VERMONT
LAND USE REVIEW BOARD
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CHRONICLE OF DEFICIENCIES IN CVRPC'S REGIONAL PLANNING PROCESS

Docket RPC03-0001 — Central Vermont Regional Planning Commission

Submitted by Stephen Whitaker, Montpelier, Vermont, for the record

I. PURPOSE AND SCOPE STATEMENT

This is not an objection under 24 V.S.A. § 4348(i). Section 4348(i)(3) confines a post-adoption objection to whether the adopted plan is "consistent with the regional plan elements and future land use areas as described in section 4348a." The matters chronicled here were raised during the preapplication comment period under 24 V.S.A. § 4348(b) and chapter 139, and do not bridge to § 4348a. As my July 24, 2026 filing stated at the time: these matters "are within the Board's review at this stage and at no later stage."

This document preserves that record for three purposes: (1) the Board's own institutional memory and any future guidance-setting where these patterns recur across regions; (2) potential use in a separate governance or oversight complaint, legislative testimony, or rulemaking process, distinct from this docket's objection track; (3) the ongoing, separate effort to educate CVRPC's own Board of Commissioners toward correcting these defects directly.

Nothing here should be read as conceding these matters are meritless, unimportant, or resolved. They are excluded from the formal objection solely because the statute assigns them to an earlier stage of review. Source documents are identified in the text by date and description, and by Exhibit number where the Exhibit Volume carries them. Those not in the Exhibit Volume are available on request.

II. MAP GOVERNANCE AND TRANSPARENCY

No fixed, reviewable form (Part 1). Appendix A, as filed at the preapplication stage, contained no true future land use map — only legacy thematic sheets (topography, soils, resources, transportation, wastewater, emergency management, zoning) drawn at roughly one inch to 3.5 miles, a scale at which an individual parcel is narrower than the line used to draw a road. The operative map was instead a live interactive web service — no version, no date stamp, no fixed extent, meaning two reviewers on different days could see different things with neither able to demonstrate what the other saw. At the July 23, 2026 Board meeting, CVRPC itself described three still-pending changes, one with no graphic or boundary; a member municipality's planning commission was still voting the following week on further changes; and the Regional Plan Review Checklist and Appendix D reported different acreages for the same future land use areas in at least two municipalities.

No provenance or archival control (Part 2). This is systemic, not CVRPC-specific. Because Act 250 jurisdiction under Act 181 is location-based, and a Planned Growth Area designation is the predicate for Tier 1A exemption from Act 250 review under 10 V.S.A. § 6081(z)(1), legal jurisdiction — and its removal — now attaches to a polygon on a mutable GIS object. An attribute change is invisible on casual inspection: the boundary appears unmoved while the designation beneath it changes. Asked at the July 23 meeting whether a change log captures edits to geometry and attribute data with date, editor, and authority, CVRPC's response addressed only that differences between the posted version and the final application would be "called out" — not attribute-level logging with editor and authority.

No parcel-level criteria record (Part 5). Four of the seven § 4348a(a)(12)(B) criteria (water service, wastewater service, flood hazard/river corridor, zoning

district) already exist as State or municipal geospatial data — attaching them to each parcel is a table join, not a study. CVRPC's own staff described the actual mapping method, at the July 23 meeting, as using "the big paintbrush." CVRPC already performs comparable parcel-level attribute work elsewhere in the same filing (the Enhanced Energy Supplement, Appendix B). The Commission's own proposed error-detection mechanism — inviting the public to flag a parcel colored differently from a comparable neighbor — is structurally incapable of catching over-designation: the burdened parties (abutters, downstream owners, the public interest in soils/traffic/flood risk) see no change on their own parcels and get no signal that anything happened, while the benefited owner has every reason not to object. Roughly 25 comments were received region-wide across 23 municipalities on this basis — a figure that measures dissatisfaction with restriction, not acquiescence in any given designation.

Statewide map governance (Part 13) and the capacity-vs-presence attribute gap (Part 14). As regional plans are assembled into a statewide tiled Future Land Use Map, the same provenance question recurs at the state level, plus a second: once a region's tile is submitted, does editorial control pass exclusively to the Board, or does the originating RPC retain concurrent access. Separately, the per-parcel attribute layer requested at Part 5 should, for criterion (ii), distinguish existing capacity from capacity sufficient for the development scale a PGA designation contemplates, and identify whether any required expansion appears in an adopted capital program with a cost and funding source — a binary "served" attribute otherwise hides the gap between designation and deliverable housing.

Parcel-level display and technical capability (Parts 21–22). CVRPC's own Regional Plan Committee staff memo (August 4, 2026) admitted, on flood-adjacent developed-area classification, that Board discussion "demonstrated that

there is no single accepted interpretation of how these areas should be classified." The technical capability for parcel-level transparency already exists: Board Member Alex Weinhagen confirmed in writing (August 3, 2026) that the Board's map viewer already renders adopted-versus-proposed versions "as different map layers" for comparison — the same capability could render classification criteria against final designation. At the same August 3 meeting, no regional planning commission representative present could answer a member of the public's question about who is responsible for telling residents that a twenty-signature petition preserves post-adoption standing to object, and Weinhagen acknowledged that information appears only in statute, not on the Board's own "how to participate" webpage.

Independent state-agency confirmation of specific map defects. The Agency of Natural Resources' August 7, 2026 comments note that "many of the maps appear to have been created in 2007" and recommend CVRPC verify layer sources reflect current data. The Agency of Transportation's August 6, 2026 comments separately identify inconsistent Future Land Use categorization of state highways and Interstate 89 (some segments "special use," others uncategorized or matched to the adjacent land use category), a missing freight rail line between Montpelier and Barre, and a missing bicycle/pedestrian facilities map. Two independent state agencies, reviewing the same map, found defects of the same kind residents were already raising.

III. PARTICIPATION AND PUBLIC EDUCATION

Affirmative duties, not a notice duty (Part 6). § 4348(a) requires informal working sessions suited to local people's needs, not merely notice — restated at § 4348(d)(2) (Tier-structure education) and via 3 V.S.A. § 6002(6) (communities enabled and administratively assisted to participate through education and

training). Formal § 4348(c) hearings do not discharge this separate duty. CVRPC's own staff, at the Board's July 23, 2026 meeting, described the methodology as confusing and acknowledged residents are "not likely to" consult the methodology document — "and I don't blame them" — and separately described the public reaction to seeing their property classified unexpectedly as confusion, then frustration, "and at least occasionally they have gotten fairly upset about it": a description of learning after the fact, not participating in setting the outcome. Municipal consultation, which the record shows was extensive, does not substitute for the citizen and organization prongs § 4348(a) separately requires — particularly where the municipal body consulted is itself the source of the mapping data used, or is itself a designation's proponent. The § 4348(i) objection gateway and its interested-party definition were not shown to be disclosed to the public anywhere in the record.

A consistent pattern of making participation harder, not easier, at every point where a resident might actually show up (Parts 15, 16, 35). Four separate pieces of this fit together as one pattern, not four unrelated complaints.

Meeting locations residents can't get into. CVRPC meeting locations have been physically inaccessible without prior insider knowledge — locked entrance doors, no signage to an alternate entrance — on multiple occasions.

Notices not posted where people in Montpelier actually look for them. Repeated requests to post meeting agendas at Montpelier City Hall and the Kellogg-Hubbard Library — the two places residents actually encounter public notices, as opposed to a website they'd have to already know to check — went unanswered. This was raised again, on the record, as recently as CVRPC's own September 8, 2026 Municipal Plan Review Committee meeting, where the draft minutes record: "S. Whitaker of Montpelier shared a concern of the refusal by the commission to post

its public notices in City Hall and Kellogg-Hubbard library and the disregard for statutory obligations in section 6002."

Maps and a written plan community groups asked for, and didn't get delivered. When ASAP-CV requested paper copies of the plan and the full 23-town map set — specifically, copies that could be taken away and worked from, not just viewed — CVRPC's response offered viewing access at three locations on CVRPC's own schedule, not delivery of a copy into the group's possession. A library reading-room copy, available only during library hours, is not equivalent to a copy a group can study together at whatever hours its members are actually free. The § 4348(d)(1) report documenting the plan's conformance with statute — separately required to be delivered to any party that requested notice — was never delivered at all; CVRPC's own written response said it did not intend to produce one, relying instead on its Application Guidelines rather than the statute itself. And where a shared workspace was offered as an accommodation, it was CVRPC's own conference room, inside CVRPC's own office — asking a community group to prepare its case against a plan inside the building of the agency that wrote it, with no assurance of privacy from the staff whose work was the subject of that preparation.

A policy change that lets staff see who's asking questions. A December 9, 2025 bylaw amendment stopped public posting of committee recordings (other than Executive Committee and full Board) in favor of an individual-request model. Three safeguards a commissioner requested on the record before that change (retention notice, 30-day deletion notice, downloadable format) do not appear in the final policy. Requesting a recording under the new model necessarily identifies the requester to staff by name — a resident who wants to review what was said at a meeting about a designation affecting their neighborhood now has to ask CVRPC

staff, individually, for that access, with predictable effect on residents inclined to disagree with a designation. Physical map materials at the Kellogg-Hubbard Library covered only 6 of the region's 23 municipalities (Berlin, Calais, East Montpelier, Middlesex, Worcester, Montpelier) — residents of the other 17 towns had no way to view their own town's map there at all.

Taken individually, each of these might be explained as an oversight. Taken together — inaccessible meeting rooms, notices not posted where the City's own residents actually look, a written plan and a conformance report neither delivered nor made available to take away, and a recording-access policy that identifies whoever asks — they describe an institution that has made every point of contact with the public harder to use than it needs to be, not easier, in a process the statute requires it to affirmatively support.

The plan boasts an outreach effort that left off one of its most determined participants, with no explanation. The draft plan itself states that CVRPC sent "updates and invitations to comment on the FLU map and Regional Plan draft via the CVRPC 'Weekly Roundup' to almost 600 Commissioners, Town Administrators, interested municipal officials, media outlets, and interested members of the public," and separately describes holding seven Q&A sessions in August 2026 for community members, municipal staff, and local officials. Objector Whitaker received none of these invitations — not because CVRPC lacked his contact information, but despite already having and using it. He is on CVRPC's own routine distribution list for Board and subcommittee meeting agendas, receiving them regularly by email, on par with what Commissioners themselves receive (though without the accompanying packets, which are not linked and must be separately located). CVRPC therefore already had, and regularly used, a working email address for the single most frequent in-person

participant in its Regional Plan Committee and subcommittee meetings, and used it to send him agendas — but not invitations to the seven Q&A sessions the plan itself now cites as evidence of its outreach. Nor were those sessions recorded: unlike the Board and subcommittee meetings this same pattern already documents above, no recording of any of the seven Q&A sessions exists for a resident excluded from them to review after the fact.

What the map withholds (Parts 17–18). The map does not disclose known environmental constraints bearing on a parcel — flood hazard, prime agricultural soils, CSO-affected drainage — despite CVRPC performing comparable parcel-level attribute work elsewhere (the Enhanced Energy Supplement). As a concrete illustration: Montpelier operates six documented CSO outfalls in violation of Vermont Water Quality Standards under its own discharge permit (No. 3-1207), a known, decades-old, multi-million-dollar-remediation condition that does not appear anywhere on the Future Land Use Map and that most affected residents likely do not know about. This bears on 3 V.S.A. § 6003 (meaningful participation in environmental decision-making, with particular attention to this kind of population) and 24 V.S.A. § 4302(c) Goal 15 (equitable distribution of environmental benefits and burdens). This point is raised region-wide. Objector does not claim that Country Club Road's own wastewater service is tied to a CSO-affected line.

CVRPC's own reform process shows the same pattern (Part 19). CVRPC's Code of Conduct and Public Participation Work Group spent eight months revising comment rules, with its own minutes showing deliberations substantially organized around managing one identified, highly engaged resident's input — including a sitting Board chair's own on-record warning that uneven discretion to limit

comment risks becoming "dictatorial powers of chairs." A similar, unverified pattern has reportedly occurred at Two Rivers-Ottauquechee.

What real participation would look like (Part 20). Plain-language invitations rather than hearing notices; posing the actual trade-off (should growth be prioritized where sewer/stormwater is already separated, ahead of areas still discharging into the river during storms?); an open video library rather than request-based access. None of this requires new statutory authority.

The missing capital budget is not only a documentation defect; it is the concrete substance meaningful participation has nothing to operate on without. § 4302(b)(2) — one of only four foundational process goals in § 4302(b), textually incorporated into the Board's own required finding under § 4348(h)(4)(A) — commits the state "to encourage citizen participation at all levels of the planning process." 3 V.S.A. § 6002(6) names "needs assessments" among its own examples of what meaningful participation should concretely address. A capacity study and a § 4430 capital budget and program, done well and held to a real diligence standard, are not abstractions — they are what let a resident see that the sunken storm drain outside where he parks is scheduled for repair, in what year, at what cost, and where it sits in priority against every other project in town. Absent that document, participation has nothing to engage with beyond a color on a map and a staff assurance that things are being worked on; residents are left, as CVRPC's own record already shows, confused, then frustrated, then upset, precisely because there is nothing concrete to debate. This is also a real design challenge, not just a disclosure one: a city the size of Montpelier may generate a capital plan hundreds of line items long, legible to a computer-literate resident willing to explore a geographic map showing what is scheduled, at what cost, and contingent on what — but the § 4348(a) and § 6002(6) duties to "actively enable

and support" participation, including "through education and training," run specifically to the resident who is not. An outreach and translation effort — not merely a published spreadsheet — is what those provisions require, and nothing in this record shows CVRPC or its member municipalities have attempted it.

CVRPC keeps no record of interested-party status, and the § 4348(d)(1)(D) notice mechanism has reached almost no one. Objector's July 25, 2026 written notice request on behalf of ASAP-CV — timely, explicit, and citing § 4348(d)(1)(D) by section number — drew an initial reply from CVRPC's Executive Director characterizing it as a mailing-list addition; Objector corrected the record 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 subsequently warned for September 8, 2026, making CVRPC's own statutory deadline to deliver the § 4348(d)(1) materials August 9, 2026 — a deadline CVRPC did not meet, prompting a further written request on August 10, 2026 that also asked CVRPC to confirm whether it had affirmatively publicized this participation opportunity to community groups, consistent with 3 V.S.A. § 6002(6)'s "enabled and administratively assisted… through education and training" standard. A subsequent public records request — for any list of § 4348(d)(1)(D) notice-requesters and any log of interested parties CVRPC maintains for purposes of § 4348 notice or the § 4348(i) objection process — drew the response "No such records exist" to both questions. The notice requests actually on file, for an entire twenty-three-municipality regional plan, number two: Objector's own, and one from the Montpelier Complete Streets committee chair, whom Objector had separately advised of the opportunity. CVRPC maintains no mechanism for tracking who qualifies as an interested party, has not shown that it affirmatively publicized the one statutory channel by which a community group can secure that

status, and — when asked directly whether any given requester qualifies — declines to answer at all, stating only that "CVRPC is not empowered to make determinations as to which individuals and organizations are qualified 'interested parties.'" A participation right that depends on a group already knowing to ask, about a mechanism CVRPC has not shown it published, and that reached two requesters region-wide, is not the "actively enable and support" participation § 4348(a) and § 6002(6) require.

CVRPC never told the public how to qualify to object, so Objector did.

Neither route to interested-party status under 24 V.S.A. § 4348(i)(2) was explained by CVRPC. A group entitled to notice under § 4348(d)(1)(D) must request it in writing before the hearing is warned. Alternatively, twenty signers may petition and designate a representative who participated. That no regional planning commission representative present on August 3, 2026 could say who is responsible for telling residents about the petition is set out in Part 21 above.

CVRPC's take-away sheet at the Kellogg-Hubbard Library was a double-sided color summary of the plan and map. It invited comments by QR code, email or mail until August 28, 2026. On or about August 6, 2026, Objector placed his own two-page guide to preserving standing on the same table, next to CVRPC's copies, to explain the two routes to objecting (his Standing Primer).

On August 5, 2026 Objector emailed the guide to the chair of the Montpelier Complete Streets Committee, Holly Fowler. On August 7 she filed a § 4348(d)(1)(D) written notice request for the committee, and CVRPC acknowledged it with hearing notices on August 10. Her request and Objector's own are the only two on file for the whole region. The petition signatures were gathered separately, in person, by Objector carrying the petition around town.

An agency that must "actively enable and support" participation (§ 4348(a); 3 V.S.A. § 6002(6)), in a planning process meant to "encourage citizen participation at all levels" (§ 4302(b)(2)), left the one statutory path to a post-adoption objection to be taught by the person objecting.

The August 3 amendment failed its first test (Part 23). CVRPC's Executive Committee amendment to the Rules of Meeting Conduct and Public Participation took effect after the August 3, 2026 meeting closed, making the Regional Plan Committee's August 4, 2026 meeting the first test. Asked near the end of that meeting whether it was an appropriate time for public comment, the chair indicated only a few minutes remained and the Committee was not finished with its discussion; the comment did not occur, and the same meeting's Public Outreach agenda item was never reached, with no commitment to a follow-up meeting. This pattern continued into September: at the September 1, 2026 Regional Plan Committee meeting, Objector's own draft minutes note that he "raised an objection to the 8/4/2026 meeting which ended on time at 5:30, without his being able to deliver public comment" — CVRPC's own record thus confirms the incident from both sides.

Municipal-level delegation concern (Part 24). The Montpelier Planning Commission's vote authorized its chair to submit comments on the Commission's behalf — not a vote on which parcels to include or exclude, or how to resolve discrepancies with the Housing Committee's broader candidate list. Authorizing transmission of a document is not the same as deciding what the document says.

III-A. NOTICE, DELIVERY, HEARING RECORD AND PARTICIPATION

III-A.1. The record does not show which meeting was CVRPC's first public hearing.

24 V.S.A. § 4348(c) requires two or more public hearings within the region after public notice. CVRPC's own documents describe the September 8 and September 14, 2026 meetings inconsistently.

CVRPC's August 10, 2026 notice called September 14 the "first of two statutorily required" hearings and described a September 8 session as additional, beyond what is statutorily required (as quoted in Objector's August 18, 2026 email, Ex. 4). Its September 10 notice called both sessions "formal public hearings" and stated that comments received September 8 would be carried to September 14 (CVRPC notice, Sept. 10, 2026). Staff's preamble on September 14 described September 8 as the first hearing and September 14 as the second (Ex. 8). The September 1 Regional Plan Committee minutes record a "clerical error in warning the September 8 Hearing" and state that September 14 would be "held as part of a special committee meeting" (Ex. 50). CVRPC's Bylaws and Rules give its committees an advisory role and do not assign them a hearing function (Exs. 52, 53).

Objector pleads the consequence as a fork and takes no position on which branch is correct. If September 8 was the first hearing, the plan materials reached ASAP4CV 29 days before it, not 30. If September 8 was not a hearing, September 14 was the first, and it was convened as a meeting of the Regional Plan Committee, at which, Objector states, a quorum of the Board of Commissioners was not present. CVRPC's application form to the Board lists September 14 and October 20, 2026 as its hearings and does not list September 8 (Board docket No. 055, p. 9). The Board is asked to find that the record does not establish a first hearing that met § 4348(c) and (d)(1) as to a registered interested party. On Objector's position, October 20, 2026, the meeting at which the Board of Commissioners adopted the

plan, is the first hearing that met both requirements. The Objection's Threshold Objection asks the Board to state which hearings it found satisfied § 4348(c).

On October 6, 2026 the Regional Plan Committee approved the September 14 "special meeting" minutes. In answer to a question from Objector, a staff member said that the hearing record is a single document on CVRPC's hearings page containing the complete hearing, with the exhibits from both the 8th and the 14th (Oct. 6, 2026 Regional Plan Committee meeting; machine transcript, paraphrased). CVRPC thus treats the two dates as one hearing record. That is a further description of the two meetings. It does not resolve whether September 8 met the 30-day requirement.

III-A.2. Proof of receipt was not used for ASAP4CV, a registered interested party, and the conformance report was not delivered.

Section 4348(d)(1) requires that, at least 30 days before the first hearing, the plan, the conformance report and the description of future land use map changes be "delivered physically or electronically with proof of receipt or sent by certified mail, return receipt requested," including to community and interest groups that requested notice in writing before the hearing is warned. § 4348(d)(1)(D).

ASAP4CV requested notice in writing on July 25, 2026. On July 27 CVRPC's Executive Director replied that the group would be "added to any mailing lists" (CVRPC email, July 27, 2026). The package reached ASAP4CV by email on August 10, 2026, which is 29 days before September 8 and 35 days before September 14. CVRPC first requested read receipts on September 4 (CVRPC email, Sept. 4, 2026). The September 19, 2026 transmittal for the October 20 hearing, sent 31 days before the hearing, did not request read receipts (CVRPC email, Sept. 19, 2026). Objector does not contend the emails did not arrive. The

pleading is that the statute prescribes a delivery method, and the record shows neither certified mail nor electronic delivery with proof of receipt as to ASAP4CV.

On August 10, 2026 at 10:22 p.m., ASAP4CV told CVRPC in writing that the package did not include the conformance report required by § 4348(d)(1), and that the 30-day date for a September 14 first hearing was August 15 (ASAP4CV email, Aug. 10, 2026). On August 19 the Executive Director replied that CVRPC "followed section 1.106 of the Land Use Review Board's Regional Planning Commission Application Guidelines," which provides that the draft Regional Plan Review Checklist "will serve to meet the statutory requirement of 24 V.S.A. §4348(d)(1)," and that "[w]e do not intend to submit another document at this time" (Ex. 3). Objector asks the Board to find that a checklist and a report documenting conformance are not the same instrument, and that no separate report was delivered to ASAP4CV.

III-A.3. Notice under 24 V.S.A. § 4348(d)(1) and (f): CVRPC cannot show assured delivery to the municipalities.

The statute requires delivery "with proof of receipt" of the draft plan, the conformance report and the description of map changes to the chair or manager of each of the region's 23 municipalities, at least 30 days before the first hearing, and of any change at least 30 days before the final hearing. CVRPC's own production in response to the September 29, 2026 records request does not show that it did so.

First notice. Of 23 municipalities, 15 returned a read receipt or written acknowledgment from the chair or manager. Two have only a delivery notice, both for a resend on September 11, three days before the hearing. One (Marshfield) has only a text message, "Got them," replying to a staff request to "confirm" receipt of the August 10 and September 4 emails. Five have nothing: Barre City, Berlin, Moretown, Williamstown and Worcester. CVRPC first requested read receipts on

September 4, 25 days after the August 10 send, and chased non-responders by resend on September 11.

Final notice. No read receipt was requested. Of 23 municipalities, one chair (Barre City) is shown to have read the September 19 notice. Twelve show only a server delivery notice. Seven show only a "Relayed" notice or a bounce: Fayston, Plainfield, Roxbury, Warren, Washington, Williamstown and Worcester. Berlin and Moretown show nothing. For Montpelier, the production contains no September 19 receipt, only a delivery notice to the Mayor dated October 5, fifteen days before the hearing.

Address control. The Middlesex and Williamstown addresses that bounced on August 10 bounced again on September 19, although CVRPC's own September 15 listserv export carried working addresses for both chairs.

Records. The recipient and address lists produced are dated September 15, September 22 and September 30, after both sends. No contemporaneous delivery log appears in the production. The delivery duty is CVRPC's. What it produced is a record assembled after the fact, with receipts gathered, in part, by text message, not a system for assuring delivery.

Source: CVRPC response of October 5, 2026 to the September 29, 2026 public records request, shared folder "Whitaker Records 260929": open folder. *Municipality-by-municipality detail is in the accompanying spreadsheet, Notice_Proof_of_Receipt_Matrix_RPC03-0001.xlsx.*

III-A.4. Paper copies were requested; what was offered was office viewing, and the files for printing.

The same August 10 email asked for paper copies of the draft Regional Plan and the full Future Land Use Map set, rolled and not folded, delivered to ASAP4CV's

P.O. Box or picked up, so that the group's steering committee could study them together. The email explained that a phone screen and an online viewer are not a workable substitute and that ASAP4CV has no large-format printer (ASAP4CV email, Aug. 10, 2026).

The August 19 reply offered the following: a physical copy of the Plan and the full-scale regional map at CVRPC's offices at 29 Main Street "for your steering committee"; use of CVRPC's ADA-accessible conference room "[b]y appointment"; the plan and map files "in a format that local print shops would be able to print for you at full scale"; physical copies of the Plan and municipal maps at the Kellogg-Hubbard Library and City Hall in Montpelier; and placement of the remaining 17 municipal maps at the Kellogg-Hubbard Library (CVRPC email, Aug. 19, 2026). It did not provide paper copies to ASAP4CV. On September 4, in response to Objector's records request, CVRPC stated that a regionwide map was viewable at its offices and that it was unable to respond to a request for large-format copies for all towns.

Objector pleads that these accommodations, taken together, left a volunteer community group with three options: meet at CVRPC's offices by appointment, pay a print shop for full-scale copies, or review at a library. A group preparing an objection needs to set its own hours, to confer in private while it reviews maps and decides what to say, and to read a document in a format its members can use. Objector reads on a smartphone, and the September 20, 2026 draft runs 338 pages. This bears on meaningful participation under § 4348(a).

III-A.5. Meaningful participation, § 4348(a) and 3 V.S.A. § 6002(6).

Section 4348(a) incorporates meaningful participation "as defined in 3 V.S.A. § 6002." Section 6002(6) provides that "'[m]eaningful participation' means that all individuals have the opportunity to participate in energy, climate change, and

environmental decision-making," with examples including "needs assessments, planning, implementation, permitting, compliance and enforcement, and evaluation." It "requires that communities are enabled and administratively assisted to participate fully through education and training," and "requires the State to operate in a transparent manner with regard to opportunities for community input."

The omissions pleaded in III-A.2, III-A.4 and III-A.6 are offered as facts bearing on that standard, not as separate grounds. Objector pleads omission, not intent.

III-A.6. The August Q&A sessions.

CVRPC's draft plan, Chapter 1, pp. 34–35, lists seven August Q&A sessions among its outreach. Objector is a registered interested party and receives notice of CVRPC's board and committee meetings. He received no notice of the Q&A sessions and missed the first round for that reason.

At the October 6, 2026 Regional Plan Committee meeting, during the agenda item on the Q&A sessions, Objector asked that the sessions be recorded, noting that they were already being held on Zoom so that people could review them later. By Objector's account, the Executive Director responded that CVRPC would consider the request. CVRPC has since stated that it did not record the August sessions.

The draft plan states that CVRPC sent updates and invitations to comment to almost 600 recipients through its Weekly Roundup (Section III above). The pleaded fact is that a registered interested party who is on CVRPC's committee-notice list was not told of the Q&A sessions.

III-A.7. Large-format maps.

On August 10, 2026 ASAP4CV told CVRPC that only 6 of the region's 23 town maps were available at the Kellogg-Hubbard Library and asked that the remaining

17 be placed there (ASAP4CV email, Aug. 10, 2026). On August 19 CVRPC replied that it "will make copies of the remaining 17 CVRPC municipal maps available at Kellog-Hubbard Library" (CVRPC email, Aug. 19, 2026). CVRPC's September 4 records response states only that a regionwide map is viewable at its offices (CVRPC records response, Sept. 4, 2026).

III-A.8. A timed public-comment period, not a public hearing, preceded CVRPC's Board vote on Montpelier's municipal plan (August 21, 2025).

Why this belongs here and not in the Objection. This concerns how CVRPC conducted its 2025 review of the Montpelier City Plan under 24 V.S.A. § 4350, a different decision from the regional-plan adoption at issue in the § 4348(i) objection. The only fact carried into the Objection is notice: CVRPC was told on the record, before it voted, that the Country Club Road parcel is designated Rural in its operative regional plan.

The meeting. The Board of Commissioners met on August 21, 2025 as a *special meeting*, not a warned public hearing, to vote on approving the Montpelier City Plan 2025. Objector raised this at the outset (recording 10:53–12:36): that § 4350 requires a public hearing; that the hearing had been delegated to a subcommittee rather than held before the full Commission; that the meeting was warned only as a special meeting; and that the review's independence was compromised because the author of the municipal plan under review was also Montpelier's appointed commissioner and sat on the regional plan committee. The response (13:26–14:17), from a speaker the captions do not identify, was that nothing in statute requires the hearing to be before the full Board of Commissioners, that the practice dated from 2018, and that it was adopted in the rules for each committee.

The comment. Public comment was limited to five minutes per person. Objector began at about 39:03 and read portions of a written analysis of why the plan should

not be approved at that time (draft minutes, pp. 2, 5: “read from a memo”). On the recording, he reached: the Country Club Road parcel’s Rural designation in the existing regional plan and the § 4350 / § 4348a compatibility test; the road’s grade and the Route 2, Gallison Hill Road, and rail-siding traffic constraints and the absence of any corridor traffic study; and the City’s Actionable Plan having been altered (Phase Two removed) and not incorporated into the plan by reference. At about 42:12 he protested that the meeting was required to be a public hearing, that only five people had been allowed to speak, and that the matter was likely to be litigated without one. At about 44:04 he was told his five minutes were up. He protested again (about 44:31); the chair responded that he could use the remainder “later at the two minutes.” The portion of the analysis after “the intentional procedural choice that allows developer-driven proposals” was not read aloud at the meeting.

The second comment. After Board and staff discussion, the chair opened a second round at two minutes per person (2:00:21–2:00:30). Objector spoke from about 2:00:40 and was ended at about 2:02:42, partway through a sentence. In that time he raised: the parcel is not walkable or bikable to town; no traffic study preceded the City’s lease to a school for up to 100 students; the parcel’s prime agricultural soils had not been discussed; the four-part compatibility analysis had not been done for traffic, ag soils, or the Rural designation; and the plan could not properly be approved until after the regional plan is readopted.

What the record shows about what the Board heard. The limit was applied evenly. Other speakers also had five minutes, and Objector does not contend he was singled out. The point is structural: the only public input before the vote was timed comment at a special meeting, the Board did not hear the rest of the written analysis at the meeting, and Board and staff discussion then ran for more than an

hour. A commissioner who had met with the chair and the Executive Director about the plan in July told the Board before the vote that the area Montpelier designated for high-density development is designated Rural in the regional plan and is not compatible, attributing the point to Objector (about 1:01:42).

What staff and others said on compatibility. A Montpelier representative answered that the Country Club Road site was one part of a plan with aspirational goals, that the City's growth center strategy had been dropped without changing the goal, and that a full traffic assessment would come with a project (about 1:02:50–1:06:26). The Executive Director said (about 1:28:10–1:29:07) that the regional plan's Rural land use is weakly described and can be read both ways, and that staff had looked at the initial concepts and considered them a dense cluster of housing that appeared compatible with the plan's goals. A staff member said (about 1:48:32) that the Board would have to demonstrate traffic impacts to find incompatibility, and read the definition of "compatible" aloud. Speakers are identified as the captions and draft minutes allow.

The vote. The motion to approve required 12 of the Board's 23 member towns. After the roll call the Board stopped to work out the threshold and confirmed that 12 votes were enough (about 2:09:10–2:09:29). The plan was approved with exactly the votes required and none to spare: 12 ayes, 4 nays and 1 abstention (CVRPC draft minutes, Aug. 21, 2025, p. 6).

Why it matters to the Board's guidance. The Executive Director's statement that the Rural designation is weakly described and can be read both ways, offered as the reason staff found a dense cluster on a Rural-designated parcel compatible, is CVRPC's own contemporaneous account of how it applied its operative plan to this parcel. A commissioner also remarked during the meeting that the vote would

later be cited at an Act 250 hearing as a consistency finding (about 1:38:58), showing the Board was told during the meeting that its vote would be so used.

Sources. CVRPC Board of Commissioners special meeting, August 21, 2025: recording as uploaded by Objector from the Zoom download CVRPC provided; YouTube auto-generated captions (timestamps cited; captions are not verbatim and are paraphrased here). CVRPC draft minutes, August 21, 2025 special meeting, pp. 1–2, 5, 6.

III-A.9. The Montpelier seat voted on the approval of Montpelier's municipal plan after a recusal request, and the record shows no disclosure and no vote on participation.

Why this belongs here and not in the Objection. This concerns how CVRPC's Board handled a recusal request on a municipal-plan vote under 24 V.S.A. § 4350, not whether the adopted regional plan is consistent with § 4348a. It is pleaded as a fact about the Board's process and is offered for the record, as III-A.8 is.

The seat. The City Council's July 9, 2024 consent-agenda backup sheet recommended: "Appoint Planning Director to serve as representative to the Central Vermont Regional Planning Commission" (City Council agenda packet, July 9, 2024, p. 2). Montpelier's Planning Director is Michael Miller. On August 21, 2025 the Montpelier seat on the Board was voted by Mr. Miller (CVRPC draft minutes, Aug. 21, 2025, roll call).

The request. Before the roll call at the August 21, 2025 special meeting, Objector told the Board that the review could be compromised where the author of the municipal plan under review is also the municipality's appointed commissioner, shapes the review process and sits on the Regional Plan Committee, and asked that Mr. Miller recuse himself from the vote (recording 10:53–12:36; draft minutes).

That the plan's author and the commissioner were the same person is Objector's statement to the Board. The draft minutes record that the Board discussed "whether Mike Miller should vote" (draft minutes) and proceeded to the roll call with Mr. Miller included.

The vote. Montpelier's vote was "aye." The motion passed with 12 ayes, 4 nays and 1 abstention (draft minutes p. 6), and the Board stopped after the roll call to confirm that 12 was the threshold (III-A.8). The approval carried with exactly the votes required.

What the record does not show. The draft minutes and the recording passages Objector reviewed record no statement by Mr. Miller of any interest in the plan, no ruling on the recusal request, and no vote of the Board on whether he should participate. Objector pleads that omission. He pleads no motive.

Repeated on the record. At the next regular Board meeting, on September 9, 2025, Objector repeated the point in opening public comment, in these words: "the August 21 approval of the Montpelier City Plan was decided by a single decisive vote — the 12th 'yes' — cast by Montpelier's Planning Director, who is also the plan's author and chief advocate. This creates a clear appearance of a conflict of interest that was neither disclosed nor mitigated" (Objector's written comment, Sept. 9, 2025). The comment also stated that the official August 21 minutes reduced the warning of legal jeopardy, Objector's statutory analysis and a cost critique to generic summaries, and did not highlight the vote itself. These are Objector's statements, offered to show that the point was on the record at the time and again three weeks later.

What CVRPC's documents provide. Bylaws § 902 states that Commissioners "have an obligation to conduct the affairs of their office in such a manner as to instill public trust and confidence," and that CVRPC "shall maintain a written

policy on code of conduct and conflict of interest," a copy of which is to be given to all Commissioners and Alternates at appointment [Ex. 52]. The Regional Plan Committee's own Rules of Procedure, which govern its members and not the Board, require a member to "state on the record the nature of his or her interest" in a project before the Committee, and provide that where a member is uncertain "the Regional Plan Committee shall determine by vote whether the member should participate" [Ex. 53]. Objector does not contend that the Committee's rule governs a Board vote. It shows that CVRPC has written a mechanism for the question. The record does not show that any mechanism was used on August 21, 2025.

Why it matters to the Board's guidance. CVRPC later cited the August 21, 2025 approval as a consistency finding (III-A.8). A vote that carried with no votes to spare, taken after a recusal request that the record does not show was ruled on, is a fact the Board may wish to know about when it considers how regional planning commissions handle review of plans prepared by their own commissioners' departments. Objector asks the Board to find only that the record does not show a disclosure, a ruling or a vote on participation.

III-A.10. The record does not say which body will conduct the October 20, 2026 final hearing, and CVRPC's Bylaws and Rules assign committees no hearing function.

Scope. This entry pleads what CVRPC's documents show and omit about which body conducts its hearings.

The notice. The Final Public Hearing Notice, dated September 20, 2026, is issued by "the Central Vermont Regional Planning Commission." It states that "[t]his hearing shall be the final hearing required under 24 V.S.A. § 4348," sets it for October 20, 2026 at 6:30 p.m., and asks for written comments before 5:30 p.m. (Final Public Hearing Notice, Sept. 20, 2026). It does not say whether the hearing

will be conducted by the Board of Commissioners, the Regional Plan Committee or another body.

What the Bylaws and Rules provide. Under Bylaws § 403(D)(2)(a) the Regional Plan Committee is to "[o]versee development and maintenance of the Regional Plan … and make recommendations for approval by the Board" [Ex. 52]. Bylaws § 404(C) provides that special committees "shall be advisory to the Board" [Ex. 52]. The Committee's Rules of Procedure state that it "shall be advisory to the Board of Commissioners," that "[n]ew or amended plans … shall be ratified/approved by the Board of Commissioners," and that it "is a special committee of the Regional Planning Commission" [Ex. 53]. Neither document assigns a public-hearing function to a committee, and the Bylaws treat special Board meetings (§ 604) and committee meetings (§ 605) as separate things [Ex. 52]. (The Bylaws list the Committee under standing committees in § 403(D); its Rules call it a special committee. Objector notes the difference and does not rely on it.)

What the record shows about September 14. The September 1, 2026 draft minutes record that the Committee's Chairperson, Alice Peal, had died a few days earlier, and that D. Greason was "presiding as Chair" [Ex. 50]. They record that the September 14 hearing "will be held as part of a special committee meeting," with the Executive Committee and the Regional Plan Committee to hold dual special meetings [Ex. 50]. At the September 14 meeting a chair pro tem was selected by voice vote (Objector's observation at the Sept. 14 meeting). The Rules provide for election of a Chair and Vice-Chair annually and, if either "should resign before term expiration," an interim election "within two meetings or when regular elections are held, whichever is earlier" [Ex. 53]. They do not address a vacancy from another cause, and they do not mention a chair pro tem. The September 1 draft minutes record no election.

What is pleaded. Objector pleads omission, not intent. The record does not show (a) the Bylaw provision under which a committee conducts a hearing required by § 4348, or (b) the basis on which the September 14 session, held as part of a special committee meeting and, as Objector states, without a quorum of the Board of Commissioners, counts as a hearing of the Commission. CVRPC's Board of Commissioners adopted the plan on October 20, 2026, by a vote of 21–1 (Objection, Statement of Facts). The Board is asked to find that the record does not establish that the September 14 session was a hearing of the Commission under § 4348(c).

III-B. The methodology, the repeal of appeal rights, and the silence on how to object

Three facts, taken in sequence. Objector does not attribute motive to any of them.

1. The methodology. The VAPDA mapping methodology that CVRPC staff applied without a vote of the Board, including its statement that the capacity of sewer and water systems "need not be considered," is argued in Objection Counts II and III and in Section VII below. It is not repeated here.

2. The repeal. The repeal of 24 V.S.A. § 4476 by 2026 Act 152 § 16, and VAPDA's February 18, 2026 comment asking for it, are set out in the Objection (Sections II.B and VI). What the Objection does not carry is the legislative record on whether anyone weighed what the public would lose. At the Senate Natural Resources and Energy Committee's March 13, 2026 hearing, VAPDA's witness, Charlie Baker, called § 4476 "this remnant of statute," as quoted in the Brief of Appellee CVRPC at 6, No. 26-AP-064 (May 6, 2026), which cites the hearing recording at 14:49–16:33. On March 25 the Senate devoted about ten seconds to it, describing it as "cleanup," as the same brief quotes the floor statement (id. at 6).

No witness or document in this record shows that anyone weighed what the public would lose. Act 152 § 16 supplied no substitute.

3. The silence. Meanwhile CVRPC never told the public how to preserve standing to object (above).

Taken together: the method that sets the capacity question aside, the loss of the one review of municipal plan approvals, and the absence of notice about the one remaining objection route each narrow what the affected public can contest. CVRPC's duty is to promote, encourage and facilitate participation (§ 4348(a); § 4302(b)(2); 3 V.S.A. § 6002(6)). Because § 4348(m) bars appeal, the objection to this Board is the only review the plan will receive.

IV. RESILIENCE PLANNING — THE PLAN'S REGIONAL RESILIENCE OBLIGATION APPEARS SUBSTANTIALLY UNMET

Independent state-agency confirmation that public-safety facilities are thinly treated. Vermont Emergency Management's own preapplication comments, reviewed against Goal 12 (public facilities and services, including fire, police, and emergency medical services), find the plan gives fire and law enforcement two paragraphs total and emergency medical services one — and that both sections "cite lack of staff/volunteers and financial constraints as issues yet there are no further analysis, goals or policies provided." VEM recommends the sections "be reviewed in consultation with regional public safety leaders prior to plan publication." This is a state agency independently confirming, on the exact element the resilience argument turns on, that the plan identifies the problem and then stops.

The traditional fallback no longer exists (Part 26). A landline phone historically worked in a power outage because the phone company supplied current from

central-office battery/generator plant, not customer premises. The plan's own Chapter 6 documents landline's near-disappearance (12% of Vermonters as of 2020). What replaced it — fiber/cable voice, cellular, public-safety LMR — depends on power at the customer's home or at the cell/radio site itself, with battery backup typically measured in hours, not days.

Independent state-agency comments on the same element are advisory, not corrective, and do not fill this gap. The Agency of Natural Resources' comments on the Flood Resilience Goal and Element are limited to technical suggestions — updating terminology, adding a river-corridor map layer, noting FEMA's ongoing Flood Insurance Rate Map updates — and do not address, because ANR's review scope does not require them to address, the absence of any affirmative capable-site identification. That the state's own natural-resources reviewer had nothing to say about this gap is itself consistent with the pattern: the element reads, on its face, as complete, because the affirmative half of what the statute requires was never attempted in the first place.

V. HOUSING AND ENVIRONMENTAL JUSTICE

The shelter and hygiene infrastructure points formerly chronicled here (Part 31) are now argued in Count VI of the Objection and are not repeated in this document.

VI. BROWNFIELD AND AGRICULTURAL SOILS SEQUENCING

Remediation timing, traffic, and capital-budgeting certainty must precede designation (Part 39). Where a proposed PGA parcel is a BRELLA-enrolled or -eligible brownfield (10 V.S.A. §§ 6641–6656), the statutory sequence — investigation, then Corrective Action Plan (CAP), then DEC approval, then implementation — means the governing remedy does not legally exist until the

CAP is approved. This directly undercuts two things a PGA designation implicitly represents: capital budgeting under § 4430(b) (cost, financing, priority cannot be credibly stated for infrastructure routed through an unapproved-remedy site) and traffic impact (remediation method drives remediation traffic; neither is knowable pre-CAP). A structural timing mismatch compounds this: § 4430's six-year planning horizon is shorter than the remediation timeline the City's consultant (Stone Environmental) has projected for the Country Club Road brownfield, and nothing in the plan shows the continuous re-adoption that gap would require is planned or contemplated. This conclusion applies to every brownfield PGA parcel lacking an approved CAP, not to any single one.

Primary agricultural soils protection and food-grade remediation adequacy (Part 40). DEC's Residential/Commercial Soil Values, which govern CAP approval, do not address a food-crop ingestion exposure pathway, so an approved CAP does not by itself show a site safe for continued food cultivation. The loss of Act 250 Criterion 9(B) review under a Tier 1A designation is argued in Count IV of the Objection.

VI-A. SOIL DISTURBANCE AT 203 COUNTRY CLUB ROAD: A WRITTEN DEC HOLD AND WHAT THE RECORD SHOWS DURING IT

Why this belongs here and not in the Objection. The Objection carries one sentence on this sequence, in Count V, limited to the documented facts. The full sequence is chronicled here, each fact typed by its source: DOC (a document in the record), SW (Objector's own account, not yet supported by paper) and INF (inference). Only DOC facts are pleaded as fact. Objector pleads omission, not intent.

The parcel and the rule. 203 Country Club Road (SMS #2022-5116) was enrolled in the BRELLA program on July 8, 2022 [DOC]. The Investigation and Remediation of Contaminated Properties Rule, Environmental Protection Rules

Chapter 35 (the “I-Rule”), effective February 23, 2024, requires written authorization from the Commissioner of the Department of Environmental Conservation, or a person with the Commissioner’s written delegation, before soil disturbance on an enrolled parcel, as Objector reads it (Environmental Protection Rules ch. 35). In June 2026 the City’s Parks and Trees Director said that Country Club Road is not under the park commission’s jurisdiction and that the City Council cannot authorize soil disturbance for the DEC Commissioner because the parcel is a brownfield (City meeting of June 15–16, 2026; paraphrased).

The sequence.

- [DOC] June 5, 2026, 9:29 a.m. The City’s Parks and Trees Director emailed a DEC staff member (Caitlyn Bain) and Stone Environmental, subject “Disc Golf Tee Pad Soil Disturbance Request”: 30 tee boxes, 5 by 12 feet each, about 1,800 square feet of disturbance, wooden boxes filled with clean gravel, disturbed soil packed in place. The email says: “We would ideally like to begin this work next week.”
- [DOC] June 12, 2026, 8:58 a.m. Ms. Bain replied recommending that the City prepare a Soil Management Plan before further individual disturbance requests. The reply does not authorize the tee pad work.
- [DOC] June 15, 2026, 2:34 p.m. Ms. Bain wrote: “additional authorizations for soil disturbance while site investigations are ongoing will have to come in the form of an approved soil management plan, prepared by Stone. Please hold further intrusive work until then, I’m sorry for any delays this poses to the disc golf project.”
- [DOC] August 14, 2026, 8:26 p.m. A Disc Golf Vermont representative emailed the City giving notice of a PDGA tournament “in 3 weeks” and

asking that the course be closed to dog walkers for the tournament weekend. The email also says: “We will be out Sunday with local, volunteer disc golfers for another tee pad workday...”. The email was sent on a Friday. [INF] Objector reads “Sunday” as August 16, 2026, which is 62 days after the June 15 hold. The email states an intention. That the session took place, who attended, what work was done, and whether any City staff knew of or approved it are not shown in the record Objector holds.

- [DOC] September 5 and 6, 2026. The Capital City Cup PDGA tournament was held on the course, which was closed to other public use, with 70 or more participants plus spectators. The tournament was not itself soil disturbance. Who authorized the closure is not shown in the record.
- [DOC] September 11, 2026, 10:48 a.m. Ms. Bain approved the revised Interim Soil Management Plan: “The plan meets the requirements in § 35-804(b) and is approved for implementation. Additional site investigation and corrective action will be required.” The record Objector holds shows no earlier written lifting of the June 15 hold. The approval came 88 days after the hold and five days after the tournament ended on September 6.

Two earlier disturbances, authorized only at analyst level. [DOC] On August 19, 2024 Ms. Bain wrote to Josh Jerome that the disc golf installation “may require a Soil Management Plan per Subchapter 8” but that “we would not prohibit this work,” contingent on thin-spread outside known contamination areas. [DOC] On November 13, 2025 the Parks and Trees Director wrote that the City planned to route a water line, about 900 feet from the clubhouse to the tree nursery, “well away from any greens or areas of known contamination,” and on November 14, 2025 Ms. Bain replied that “someone from Stone should be onsite” to verify that digging did not occur where exceedances had been identified. These are staff

emails. Objector has located no written authorization from the DEC Commissioner or a delegate for either disturbance. [INF] Whether Stone attended the November 17, 2025 mark-out is not shown.

Erosion-control swales. [DOC] A public-records response states that no authorization records exist from the Parks Commission, the City Council or the City Manager's office for the erosion-control swale excavation. [SW] Objector observed that excavation on November 6 through 8, 2025. Other disturbances Objector has observed or heard described are not pleaded here because no supporting document is yet in hand.

What is pleaded. The record shows, in order: a City request to disturb soil for tee pads; a written DEC instruction to hold intrusive work until an approved Soil Management Plan exists; an email announcing a tee pad workday during the hold; a public tournament on the course during the hold; and DEC's approval of an Interim Soil Management Plan after it. It does not show whether the workday occurred, what authorization the City had for any work in that period, or who authorized the closure for the tournament. Objector pleads those omissions as facts the Board should have before it treats this parcel as ready for growth-area designation (Count V). Soil that has been disturbed before delineation is complete cannot be un-mixed, which is the sequencing point made in Part 39 above. Nothing in this entry is offered as a finding that any person acted improperly.

VII. GOVERNANCE OF THE UNDERLYING METHODOLOGY

The Board of Commissioners never voted on it. No record exists of CVRPC's Board of Commissioners ever voting to adopt the VAPDA future land use mapping methodology as the Commission's own operating approach. CVRPC's Executive Director confirmed this in writing (Public Records Act response, September 15, 2026: "No such records exist"), in response to a request covering Board minutes,

agendas, motions, resolutions, any staff memo presenting the methodology for Board approval, and any record of the Board declining to vote and delegating to staff. Staff adopted and applied the methodology — including the untraced 1,000-vehicles/day, 25 mph sidewalk threshold — without ever bringing it to the Board.

The origin of the capacity-exclusion language remains untraced to a specific drafter. All 11 Vermont regional planning commissions report no records of where the VAPDA methodology's "capacity of sewer and water systems need not be considered" language originated, despite § 4348a(e) requiring the methodology be developed "in consultation with" DHCD and the Land Use Review Board. The language's drafting history and stated rationale, as shown in the Two Rivers-Ottauquechee production, are set out in Count III of the Objection. The Land Use Review Board answered the records request on September 18, 2026 with 17 documents and withheld nothing. The records request to DHCD/ACCD is not addressed here.

VII-A. THE BOARD'S OWN UNAPPEALABILITY IS THE SAME DUE-PROCESS QUESTION IT HAS ALREADY RAISED ABOUT REGIONAL PLANS

The Board has already identified this due-process concern once — in someone else's plan. The Board's late-August 2026 comments on Two Rivers-Ottauquechee Regional Commission's draft plan raised, in its own words, whether "mandatory land use restrictions expressed throughout the plan infringe on constitutional property rights without adequate input from affected landowners." Rural Vermont Rising demands to be heard, VTDigger, Sept. 22, 2026. The Board has, in other words, already shown itself willing to identify a due-process concern in a regional plan and put it on the record.

The Board has not yet turned that same scrutiny on its own structure. Under § 4348(m), the Board's approval of a regional plan and future land use map is not appealable, as the Board has stated in its determinations on other regions' plans. The repeal of § 4476 by 2026 Act 152 § 16 and the VAPDA drafting document on that repeal are set out in the Objection (Sections II.B and VI).

If the Board is prepared to flag a due-process concern about mandatory language imposed on landowners through a regional plan, it should be equally prepared to flag the due-process concern in making its own approval of that same plan final under § 4348(m). The Board is well positioned to raise this with the Legislature directly — it has already exercised that voice once this year. Objectors ask the Board to do so again: to advise the Legislature that its own approvals under § 4348(m) may warrant a right of appeal, restoring in some bounded form what § 4476 provided before its repeal.

This is not a hypothetical concern. CVRPC's regional plan relies on Montpelier's confirmed municipal plan as settled input throughout — for housing-target disaggregation, for the Planned Growth Area acreage allocated to Montpelier (see Part 48 and Count VI, infra), and for every downstream calculation built on it — without acknowledging that the underlying municipal plan's own compliance with statute remains contested in a pending appeal before the Vermont Supreme Court (Objection, Count V(i)). The Board should not proceed as though that question is resolved when it is not.

VIII. SCHEDULING AND PROCESS INTEGRITY

A notice-timing bind CVRPC's own schedule created (Part 32). § 4348(d)(1) requires 30 days' notice before the first public hearing; § 4348(f) requires the same before a final hearing following substantive revisions. Applied to a plan substantively revised after the Board's September 7–8, 2026 preapplication

feedback, either provision places the earliest lawful hearing date around October 8, 2026 — after CVRPC's own stated October 1 adoption target.

The Executive Director's stated expectation about the Board's feedback (Part 33). At CVRPC's July 7, 2026 Regional Plan Committee meeting, Executive Director Christian Meyer stated: "I don't anticipate a lot of them will be mandatory, and a lot of them will be recommendations that we can choose to integrate into our new plan next year."

No forum existed to develop the participation strategy this record repeatedly requested (Part 34). The Regional Plan Committee's August 4, 2026 meeting did not reach its Public Outreach or Schedule Updates agenda items, adjourning directly from the Future Land Use Map discussion, with no rescheduling commitment; its stated "next meeting" (September 1) fell before the Board's own preapplication feedback was even due. A special meeting was confirmed available on request for an unrelated narrower purpose the same day. Taken together: a locked meeting-room door at consecutive meetings, a participation-rules amendment that took effect one meeting too late to apply to the meeting that prompted it, a twice-deferred outreach item with no rescheduled date, and a standing-preservation requirement the Board's own member confirmed isn't published where a resident would find it, describe a consistent pattern rather than isolated incidents.

A clerical error forced an additional hearing, and the compressed-schedule debate CVRPC's own Committee held confirms the pattern rather than resolving it. CVRPC's September 8, 2026 hearing was, by its own account, warned defectively at the Board of Commissioners meeting — requiring an additional September 14, 2026 hearing to capture comments that would otherwise have been lost. At the September 1, 2026 Regional Plan Committee meeting, staff

proposed a final hearing and adoption date of October 15, 2026, calculated backward from the Board's 75-day statutory review window and the December 31, 2026 deadline for preserving legacy state designations — with Commissioner Brabant separately noting the interval between the second hearing and final LURB submission was, in his own words, too short, and proposing to close comment earlier (September 18) to allow time to incorporate it. Commissioner Farrell stated on the record that the original compressed timeline "creat[es] opportunities for mistakes," and Commissioner Brabant stated that finalizing the plan immediately after the second hearing risks making that hearing "appear a formality," adding that a three-year revision process was now, in his assessment, being rushed. Staff separately confirmed, at the same meeting, that CVRPC regards the 2026 plan internally as "an interim plan intended to meet current statutory requirements and preserve the region's existing designations, with a full rewrite to begin in 2027" — CVRPC's own characterization of the document the Board is being asked to hold to the full statutory standard.

VIII-A. RELIANCE AND TIMETABLE PRESSURE; WHAT LOCAL BODIES ARE TOLD ABOUT THE BOARD'S REVIEW

VIII-A.1. Local officials describe the Board's review as a formality; the Board's own response says otherwise.

At the Montpelier Planning Commission's public meeting on September 28, 2026, twenty days after the Land Use Review Board adopted its preapplication response on CVRPC's draft plan (RPC03-0001), Montpelier's Planning Director told the commissioners what to expect from the Board. In answer to a commissioner's question about timing, he said (about 1:13:27) that the Board had already reviewed the plan and found it good, so that its review should be more of a formality at this point. He said the Board has 120 days to act (about 1:13:43), predicted that it

would lean heavily toward finishing by December 31 (about 1:13:52), and described the expected result as high fives all around (about 1:14:00). Earlier in the meeting, the chair told the commission that the regional plan looks to be in good shape, with a goal of Board approval by the end of the year (about 54:28).

The Board's written response says something different. It states that it is "advisory only and does not guarantee an affirmative determination" on the adopted plan or the Tier 1B request, that it identifies areas where the draft plan "appears not to conform and likely needs revision" or is "insufficient for the Board to make a determination," and that if CVRPC disagrees with a negative assessment, "the Board will need additional information" with the adopted plan application. On Tier 1B, it found that the proposed areas "appear to meet" the statutory requirements only "pending timely receipt of municipal resolutions," and that revisions "may be necessary before Tier 1B status can be conferred." It also says its review "does not encompass nor reflect its position with respect to comments received." The response is in the Board's docket: RPC03-0001.

The same speaker also described the Board's approach to Act 181 in terms the Board may not recognize: that it had been pushing in one direction on Act 250 jurisdiction until South Burlington pushed back hard, after which it backed off a little (about 1:20:49 to 1:21:21), and that it is very much in the bureaucracy, focused on whatever is in the required box (about 1:21:46). He also said that CVRPC plans to readopt the plan in 2027, which would give the City a second bite at the apple on parcels the regional plan left out (about 1:11:36).

These are statements by local officials to their own commission and the public, not statements by the Board. They matter here because they show how the people charged with carrying the regional plan into local zoning are describing the Board's review: as largely done and as a matter of timing, when the Board's own

response, issued three weeks earlier, leaves the determination open and conditions Tier 1B on the municipal resolutions. The Board may wish to correct that impression on the record before its determination on the adopted plan.

Source: Montpelier Planning Commission meeting of September 28, 2026, recorded by Archimedia and posted on YouTube, timestamps as shown. Statements are paraphrased from the auto-generated YouTube captions, which are not verbatim.

VIII-A.2. "A formality," and the December 31 deadline (Planning Director, about 6:40 p.m.).

At its September 28, 2026 meeting, Montpelier's Planning Director told the Planning Commission that the Board had already reviewed the plan and found it good, that approval should be a formality, and that the Board would probably lean toward finishing by December 31. Pair this with the Board's September 8 response, which is "advisory only and does not guarantee an affirmative determination" and identifies elements where the draft "appears not to conform and likely needs revision." The point is the gap between what the commission was told and what the Board wrote, not motive.

VIII-A.3. A "second bite at the apple" and capital budgets (Planning Director, about 6:40 p.m.).

The Planning Director stated that CVRPC is already revising the plan for 2027, that parcels denied planned-growth status now (Berlin Street, Terrace, Elm Street) can be re-argued then, and that the city could adjust capital budgets and show a planned sidewalk to support a growth-area request. Pair with 24 V.S.A. § 4348a(a)(12)(B)(vii), as enacted in Act 181, under which planned transportation infrastructure "includes those investments included in the municipality's capital

improvement program pursuant to section 4430." The statute lets planned investments count; the excerpt describes a plan to create them after the designation request. This supports requiring complete showings now, not a finding that the plan is inadequate on this ground alone.

VIII-A.4. The reliance chain — Tier 1B submitted, Country Club Road "all in," Tier 1A waits on approval (Planning Director, about 6:28 to 6:40 p.m.).

The Planning Director stated that Montpelier has already submitted a Tier 1B application whose benefit takes effect when the regional plan is approved, that Country Club Road is within it, that the city cannot file a Tier 1A pre-application until the Board approves the plan because the approved plan is a required submission document, and that it intends to file in January. Pair with the Board's September 8 response: all 15 proposed Tier 1B areas "appear to meet" the requirements pending municipal resolutions, but where the underlying future land use areas fail § 4348a(a)(12), "revisions may be necessary before Tier 1B status can be conferred." See also 10 V.S.A. § 6034(b)(1)(B). The point here is reliance and dependency; the effect on Country Club Road is argued in the Objection.

VIII-A.5. "In good shape": what the local review told the commission (about 6:28 p.m.).

Twenty days after the Board's September 8 response found the draft plan did not appear to conform in several elements, the chair told the Planning Commission that the Planning Director had submitted comments on CVRPC's latest draft that were fairly minor, and the Planning Director replied that his comments were mostly minor and that the regional plan looks to be in good shape. His stated method was to read through the draft to make sure nothing was out of order. That is a lay review, not a statutory conformity analysis, and is not presented as one.

VIII-B. The Board declined prospective guidance, so the first test of each designation is the objection.

On September 17, 2026 Objector asked the Board to state, before it decided any adopted plan, what a regional plan would have to show for each Planned Growth Area (Ex. 62). The Board answered by letter dated October 21, 2026, the day after CVRPC adopted the plan, that it had decided not to issue guidance requiring the information requested (Ex. 63). Its reasons were that the statutes "do not prescribe specifically how to meet these requirements," that the statute requires only that an area "generally meet" the seven criteria, so that the Board "does not have statutory authority to require the specific measures" requested, and that any guidance "cannot be stricter than the statutory requirements" (id.).

The letter does not tell regional planning commissions in advance what parcel-level showing the Board will look for. Whether a designation was supported is therefore decided when an objector raises it, which is why the Objection asks the Board to state, count by count, what its decision found (Objection, Section II.A). The Objection does not ask the Board to adopt a standard stricter than the statute (Objection, Threshold Objection and Count IX). Objector records the sequence here so that it is in the record: request, September 17; adoption, October 20; the Board's answer, October 21.

IX. THE CONNECTIVE THREAD

Four links have to hold, in sequence, before a Planned Growth Area designation means what it claims to mean: a site's contamination has to be delineated before a municipal plan can honestly describe what happens there; the plan has to lay out, at least conceptually, where roads, water, and sewer would go; a capital budget has to cost and schedule that layout; and the map has to show, per parcel, which of these links actually hold — not just a final classification. A designation that skips ahead

of that chain isn't a shortcut; it rests on a step that hasn't happened yet. Because a Planned Growth Area designation is, in practice, close to permanent — the Board's approval is, by statute, not appealable (§ 4348(m)), and PGA status opens the door to a Tier 1A process that removes Act 250 review — the burden belongs on showing readiness now, visibly, not on explaining later why it should have waited. Every deficiency chronicled above is a different point at which that chain currently fails to hold, or fails to be shown.

X. DISPOSITION

This record is preserved without present request for Board action under § 4348(i). It is submitted so that:

- these matters remain part of the docket's public record for any later proceeding in which they become relevant;
- the pattern is available to inform the Board's guidance to other regional planning commissions still completing this process; and
- CVRPC's own Board of Commissioners, which adopted the plan on October 20, 2026, has these defects on the record.

Respectfully submitted,

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