



ORAL PUBLIC COMMENT

Item C, 1:03 p.m. — Non-Agenda Public Comment — Docket RPC03-0001

Good afternoon. Stephen Whitaker, Montpelier, speaking for myself and ASAP4CV.

Briefly, two facts for the record, then the point I actually want the Board to hear before it acts further on its own Guidelines today.

The Central Vermont Regional Plan discussion that was on an earlier version of today's agenda isn't on the version now posted, with no explanation. And on August 10, I wrote to CVRPC with three separate requests — paper copies of the draft Regional Plan and Future Land Use Map set for our own use, completion of the public map set at Kellogg-Hubbard Library, and the § 4348(d)(1) conformance report. None of the three has been answered, eight days later, spanning the statutory deadline the letter itself referenced.

Here is why I think that matters beyond itself. Section 1.106(A) of the Guidelines the Board is revising today states that a single Checklist document “will serve to meet” three separate things the statute requires: the § 4302 conformance report, the § 4348a compliance showing, and the § 4348(d)(1) description of changes to the Future Land Use Map. Those are three distinct items in the statute, joined by commas and the word “and.”

Guidelines are the Board's own tool for administering a statute. They are not a mechanism for redefining what the statute requires, and I don't believe the Board intends them to function that way — but on its face, that is what this provision does.

I understand why this is tempting. Every regional plan in the state is under pressure to be adopted by December 31, or member municipalities risk their designations lapsing and having to reapply from scratch. That is a real and understandable pressure. But it is exactly the wrong reason to loosen what a statute requires. If avoiding a reapplication process justifies collapsing three statutory deliverables into one thin document, the same logic justifies cutting the

are the gateway to losing Act 250 review entirely — a resident has no practical way to evaluate a proposed designation except by trying to reverse-engineer it from a colored map, which is precisely the situation our own group has been in for weeks now.

I've submitted a full written memorandum laying out the statutory text, the history of this provision, and why it matters most for Planned Growth Areas specifically. I'm asking the Board to read that before finalizing any further changes to these Guidelines, not after — and, in the meantime, to treat this docket's own unanswered access request as a live example of exactly the kind of erosion I'm describing, not a separate, smaller problem.

Thank you.

Requested actions

- Clarify why the Central Vermont Regional Plan discussion was removed from today's agenda and when it will be taken up.
- Before adopting further changes to the Application Guidelines, confirm that Section 1.106(A) does not narrow the independent, conjunctive requirements of 24 V.S.A. § 4348(d)(1), and address the accompanying written memorandum on that provision.
- Ask CVRPC directly whether and when it will fulfill the three distinct August 10, 2026 requests, and note the eight-day non-response in the Board's preapplication response as relevant to meaningful participation.