

From: [Stephen Whitaker](#)
To: [Act250 - Board](#)
Cc: [Dingledine, Brooke](#)
Subject: RPC Application Guidelines v1.6 — proposed language, Sections 1.007(B) and 1.106(A)
Date: Tuesday, August 18, 2026 6:16:52 PM

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

LURB Members,

Following today's discussion of Section 1.007(B) in the draft Regional Planning Commission Application Guidelines (v1.6, 08/19/2026 redline), I wanted to share a data point that may be useful, along with a related proposal for Section 1.106(A) in the same document.

On Section 1.007(B): Vermont law already sets a comment-response standard in a closely related planning context. 30 V.S.A. § 202d(e), governing the State Telecommunications Plan (a statute I helped draft back in 2019), requires:

"This final draft shall either incorporate public comments received with respect to the preliminary draft or shall include a detailed explanation as to why specific individual comments were not incorporated."

That standard is already settled law in a comparable Vermont planning process. It may be a useful reference point in resolving how far 1.007(B) should go.

On Section 1.106(A): a related gap I'd suggest the Board consider while this document is open. Currently, 1.106(A) evaluates Planned Growth Area conformance with § 4348a(a)(12)(B) at the plan level only. Nothing requires an applicant to show, parcel by parcel, which of the seven criteria are actually met. That gap is what let one RPC in my region submit a PGA boundary with a single sentence of aggregate justification for nearly 2,000 acres.

Proposed addition to Section 1.106(A):

"For any proposed Planned Growth Area, the preapplication shall include a future land use map displaying, for each parcel included within the proposed area, whether each of the criteria in 24 V.S.A. § 4348a(a)(12)(B) has been met, not met, or not yet evaluated. The preapplication shall also include a narrative describing any changes to the proposed area's boundary from the prior submitted map, and the basis for each change, including the specific infrastructure, planning documents, or other evidence relied upon. This information shall be presented in a form reasonably accessible to members of the public without requiring GIS software or technical training."

This connects to the meaningful-participation question as well: the public can't meaningfully comment on criteria it can't see verified. A "not yet evaluated" option is included deliberately, so this doesn't force premature conclusions — it just makes the state of review honest and visible.

Happy to discuss either point ahead of or at the next meeting.

Stephen