of Montpelier's police-station-based dispatch center.

#### **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, and if so, to include the critical-infrastructure mitigation policies § 4348a(a)(11)(A)(ii) requires.
- Require the Plan to address § 4302(c)(14)(C)'s flood emergency preparedness and response planning goal specifically as it relates to communications infrastructure, not only to physical property and development siting.
- 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, given the region's documented loss of its dispatch function in July 2023.
- Require that future PGA expansion requests under § 4348(j)/(n) — including the Montpelier Planning Commission's forthcoming Country Club Road submission — include a showing that any combined-sewer-served portion of the proposed area has completed separation, as part of the readiness showing Part 9 already asks the Board to require.

#### **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 regardless of new housing production, consistent with § 4348a(a)(9)'s requirement that the element include recommended actions to satisfy established need.
- Require the Plan to address non-congregate shelter options and hygiene infrastructure (restrooms, showers, handwashing facilities) as a distinct public facility need, planned as distributed, managed sites rather than concentrated at a single location.

- 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, rather than implicitly relying on it.

Respectfully submitted,

**Stephen Whitaker**  
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