



**From:** [Tony OMeara](#)  
**To:** [Kyle Katz](#); [regionalplan@trorc.org](mailto:regionalplan@trorc.org); [Act250 - Board](#)  
**Subject:** Newbury - OMEARA - comments on TRORC draft regional plan.  
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**Attachments:** [Newbury - OMEARA - comments on TRORC draft regional plan.pdf](#)

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Newbury - OMEARA - comments on TRORC draft regional plan.

As requested, I'm following up in writing with my comments/questions spoken at the 7/29 and 7/30 TRORC draft regional plan public hearings.

### Chapter 3 - Land Use.

As Newbury's appointed Commissioner to TRORC, I asked a specific question in the March 2026 Board meeting about what I perceived as the TRORC Regional Plan policies being prescriptive and mandatory whereas other RPC plans appeared more strategic and visionary; and asked why. I did get a response — but certainly not an answer. A quite indignant response that I'll paraphrase as "because that is our interpretation and we stand by it", further accompanied by multiple disparaging comments about the other Vermont RPC's ability, their plans, and an unequivocal statement that they were simply not doing their job.

Act 181 created State wide consistency in Vermonts land use areas, and my understanding is that it also intended consistency in interpretation and deployment across the state (with possibly some local geographical variations). Clearly TRORC does not see it this way and has created a set of policies with prescriptive mandatory language that is significantly out of alignment with the rest of the state's RPC's and consciously and deliberately usurps local control on projects under certain conditions — conditions that, concerningly, can be changed by the Vermont Legislature at any time in the future.

I struggle to see TRORC's statutory basis for mandatory and prescriptive language when considering the verbs included in 24 V.S.A. §4348 and §4345. For example: (1) A statement of basic policies of the region to **guide** the future growth...; (A) **Indicates** those areas of significant natural resources...;(D) **Encourages** preservation of rare and irreplaceable natural areas, scenic and historic features and resources; The housing element shall include a set of **recommended actions** to satisfy the established needs; (10) **Develop strategies** specifically designed **to assist municipalities** in defining and managing growth...

I fully understand the concept that if a use is not explicitly prohibited by a 'shall' or 'must' then it is effectively allowed (as many Newbury residents now do!) but to date I have not heard a succinct explanation as to why TRORC believes that mandatory language belongs in the regional plan, and not at the local municipal plan level.

Municipalities need strategic guidance and assistance, not prescriptive directives. I believe the regional plan should be guidance to the member towns to provide direction their planning, not restrictive in its own right. The 'shalls' and 'musts' are appropriate in the 30 municipal plans

that comprise the TRORC region, but not as a top down regional directive.

My questions:

- Explain why TRORC believes mandatory language belongs at regional plan level, and not at the municipal planning commission level?
- Explain why you believe the TRORC ‘mandatory language’ approach is consistent with statute?

I do not support the draft plan mandatory language policies as written; they must be revised to provide strategic direction, guidance, and recommendations aligned with Statute. Until they are amended as such, the Town of Newbury cannot vote to approve the draft plan at the Sept 9th TRORC board meeting.

### **Substantial Regional Impact / Projects NOT in Act250**

TRORC has an overly broad set of conditions for when a project meets the "substantial regional impact" threshold where Act 250 defers to the REGIONAL plan — not the town plan. However, it also appears TRORC also wants to be involved in projects NOT subject to act 250.

Under RURAL CONSERVATION the plan states “TRORC will work with member towns on Town Plans and bylaws that will address smaller development not subject to Act 250 in the Rural Conservation Area so that it is done in ways that preserve the functions of these areas while allowing compatible development.”

Please clarify TRORC intent with this statement?

- What exactly is TRORC intended role on development “not subject to Act 250”?
- What triggers TRORC involvement in those projects?
- Who decides and enforces if a development “is done in ways” or if a development is “compatible”? And against what criteria?
- Is it your intent to withhold approval of Town plans or bylaws if a Municipal vision differs from TRORC’s vision?

### **Chapter 8 - Homes in the Region**

The Housing section of the draft regional plan states that the RPC’s “have been tasked with disaggregating the regional housing targets by municipality, and ensuring that our ‘core settlements’ (...) can accommodate most of this housing need based on these state targets”.

“Ensure” means to ‘make certain’; to take steps so something definitely occurs, or ‘to guarantee’ securing a specific result, which is clearly not the case. This is openly acknowledged by TRORC’s unequivocal statement “We must also emphasize that we will not meet our goal....”

TRORC’s acknowledgment that stated goals are unattainable in their own strategic plan makes

it a meaningless charade. In the corporate world, any plan presented that states that plan goals are unachievable within the plan itself would be laughed out of the room.

The targets have been set without any meaningful assessment of infrastructure capacity, geographic/topographic limitations, available willing property owners to facilitate housing, and developers interested in pursuing such projects, and are flatly unrealistic. Saying that a desired future state is “ensured” and that core settlements “can accommodate” plan goals is misleading, and that is certainly the case for Newbury’s villages. To be clear, projecting certainty that the plan ensures Newbury’s villages can accommodate the allocated core settlements targets is not accurate.

No one in Newbury is disagreeing there is a housing crisis, and Newbury will do it’s part to step up and help address the housing shortage and has initiated a good faith effort to do what we can. However, the ability of Newbury’s villages to meaningfully contribute to the municipal target is significantly limited by infrastructure constraints — constraints that in some instances cannot be remedied simply by investment. A cursory evaluation of the current and potential future constraints on expansion, and in some areas physical constraints, concludes there is no line of sight to meet the Villages’ allocation of 102 units defined in the plan either by the 2030 deadline, or the foreseeable future beyond that.

- My question is around Policy 1. “Municipalities ***must*** plan for their role in meeting municipal housing targets as identified by TRORC and in ways that focus growth around core settlements.” With this, is TRORC simply mandating that their municipalities must repeat the same meaningless charade in their municipal plans?
- Will a future Newbury Town Plan be required to have the same future certain language against the regional plan’s unachievable targets in order to garner TRORC approval?

Newbury will plan to maximize housing development as conditions in Newbury dictate, not simply to meet an arbitrary goal. If our municipal plan for housing considers conditions on the ground and cannot in good faith support the assigned target, does that mean TRORC will not approve the plan unless it uses the mandatory targets (repeating the charade) and the future certain language even though we both know they are not achievable? That makes no sense.

Future Legislative intent is unknown and unpredictable, but the plan is fixed. The Town of Newbury objects to being placed in a position where we will be expected to meet (and implied that we can meet) arbitrary targets, and then mandated to build them into our municipal planning, especially when there is the remotest possibility of future negative repercussions for not meeting targets we didn’t agree with, nor agree we can meet, and yet are codified in the regional plan and mandated to be included in Newbury’s future municipal plan.

I do not support the draft plan mandatory language policies where municipalities ‘must’ plan to meet objectively unrealistic housing targets. Until this is revised, the Town of Newbury cannot vote to approve the draft plan at the Sept 9th TRORC board meeting.

### **Comment on schedule**

As the voting board member for my town I want to be sure there is enough time to evaluate

the post hearing revisions, then review with my Planning Commission and SelectBoard to decide how we vote at the Sept 9th board meeting.

I asked the question at the 7/30 TRORC public hearing (zoom at 1:16:30) about when the revised 'voting' draft is going to be made available. After initially responding "that's not my call", I was told it was going to be distributed to board members as part of the normal meeting packet which in this case was going to be no more than eight or nine full days before the meeting. When I asked if they thought that was enough time to digest the changes, review with the town and decide how to vote, I was told "I'm trying to hit the schedule". Neither responses were good answers!

For the record, I do not believe eight days is adequate time for a meaningful review of the post public hearing changes with the Planning Commission and SelectBoard, and for a Town to decide how to vote.

Tony O'Meara  
Newbury Planning Commission, Chair  
Newbury's appointed TRORC Board Member

Sent to:  
kkatz@trorc.org  
regionalplan@trorc.org  
act250.board@vermont.gov

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