



From: [Stephen Whitaker](#)
To: [Act250 - Board](#)
Cc: [Dingledine, Brooke](#)
Subject: Time-sensitive: scheduling conflict threatens to foreclose public participation — RPC03-0001
Date: Wednesday, August 5, 2026 5:06:10 PM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Ms. Janet Hurley
Chair, Land Use Review Board

Ms. Hurley,

I'm writing to flag something that I don't think can wait to be picked up in the ordinary course of reviewing my written comments under this docket. My apologies for adding to what I know is a very full plate, but I believe the Board needs to be aware of this before, not after, it finalizes its preapplication feedback to CVRPC.

Based on statements made at CVRPC's own meetings this summer, CVRPC intends to have an adopted plan submitted to the Board by October 1, 2026, so the Board has its full statutory window before the December 31 deadline. I don't think that timeline is achievable without foreclosing public participation in a way the Board should weigh before it finalizes its own review, for two connected reasons.

First, 24 V.S.A. § 4348(d)(1) and § 4348(f) require 30 days' notice before a hearing on a plan that has been substantively revised. If CVRPC incorporates the Board's feedback — expected September 7–8 — into real revisions, the earliest a lawfully noticed hearing on the revised plan could occur is on the order of October 8. That is already past CVRPC's October 1 target, which suggests CVRPC either will not meaningfully revise the plan in response to the Board's feedback before adopting it, or will hold a hearing on a plan that does not yet reflect what the Board found.

Second, I have reason to believe CVRPC does not intend to treat the Board's feedback as binding. CVRPC's Executive Director stated at a July 7, 2026 public meeting that he does not expect much of the Board's feedback to be mandatory, and that much of it may instead be treated as recommendations "we can choose to integrate into our new plan next year." If that is the posture CVRPC brings to the Board's review, then the Board's feedback risks being received, acknowledged, and then set aside in favor of adopting substantially the current draft on schedule — which would mean the hearing the public is entitled to would be held on a plan that never actually incorporated what the Board's own review identified.

I am not asking the Board to resolve this today, and I recognize the Board does not control CVRPC's internal schedule. I am asking the Board to consider, as part of its own preapplication response, requiring CVRPC to state clearly which of its findings it intends to treat as required before adoption and which it intends to defer, so that this is settled before the public hearing rather than discovered after it. I've laid out the fuller statutory basis for this in my written comments filed under this docket (Parts 32 through 34), but wanted to bring the core scheduling conflict to your attention directly, given how little time remains before it becomes irreversible.

Thank you for your consideration, and I'm happy to discuss further at your convenience.

Stephen Whitaker
Montpelier, Vermont