VERMONT
LAND USE REVIEW BOARD
Application #:
RPC03-0001
Exhibit #: 069
Date Received: 10-23-2026

BEFORE THE VERMONT LAND USE REVIEW BOARD

IN RE: Central Vermont Regional Planning Commission — Docket No. RPC03-0001

Regional Plan and Regional Future Land Use Map, adopted October 20, 2026

NOTICE OF APPEARANCE AND STATEMENT OF INTERESTED-PARTY STATUS OF STEPHEN WHITAKER AND ASAP4CV

Filed pursuant to 24 V.S.A. § 4348(i)(1)–(2); accompanies and is incorporated by reference into the concurrently filed Objection, Chronicle of Deficiencies and Exhibit Volume

STANDING / INTERESTED-PARTY STATUS

This notice sets out the basis on which Stephen Whitaker and ASAP4CV are each entitled to object under 24 V.S.A. § 4348(i). They rest on two independent routes in § 4348(i)(2): (A) a signed petition of twenty persons, with Mr. Whitaker as designated representative, and (B) ASAP4CV as a party entitled to notice under § 4348(d). Each is sufficient alone. The petition was not gathered on behalf of ASAP4CV, and the petition does not depend on ASAP4CV. Mr. Whitaker represents both. This notice is filed separately so that the Objection and the Chronicle of Deficiencies can be read for what they address.

A. Stephen Whitaker: participation in the adoption process

Mr. Whitaker lives in Montpelier. His participation in the regional plan adoption process in this docket and before CVRPC is:

- Nine written submissions, 42 numbered points, filed with the Board July 24–August 7, 2026, during the preapplication comment period, and a letter to the Board dated August 20, 2026.
- Supplemental written comments to the Board on September 16, 2026 (Planned Growth Area criteria) and September 17, 2026 (Parts 42–49, continuing the numbering); a Request for Board Guidance dated September 17, 2026; and a letter to the Board dated September 18, 2026.
- Oral comment before CVRPC's Regional Plan Committee on September 1, 2026.
- Oral testimony at CVRPC's public hearings on the draft plan on September 8 and September 14, 2026, and comment before CVRPC's Municipal Plan Review Committee on September 8, 2026.

- A written compilation of his comments, delivered on paper to CVRPC at the September 14, 2026 hearing, and a memorandum to the Board that day elaborating his comments.
- A written memorandum to CVRPC's Commissioners dated September 17, 2026.
- Oral testimony and written comments at CVRPC's public hearing and Board of Commissioners meeting of October 20, 2026, at which the Plan was adopted (Ex. 66).

His own interests, distinct from those of objectors generally, as he states them (see *In re UVM Certificate of Appropriateness*, No. 90-7-12 Vtec, and *In re Town Meadow, LLC*, No. 110-5-06 Vtec):

- He uses the river for swimming. In his view combined sewer overflow discharges, including in summer, make that unsafe.
- He has raised repeatedly, over several years, that he has been excluded from Chapter 117 master planning for Country Club Road, as documented in meeting transcripts and records.
- He has proposed that Country Club Road serve as a flood-response and resilience site for the next downtown flood, connected to the July 2023 flooding of the region's dispatch facilities, and he writes that the City has made no effort to plan for that use. His December 26, 2025 letter to the Commissioner of Public Safety proposed it; the Department certified on September 9, 2026 that no responsive records exist.
- He is a party to a live Act 250 jurisdictional contest over the same parcel CVRPC has proposed for Planned Growth Area designation. Jurisdictional Opinion 5-208 (issued August 27, 2026) determined that the roughly 300-unit housing component requires an Act 250 permit. The City asked for reconsideration on September 11; Mr. Whitaker, who requested the opinion, opposed on September 16; on September 25, 2026 the District Coordinator declined to modify it (Exs. 30, 31). That contest is current evidence of the Tier 1A consequence described in Count IV of the Objection.
- He states that affordability must be built into the Country Club Road development from the outset, not added afterward.
- Planning background: Community Planning program, Woodbury College, Montpelier; study of local politics and planning in California in the late 1970s and early 1980s.

B. Route (A): the signed petition, independent of ASAP4CV

Section 4348(i)(2)(A) makes an interested party of twenty or more persons who own property or reside in the region, who sign a petition and designate a representative who has participated in the adoption process. The attached Petition Packet contains a

Representative's Statement of Participation and three signature sheets bearing 32 signatures of owners or residents of CVRPC member municipalities, dated July 31–August 2, 2026. Each sheet states the § 4348(i)(2)(A) basis, the twenty-person threshold, and the designation of Mr. Whitaker as representative. The Board Chair confirmed in writing (Janet Hurley, email of August 5, 2026, replying to Mr. Whitaker's July 24, 2026 inquiry to Act250.General@vermont.gov) that town of residence or property ownership suffices for signers, that no template is prescribed, that signatures may be compiled across multiple sheets, and that ink and electronic signatures are accepted. Mr. Whitaker's participation is documented in Section A and in page 1 of the Petition Packet.

C. Route (B): ASAP4CV, entitled to notice under § 4348(d)(1)(D)

ASAP4CV's status rests on § 4348(i)(2)(B) directly: it is "a party entitled to notice under subsection (d)," having requested notice in writing before the hearing was warned. The request is Mr. Whitaker's July 25, 2026 email, "Request for Notice — 2026 Draft Regional Plan and Future Land Use Map (24 V.S.A. § 4348(d)(1)(D))," on behalf of ASAP-CV to Christian Meyer of CVRPC. It was made before the preapplication comment period closed and before any hearing was warned. It asked CVRPC to provide the draft plan, the conformance report, and the description of changes to the Regional Future Land Use Map no later than 30 days before the first public hearing, as § 4348(d)(1) requires.

CVRPC's first response treated the request as a mailing-list addition. Mr. Whitaker corrected that in writing the same day: "It's more official than a simple mailing list as it's a statutory standing." (Meyer email, July 28, 2026; Whitaker reply, July 28, 2026.) The first hearing was set for September 8, 2026, making CVRPC's delivery date August 9, 2026. On August 10, 2026 Mr. Whitaker wrote to Mr. Meyer, copying Board Member Brooke Dingledine and Act250.Board@vermont.gov, that the deadline had passed and asked CVRPC to confirm delivery.

Section 4348(d)(1)(D) requires only that a "community or interest group[] or organization[]" have "requested notice in writing" before the hearing was warned. It imposes no membership, roster or engagement requirement. ASAP4CV's Founding Statement, adopted July 2026, says this is by design: ASAP4CV "has no members in any legal sense — only subscribers, and subscription commits a subscriber to nothing," it "speaks in its own name and does not purport to speak for its subscribers," and "[n]othing ASAP4CV files should be read as evidence of what any subscriber believes." No membership showing is required by statute, and none is offered.

When asked, CVRPC's Executive Director declined to make a determination of interested-party status, stating on September 9, 2026 that CVRPC "is not empowered to make determinations as to which individuals and organizations are qualified 'interested parties'" and that notice requests are "for reference only." That declination does not defeat entitlement. Section 4348(i)(3)–(4) commits the question to the Board.

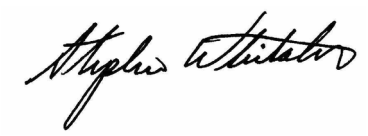
D. Representative capacity

Mr. Whitaker is not an attorney and does not claim to be one. As designated representative of the petitioners he acts in a role that § 4348(i)(2)(A) itself creates. His role for ASAP4CV finds support in *Vermont Agency of Natural Resources v. Upper Valley Regional Landfill*, 159 Vt. 454, 458 (1992), recognizing that non-attorneys may represent organizations in certain proceedings.

E. Determination requested

Objectors ask the Board to determine that Stephen Whitaker, as designated representative of the petitioners, is an interested party under § 4348(i)(2)(A), and that ASAP4CV is an interested party under § 4348(i)(2)(B), each independently of the other, and to proceed to evaluate each objection and state its reasons in writing under § 4348(i)(4).

Respectfully submitted,



Stephen Whitaker, for himself, as designated representative of the petitioners, and for ASAP4CV
Montpelier, Vermont
October 23, 2026