

Seventh 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

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Preapplication deemed complete: July 8, 2026 · Comment period closes: today, August 7, 2026

Continues Parts 1–41 of my July 24, July 27, July 31, August 4, and August 6, 2026 comments under this docket, opening at Part 42.

42. A question for the Board: who checks whether a document labeled a §4430 capital program actually is one?

Section 4430 sets out what a capital budget and program must contain: a description and cost estimate for each project, a priority order, a financing breakdown (direct appropriation, reserve funds, federal or state funds, impact fees, or bonded obligations), and "an estimate of the effect, if any, upon operating costs." The only review the statute itself provides for is subsection (c) — a municipality's own planning commission may, at its option, recommend the budget and program to its own legislative body for conformance with the municipal plan. Nothing in section 4430 or in criterion (vii)'s cross-reference to it assigns any body — CVRPC, the Board, or anyone else — the job of checking whether a document a municipality calls its "capital improvement program pursuant to section 4430" actually contains what subsection (b) requires before that document is credited toward a Planned Growth Area designation.

I'm asking the Board directly: when a criterion (vii) showing rests on a capital improvement program, does the Board (or does it expect CVRPC) to review that document against section 4430(b)'s specific content requirements — priority order, financing detail, operating-cost effects — or is the label itself, applied by the municipality or the regional commission, taken at face value absent a challenge in the record? I raise this because the same question has a direct

precedent in this docket's own history: a Regional Planning Commission's confirmation that a municipal plan is "approved" under section 4350 was accepted without independent review, a confirmation I have separately challenged and which remains pending before the Vermont Supreme Court in Docket No. 26-AP-064. If capital programs are credited the same way — by label rather than by review — a designation could rest on a document of any quality that happens to call itself compliant.

Requested actions

- Confirm, for the record, whether the Board or CVRPC reviews a capital improvement program's content against section 4430(b) before crediting it under criterion (vii), or whether the document's own label is accepted at face value.
- If no such review currently occurs, consider whether the Tier 1A Application Guidelines or the Board's preapplication feedback should establish one, given that section 4430(c)'s own internal check is optional and confined to conformance with the municipal plan rather than to the statute's content requirements.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont