VERMONT
LAND USE REVIEW BOARD
Application #:
RPC03-0001
Exhibit #: 067
Date Received: 10-23-2026

Objection Form – Application for Board Affirmative Determination of an Adopted Regional Plan

Instructions: An interested party who meets the requirements of 24 V.S.A. § 4348(i)(1) and (2) may object to the application for an affirmative determination of an adopted regional plan. To be considered, the Board must receive this form within 15 days of the adoption of the regional plan at issue. Submit this form to the Land Use Review Board via email – act250.board@vermont.gov. The scope of your objection(s) is whether the regional plan is **consistent with** the regional plan elements and future land use areas as described in 24 V.S.A. § 4348a.

Section 1 of this form **must** be completed. The remainder of the form may be completed fully or in part. If you have no comments under the given section, leave that section blank.

Section 1: Interested Party Information

1. What Regional Planning Commission you are objecting to.

- ○ Addison County – RPC01
- ○ Bennington County – RPC02
- ◉ Central Vermont – RPC03
- ○ Chittenden County – RPC04
- ○ Lamoille County – RPC05
- ○ Mount Ascutney – RPC06
- ○ Northeastern Vermont Development Association – RPC07
- ○ Northwest – RPC08
- ○ Rutland – RPC09
- ○ Two-Rivers Ottauquechee – RPC10
- ○ Windham – RPC11

State of Vermont, Land Use Review Board
Objection Form

2. Name

   Stephen Whitaker

3. Email address

   whitaker.stephen@gmail.com

4. Physical address

   P.O. Box 1216, Montpelier, VT 05601

5. Interested Party Type: to submit an objection form, you must meet one of the following. Please check one, answer all follow-up questions, and/or send information

☐ The chair of the legislative body, or municipal manager, if any, of each municipality within the region;

If yes, please list municipality and title.

☐ The executive director of an abutting regional planning commission;

If yes, please list the abutting regional planning commission.

☐ Department of Housing and Community Development

☐ Community Investment Board

☒ A business, conservation, low-income advocacy, and other community or interest groups or organizations, which have requested notice in writing prior to the date the hearing is warned

☐ Agency of Natural Resources

☐ Agency of Agriculture, Food and Markets

☐ Agency of Transportation

☐ Department of Public Service

☐ Department of Public Safety's Division of Emergency Management

☒ Any 20 (or more) persons by signed petition who own property or reside within the region? Send the petition along with this form to act250.board@vermont.gov

If yes, name of designated representative:

Stephen Whitaker

Describe how the designated representative participated in the regional plan adoption process?

Written comments to the Board, July 24–Aug. 7, Aug. 20, Sept. 16 and Sept. 17, 2026; oral testimony at CVRPC hearings Sept. 8 and 14; written compilation delivered Sept. 14; memorandum to Commissioners Sept. 17; oral testimony and written comments at CVRPC's Oct. 20, 2026 hearing and meeting. See Petition Packet, p. 1.

Section 2 – Required Elements of a Regional Plan

The regional plan must include the following elements. 24 V.S.A. § 4348a(a). Does the adopted regional plan contain:

1. A statement of basic policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment. 24 V.S.A. § 4348a(a)(1).

2. A natural resources and working lands element, which shall consist of a map or maps and policies, based on ecosystem function, consistent with Vermont Conservation Design, support compact centers surrounded by rural and working lands, and that:

(A) Indicates those areas of significant natural resources, including existing and proposed for forests, wetlands, vernal pools, rare and irreplaceable natural areas, floodplains, river corridors, recreation, agriculture using the agricultural lands identification process established in 6 V.S.A. § 8, residence, commerce, industry, public, and semipublic uses, open spaces, areas reserved for flood plain, forest blocks, habitat connectors, recreation areas and recreational trails, and areas identified by the State, regional planning commissions, or municipalities that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes.

(B) Indicates those areas that have the potential to sustain agriculture and recommendations for maintaining them that may include transfer of development rights, acquisition of development rights, or farmer assistance programs.

(C) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the regional planning commission.

(D) Encourages preservation of rare and irreplaceable natural areas, scenic and historic features and resources.

(E) Encourages protection and improvement of the quality of waters of the State to be used in the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.
24 V.S.A. § 4348a(a)(2).

Objection (Count XIII): § 4348a(a)(2)(A) requires the map to “indicate” areas, including agricultural lands identified under 6 V.S.A. § 8 and areas requiring special consideration for aquifer protection. The plan’s maps show neither, and staff deferred wildlife habitat to “a future amendment.” Under § 4348(i)(4) the Board must expressly evaluate this objection and state its reasons in writing. See Formal Objection, Count XIII.

3. An energy element, including an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy

resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources. 24 V.S.A. § 4348a(a)(3).

4. A transportation element consisting of a statement of present and prospective transportation and circulation facilities, and a map showing existing and proposed highways, including limited access highways, and streets by type and character of improvement, and where pertinent, anticipated points of congestion, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, and recommendations to meet future needs for such facilities, with indications of priorities of need, costs, and method of financing. 24 V.S.A. § 4348a(a)(4).

Objection (Counts XI, II): Tables 25 and 26 list 25 projects with no priority of need, cost or method of financing, which § 4348a(a)(4) requires; the Board's Sept. 8 response said prioritization "is required." No project serves Country Club Road. Planned transportation infrastructure under (a)(12)(B)(vii) means a § 4430 capital program item, and none is identified. Under § 4348(i)(4) the Board must expressly evaluate this objection and state its reasons in writing. See Formal Objection, Counts XI and II.

5. A utility and facility element, consisting of a map and statement of present and prospective local and regional community facilities and public utilities, whether publicly or privately owned, showing existing and proposed educational, recreational and other public sites, buildings and facilities, including public schools, State office buildings, hospitals, libraries, power generating plants and transmission lines, wireless telecommunications facilities and ancillary improvements, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for those facilities, with indications of priority of need. 24 V.S.A. § 4348a(a)(5).

Objection (Counts XII, I, III): § 4348a(a)(5) requires recommendations to meet future needs with indications of priority of need; the plan gives general emphasis, none for water or wastewater. The plan says capacity data is "surprisingly difficult to come by" (p. 296) and that unused plant flow is not "available capacity" (p. 214). Under § 4348(i)(4) the Board must expressly evaluate this objection and state its reasons in writing. See Formal Objection, Counts XII, I and III.

6. A program for the implementation of the regional plan's objectives, including a recommended investment strategy for regional facilities and services based on a capacity study of the elements in this section. 24 V.S.A. § 4348a(a)(7).

Objection (Count I): § 4348a(a)(7) says the plan "shall include" an implementation program with a capacity study under § 4303(5) and a recommended investment strategy based on it. A full-text search of the adopted plan finds no capacity study. Under § 4348(i)(4) the Board must expressly evaluate this objection and state its reasons in writing. The decision must identify, by page, the study and the strategy. See Formal Objection, Count I.

7. A statement indicating how the regional plan relates to development trends, needs, and plans and regional plans for adjacent municipalities and regions. 24 V.S.A. § 4348a(a).

8. A housing element that identifies the regional and community-level need for housing that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and not more than 15 percent on transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types, and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it. The regional planning

commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and shall disaggregate regional housing targets or ranges by municipality. The housing element shall include a set of recommended actions to satisfy the established needs. 24 V.S.A. § 4348a(a)(9).

Objection (Counts VI, VII): § 4348a(a)(9) requires recommended actions to satisfy established need and an estimate of needed housing investment by zoning district; the plan reports 317 homeless households and recommends only building units, and contains no table by zoning district. Under (a)(12)(B)(vi), acreage cannot show that acreage is "needed" when acreage produces the target. Under § 4348(i)(4) the Board must expressly evaluate this objection and state its reasons in writing. See Formal Objection, Counts VI and VII.

9. An economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth. 24 V.S.A. § 4348a(a)(10).

10. Flood Resilience Element

(A) A flood resilience element that:

(i) identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and

(ii) recommends policies and strategies to protect the areas identified and designated under this subdivision (A) and to mitigate risks to public safety, critical infrastructure, historic structures, and public investments.

(B) A flood resilience element may reference an existing regional hazard mitigation plan approved under 44 C.F.R. § 201.6. See 24 V.S.A. § 4348a(a)(11).

Objection (Count VIII): § 4348a(a)(11) requires an element that designates flood hazard areas “to be protected” and recommends policies to protect them. The plan has no such element, and re-mapped flood-hazard land from Rural Conservation to growth categories without stating its treatment. Under § 4348(i)(4) the Board must expressly evaluate this objection and state its reasons in writing. See Formal Objection, Count VIII.

Section 3 – Future Land Use Element

The regional plan must include

A future land use element, based upon the elements in this section, that sets forth the present and prospective location, amount, intensity, and character of such land uses in relation to the provision of necessary community facilities and services and that consists of a map delineating future land use area boundaries for the land uses in subdivisions (A)–(J) of this subdivision (12) as appropriate and any other special land use category the regional planning commission deems necessary; descriptions of intended future land uses; and policies intended to support the implementation of the future land use element using the land use categories as defined by 24 V.S.A. § 4348a(a)(12).

Below please provide any general comments you have on the future land use categories or mapping:

This form summarizes. The attached Formal Objection (Threshold Objection and Counts I–XIII), Chronicle of Deficiencies, Notice of Appearance, Petition Packet and Exhibit Volume are incorporated and control. Each Count is a separate objection under § 4348(i). Under § 4348(i)(4) the Board must expressly evaluate this objection and state its reasons in writing. Threshold Objection: CVRPC’s October 21, 2026 filing contains no § 4348(h)(1) conformance report and no description of map changes measured against the operative plan, and the Board must state which hearings satisfied § 4348(c). Each Count lists the findings a decision on it must make. The future land use element does not set forth the amount and intensity of land uses in relation to necessary facilities and services, and the elements are not correlated (Count X; § 4348a(a)(12), (b)). Designations were not verified against the § 4348a(a)(12)(B) criteria (Count IX). Objector asks the Board to find the plan not consistent with § 4348a and to issue a negative determination.

The twelve land use categories are listed below. Please provide any comments you have regarding specific land use categories. When possible, please list the specific geographic location (i.e. town name)

Downtown Center - The traditional and historic central business and civic centers within planned growth areas, village areas, or may stand alone. 24 V.S.A § 4348a(12)(A).

See Formal Objection, Count X: the plan does not state the facilities and services this growth requires, or the amount and intensity of the land use intended (§ 4348a(a)(12), (b)).

Village Center - The traditional and historic central business and civic centers within planned growth areas, village areas, or may stand alone. Village centers are not required to have public water, wastewater, zoning or subdivision bylaws. 24 V.S.A § 4348a(12)(A).

See Formal Objection, Count X: the plan does not state the facilities and services this growth requires, or the amount and intensity of the land use intended (§ 4348a(a)(12), (b)).

Planned Growth Area - These areas include the high-density existing settlement and future growth areas with high concentrations of population, housing, and employment in each region and town, as appropriate. They include a mix of historic and nonhistoric commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations; public water or wastewater, or both; and multimodal transportation systems. *See* 24 V.S.A § 4348a(12)(B).

Objection (Counts IX, III, II, V, VII): the Planned Growth Area additions were not verified against each § 4348a(a)(12)(B) criterion. Country Club Road, Montpelier fails four of seven: (ii) served by water or wastewater beyond the clubhouse, (iii) walkability, (v) municipal plan intent, and (vii) complete streets tied to a § 4430 capital program. “Generally” cannot carry a designation that fails the description or the criteria. Under § 4348(i)(4) the Board must expressly evaluate this objection and state its reasons in writing. See Formal Objection, Count IX.

Village Area - These areas include the traditional settlement area or a proposed new settlement area, typically composed of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. These areas include existing village center designations and similar areas statewide, but this area is larger than the village center designation. 24 V.S.A § 4348a(12)(C).

See Formal Objection, Count X: the plan does not state the facilities and services this growth requires, or the amount and intensity of the land use intended (§ 4348a(a)(12), (b)).

Transition or Infill Area - These areas include areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a planned growth or village area or a new stand-alone transition or infill area and served by, or planned for, public water or wastewater, or both. The intent of this land use category is to transform these areas into higher-density, mixed-use settlements, or residential neighborhoods through infill and redevelopment or new development. New commercial linear strip development is not allowed as to prevent it negatively impacting the economic vitality of commercial areas in the adjacent or nearby planned growth or village area. This area could also include adjacent greenfields safer from flooding and planned for future growth. 24 V.S.A § 4348a(12)(D).

Objection (Count VIII): Rural Conservation was how the plan marked flood hazard and river corridor land as land to be protected. Thirteen municipalities' developed flood-hazard areas were re-mapped as Transition/Infill, Enterprise or Rural General without stating what protects them. Under § 4348(i)(4) the Board must expressly evaluate this objection and state its reasons in writing. See Formal Objection, Count VIII.

Resource-Based Recreation Area - These areas include large-scale resource-based recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, that may provide infrastructure, jobs, or housing to support recreational activities. 24 V.S.A § 4348a(12)(E).

Enterprise Area - These areas include locations of high economic activity and employment that are not adjacent to planned growth areas. These include industrial parks, areas of natural resource extraction, or other commercial uses that involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks. 24 V.S.A § 4348a(12)(F).

Objection (Count VIII): flood-hazard land re-mapped from Rural Conservation to Enterprise without stating its treatment or protective condition. See Formal Objection, Count VIII.

Hamlets - Small historic clusters of homes and may include a school, place of worship, store, or other public buildings not planned for significant growth; no public water supply or wastewater systems; and mostly focused along one or two roads. These may be depicted as points on the future land use map. 24 V.S.A. § 4348a(12)(G).

Rural; General - These areas include areas that promote the preservation of Vermont's traditional working landscape and natural area features. They allow for low-density residential and some limited commercial development that is compatible with productive lands and natural areas. This may also include an area that a municipality is planning to make more rural than it is currently. 24 V.S.A § 4348a(12)(H).

Objection (Counts IV, V): the Country Club Road parcel, Montpelier, is mapped for growth although the plan contains no finding for it; the Board must evaluate its designation against § 4348a(a)(12)(B). See Formal Objection, Counts IV, V and IX.

Rural; Agriculture and Forestry - These areas include blocks of forest or farmland that sustain resource industries, provide critical wildlife habitat and movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty, and contribute to economic well-being and quality of life. Development in these areas should be carefully managed to promote the working landscape and rural economy, and address regional goals, while protecting the agricultural and forest resource value. 24 V.S.A § 4348a(12)(I).

Objection (Counts IV, V): the Country Club Road parcel contains prime agricultural soils and forest. The plan contains no finding on them before designating the parcel for growth. See Formal Objection, Counts IV and V.

Rural; Conservation - These are areas of significant natural resources, identified by regional planning commissions or municipalities based upon existing Agency of Natural Resources mapping that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes. The mapping of these areas and accompanying policies are intended to help meet requirements of 10 V.S.A. chapter 89. Any portion of this area that is approved by the LURB as having Tier 3 area status shall be identified on the future land use map as an overlay upon approval. 24 V.S.A § 4348a(12)(J).

Objection (Count VIII): CVRPC first used Rural Conservation for all flood-hazard and river-corridor areas, then reclassified developed areas out of it without stating the treatment each area will receive (§ 4348a(a)(11)). See Formal Objection, Count VIII.