

Fourth 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 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 that the Board should be aware of before relying on the process that produces whatever plan reaches it.

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.

I raise this not to suggest a violation has occurred, since no hearing has yet been held or noticed, but to 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, in which case the Board should know its own review may be addressing a plan that the hearing record does not fully reflect.

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. I am not asking the Board to interpret this statement as a commitment or to treat it as binding on CVRPC. I ask only that the Board be aware of it before investing its statutory review period — which, given the schedule described in Part 32, runs through the Thanksgiving and Christmas holidays toward a determination near the December 31, 2026 statewide deadline — in a process where CVRPC's own Executive Director has already signaled an expectation that much of what the Board finds may be treated as optional and deferred to a future plan cycle rather than incorporated now.

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. If the Board's own findings on these points

are treated as recommendations for "next year" regardless of their merit, the participation this filing represents will not have had the effect that 24 V.S.A. § 4348a and 3 V.S.A. § 6002(6) contemplate for a member of the public who has engaged with this process in good faith.

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." I take this to be the Committee's standard first-Tuesday-of-the-month meeting rather than a date set in response to anything discussed on August 4. 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. With two members absent, including the member the Committee regarded as most knowledgeable on Act 250 and ski-area development, the Committee could not resolve a pending classification question and left it open. 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. If a special meeting is a workable mechanism to complete a single deferred classification decision, I don't see why the same mechanism isn't equally available to complete the Public Outreach and Schedule Updates items this Committee has now deferred twice without any date at all.

I want to be direct about what this adds up to. Over the past year, I have participated in this process consistently — written comments, oral testimony, procedural questions answered in writing by Board staff — 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. At CVRPC's own Board of Commissioners meeting on July 22, 2026, when commissioners asked about attending the Board's site visit and public meeting the following day, the response given was that staff would represent the Commission — with no mention, that I heard, that the meeting was open to the public, that commissioners' own town officials or residents were welcome to attend, or that it was the one opportunity those residents would have to ask questions of the plan directly. 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. Individually, each of these might be an oversight. Together, over this many months and this many separate instances, I don't think the Board should evaluate this Plan's participation record without that pattern in view.

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, as opposed to a version still being revised around it. I don't believe CVRPC can hold to an October 1 target and deliver all three. I would ask the Board to treat that as the central participation problem this filing has been documenting in different forms throughout — not a scheduling inconvenience, but a structural conflict between the calendar CVRPC has set for itself and the participation obligations that calendar is supposed to accommodate.

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 of my August 4, 2026 filing. 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. Montpelier is the region's capital and, by the Plan's own description, its hub; 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.

I raise this as a further instance of the access gap this filing has documented throughout — not a suggestion that any single choice was made in bad faith, but as one more data point on how far current practice sits from the "widespread citizen involvement" 3 V.S.A. § 6002(6) requires.

Summary of Requested Findings for the Board

I ask that the Board use the following, drawn from Parts 32–35 above, in addition to those already requested in Parts 21–31:

Scheduling and Process Integrity

- 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 for whichever hearing incorporates those revisions.
- 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, and consider whether to request a CVRPC commitment on this point.

- 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. If CVRPC has a structural disincentive to publicize a deadline that could increase participation against its own draft, the Board should not assume that notice will happen on its own; the Board should require it, or provide that notice itself.
- Require CVRPC to identify, in writing, when and how it intends to develop the public participation strategy this filing has requested, given that no opportunity currently appears on its calendar to do so before its hearings are held, noting that a special meeting has already been acknowledged as a workable mechanism for a narrower purpose at the August 4 meeting.
- 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, consistent with the same parcel-level and region-wide transparency requested throughout this filing.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont