

Gott, Catherine

From: Stephen Whitaker <whitaker.stephen@gmail.com>
Sent: Friday, September 4, 2026 1:47 PM
To: Act250 - Board
Cc: Dingledine, Brooke
Subject: Time sensitive: Addendum to September 3, 2026 Letter — Two Additional Structural Questions for the Board's Tuesday, September 8 Meeting

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Land Use Review Board

Docket RPC03-0001 — Central Vermont Regional Planning Commission
September 4, 2026

To: Act250.Board@vermont.gov
Cc: Brooke.Dingledine@vermont.gov

Re: Addendum to September 3, 2026 Letter — Two Additional Structural Questions for the Board's Tuesday, September 8 Meeting

To the Land Use Review Board:

This letter supplements my letter of September 3, 2026 ("**Regional Plan Compliance Determinations — The Board's Duty Under Section 4348(h)(4) Applies to Its Own Guidelines, Not Only the VAPDA Methodology**"), which remains unanswered. Given that the Board's agenda for Tuesday, September 8 must be set today, I am writing now to request that the September 3 letter be placed on that agenda, and to raise two additional questions that bear directly on the same structural issue and that the Board may wish to take up at the same time.

The timing of this request is not only administrative. 3 V.S.A. § 6002(6) and 24 V.S.A. § 4302(b)(2) require that the planning process this Board must confirm under section 4348(h)(4) enable meaningful public participation. Neither the Board's own Tier 1A/1B mapping tool nor CVRPC's public Stakeholder Input Portal presently makes available the water, wastewater, or multimodal transportation infrastructure data a member of the public would need to test whether a proposed planned growth area meets the criteria of 24 V.S.A. § 4348a(a)(12)(B). As the window for public participation in this plan's review narrows toward the December 31, 2026 approval deadline, that data gap is also a participation gap: the public cannot meaningfully comment on a finding it has no means to verify.

1. A cross-title question the statute does not resolve

24 V.S.A. § 5804(b) provides that a designated growth center or neighborhood development area in effect on December 31, 2025 will expire on December 31, 2026 if the regional plan future land use map is not approved, with benefits for unexpired designations under that chapter continuing until December 31, 2034. Separately, 10 V.S.A. § 6081(dd) and § 6001(3)(D)(viii)(III) provide time-limited Act 250 exemptions keyed to whether a parcel is

presently within a "designated growth center," now running (as extended by 2026 Acts and Resolves No. 152) to January 1, 2028.

Neither provision states whether the expiration of a Title 24 growth center designation under § 5804(b) also extinguishes Title 10 exemption eligibility that depends on that same designation, or whether the Title 10 exemption instead runs independently to its own sunset regardless of the underlying designation's status. This is not a hypothetical concern — it directly affects how much weight any regional plan review process should place on approving or declining to approve growth center-derived designations under time pressure, since the consequences of either path depend entirely on which reading is correct.

2. Requested clarification on verification performed for infrastructure criteria

The Board's draft preapplication response finds that the proposed planned growth areas in Barre City, Barre Town, Montpelier, Northfield, and Waterbury "appear to meet the statutory standards," while stating the Board is "unable to determine" whether Berlin's proposed planned growth area meets those standards, based on a documented, criterion-specific gap. This demonstrates the Board's own process is capable of identifying and withholding a finding where a specific criterion is not yet supported by the record.

Criterion (ii) (24 V.S.A. § 4348a(a)(12)(B)(ii)) requires that a planned growth area presently "is served by" public water or wastewater infrastructure. Criterion (vii) requires that the area "is served by planned or existing transportation infrastructure that conforms with 'complete streets' principles," which under 19 V.S.A. chapter 24 encompasses multimodal facilities such as sidewalks, bicycle facilities, and transit stops and routes, not vehicle infrastructure alone.

Given that neither the Board's own Tier 1A/1B mapping tool nor CVRPC's public Stakeholder Input Portal presently displays a water, wastewater, or combined sewer layer, or a bicycle or transit facilities layer, I respectfully ask what verification of criteria (ii) and (vii) was performed, and against what data, for the planned growth areas found to "appear to meet" the statutory standards.

Requested actions:

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- Place the September 3, 2026 letter on the agenda for the Board's September 8, 2026 meeting, together with this addendum.
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- Clarify whether expiration of a Title 24 growth center or neighborhood development area designation under 24 V.S.A. § 5804(b) also extinguishes
- eligibility for the Title 10 exemptions under 10 V.S.A. § 6081(dd) and § 6001(3)(D)(viii)(III), or whether those exemptions run independently to their own statutory sunset.
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- State what data source and verification method were used to confirm criteria (ii) and (vii) of 24 V.S.A. § 4348a(a)(12)(B) — including
- the existence of public water/wastewater service and of sidewalk, bicycle, and transit infrastructure — for the planned growth areas found in the draft preapplication response to "appear to meet" the statutory standards.
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- Direct that the underlying infrastructure datasets used in any such verification be made available to the public in a form suitable for
- parcel-level review, consistent with the meaningful-participation requirements of 3 V.S.A. § 6002(6) and 24 V.S.A. § 4302(b)(2), given the narrowing window before the December 31, 2026 approval deadline.
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Respectfully submitted,

Stephen Whitaker
Montpelier, Vermont