

PROPOSED MODEL LANGUAGE

Standardizing Public Notice of Hearing Rights in Regional Plan Adoption

Submitted for the Board's consideration: Stephen Whitaker, Montpelier, VT — public comment, Docket RPC03-0001

The Gap

24 V.S.A. § 4348(i) sets a precise and unforgiving definition of “participation”: written or oral comments stating objections, made at an officially warned public hearing held by the regional planning commission. Comments made at a Regional Plan Committee meeting, an Executive Committee meeting, or any other non-hearing meeting do not satisfy this requirement — however substantively engaged a resident has been.

Nothing in current CVRPC public materials distinguishes a “meeting” from a “hearing” for this purpose, and nothing tells residents that requesting advance notice, or organizing through a petition or interest group, can help preserve their rights. Residents — including members of standing municipal committees whose work directly intersects with the Plan — have been caught unaware of this distinction, in some cases only days before relevant deadlines. This is a solvable notice problem, and the Board is positioned to solve it once, for all eleven regions, rather than leaving each RPC to improvise its own language on the eve of each region's own hearing.

Proposed Notice Language

The following is offered as adoptable model language — for the Board to require, or to bless as a template RPCs may adapt — for inclusion in hearing notices, website postings, and any other public-facing communication about a regional plan under adoption or amendment:

Public Participation & Preserving Your Right to Object

Comments on this Draft Regional Plan are welcome at any [RPC name] meeting, but only comments — written or spoken — made at an officially warned public hearing on this Plan preserve your right to later object to the Land Use Review Board if the Plan is adopted. Comments at Committee, Executive Committee, or other non-hearing meetings do not preserve that right.

The public hearing date has not yet been set. To be notified as soon as it is scheduled, email or call [RPC contact] and ask to be added to the notice list for the Regional Plan public hearing. Notice will go out at least 30 days before the hearing.

You don't have to object alone. Two options let a group act together: (1) 20 or more residents or property owners can sign a petition naming one representative to speak and file on their behalf, or (2) an established community or interest group can request notice status with [RPC name] in its own name and object as that group. Either way, someone from the group still needs to participate at the public hearing itself.

If the Plan is adopted, any objection to the Land Use Review Board must be filed within 15 days of adoption — a short window — so speaking or commenting at the hearing itself is the safest way to protect your rights. Land Use Review Board: [LURB contact / docket reference].

Proposed Distribution Practice

Publishing accurate language on an RPC's own website is necessary but not sufficient — the residents most affected by a plan's land-use designations are often the least likely to be checking an RPC's website on their own initiative. The Board could pair the model language above with a minimum distribution standard, for example:

- Posted at each member municipality's designated Open Meeting Law posting locations (town clerk's office and the customary additional posting places already used for warning municipal meetings).
- Posted at public libraries within the region.
- Provided directly to any standing municipal committee whose subject matter is materially addressed by the plan under adoption (e.g., a Complete Streets, transportation, conservation, or planning commission committee), for inclusion on that committee's own agenda or communications.
- Included on the RPC's website home page — not solely on an interior regional-plan subpage — for the duration of the adoption process.
- Included in any existing RPC newsletter, email list, or municipal-newsletter content during the notice and hearing period.

RPC03-0001 Adoption Timeline (Central Vermont, this docket)

Offered as a concrete illustration of why the notice gap above matters in practice — the sequence this docket is actually following, and how little slack remains once a hearing is finally set:

Step	Date	Status
Draft Regional Plan sent to LURB (preapplication)	June 25, 2026	Confirmed
Public comment period on draft plan, addressed to LURB	Closed Aug. 7, 2026	Confirmed
LURB pre-application response returned to CVRPC	~Sept. 7–8, 2026	Anticipated
CVRPC review of LURB response; possible revisions to draft	September 2026	Anticipated
30-day advance notice of public hearing(s) required	Before 1st hearing	Not yet issued
Two public hearings on the Regional Plan (§ 4348(c))	Not yet scheduled	TBD
Adoption by CVRPC Board of Commissioners (§ 4348(g))	Target: Oct. 1, 2026	Target
Window to file a § 4348(i) objection with LURB	15 days after adoption	Short window
Adopted plan submitted to LURB (§ 4348(h)(1))	Within 15 days of adoption	Required
LURB public hearing & review of adopted plan	Within 60 days of submission	Required
LURB determination (statutory deadline, § 4348(p))	By Dec. 31, 2026	Statutory deadline

Dates confirmed on the record where marked; others are CVRPC/LURB staff estimates as of early August 2026 and remain subject to change.