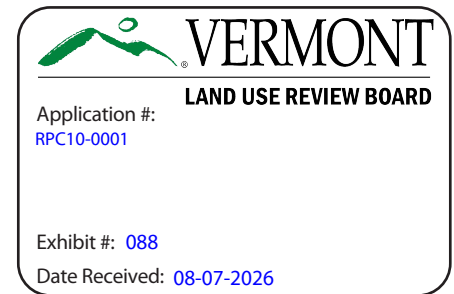


Cover Sheet



TO: Kyle Katz, Two Rivers Ottauquechee Regional Commission

kkatz@trorc.org; regionalplan@trorc.org

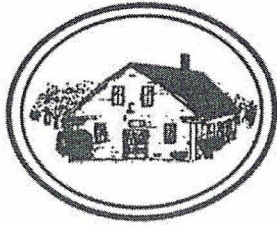
Land Use Review Board, Act250.Board@vermont.gov

FROM: Town of Newbury Selectboard; Susan Culp (Chair), Shauna Prime, Andrew Lee

susan.culp@newburyvt.org; shauna.prime@newburyvt.org;
andrew.lee@newburyvt.org

Please find attached the Town of Newbury's formal comments on the Two Rivers Ottauquechee Regional Commission Draft 2026 Regional Plan. It includes a cover letter as well as an attached addendum providing detailed comments, questions, and concerns on the content of the 2026 Regional Plan draft.

Thank you for your consideration of this input.



Newbury Town House

TOWN of NEWBURY

P.O. Box 126, Newbury, Vt. 05051

(802) 866-5521 Fax (802) 866-5301

July 29, 2026

ATTN: Kevin Geiger, Peter Gregory
Two Rivers-Ottauquechee Regional Commission
128 King Farm Road
Woodstock, VT 05091

Dear Mr. Geiger & Mr. Gregory,

This letter summarizes the formal feedback and concerns of the Town of Newbury regarding the draft Two Rivers-Ottauquechee Regional Commission's draft 2026 Regional Plan. These concerns reflect the concerns also expressed by the Newbury Planning Commission and the TRORC delegate for the Town of Newbury.

We have three primary areas of concern about the 2026 Regional Plan. First, we are concerned with the reliance on prescriptive language, which extends beyond the purview of regional guidance and recommendations, and steps into the exercise of regulatory authority over land use decisions that are appropriately within the purview of local zoning and land use authority. This prescriptive language is present in nearly all of the sections of the plan, but is particularly problematic in the Land Use section, the Transportation section, the Economic Development section, and the Homes in the Region section. We have prepared an attachment to this letter that outlines the specific language in the various sections of the plan, and our concerns related to them.

Second, the timeline for the public comment period has been insufficient. While the schedule for sharing the 2026 regional plan and receiving feedback on it technically conforms with the letter of the law and meets statutory requirements; however, given the length of the plan (210 pages), its distribution during the busiest of summer months, as well as the magnitude of the updates and the potential impact to local governments and landowners, simply following the bare minimum in soliciting input and comment is woefully inadequate.

Per V.S.A Title 24 § 4345a, the duties of a regional planning commission are laid out clearly with respect to development of a regional plan:

“(5) Prepare a regional plan and amendments that are consistent with the goals established in section 4302 of this title, and compatible with approved municipal and adjoining regional plans. When preparing a regional plan, the regional planning commission shall:
(A) Develop and carry out a process that will encourage and enable widespread citizen involvement and meaningful participation, as defined in 3 V.S.A. § 6002.”

It is our understanding that other regional planning commissions in Vermont have engaged in much more rigorous review and comment processes to solicit feedback and consensus on their plans, and it is disappointing that TRORC chose not to follow that example.

Third, the imposition of housing targets on Newbury is problematic. To have these targets written into the 2026 regional plan, along with the expectation that municipalities will, in turn, write them into our own plan updates, is simply unreasonable. We are aware that these targets were handed down to the regional planning entities from the state level, and we are sympathetic that there is little that TRORC can do about the overall targets that the region has been asked to meet. That being said, we would like to go on the record in noting that it is beyond the power of the Town of Newbury to meet such a target. We continue to be supportive of encouraging the construction of housing to meet the dire need that exists in the state, and our zoning bylaws are already as accommodating as can be mustered to encourage such housing. However, local government cannot force those who own property to make it available for development at the scale that is desired by these state targets, nor can we compel developers to come to the community and build said housing units.

While there are a variety of other minor points related to the 2026 regional plan that we would otherwise comment on, we will refrain from doing so given the significance of these other three concerns. Until these matters are resolved in a satisfactory way through revisions, the Town of Newbury will not be able to support the draft 2026 regional plan, and we will direct our TRORC representative accordingly.

Thank you for your consideration of this feedback.

Sincerely,



Susan Culp
Chair
Town of Newbury Selectboard



Shauna Prime



Andrew Lee

Town of Newbury Selectboard
Addendum to Letter to TRORC dated July 29, 2026

Detailed Comments on Draft 2026 Two Rivers-Ottawaquechee Regional Plan

Introductory Remarks

The comments in this addendum address the specific points in the TRORC 2026 Regional Plan draft that the Town of Newbury takes issue with and/or has questions and concerns regarding. In our review and comparison of the 2026 draft against previous iterations of the TRORC Regional Plans (adopted in 2017, 2020, and 2025), many of the policies and recommendations begin to appear in amendments to the regional plan that were adopted in 2020 and 2025 with little input from member municipalities or attention called to such changes by TRORC itself.

While this does not excuse inattention on the part of municipalities, we contend that the slow drip of amendments and revisions, the slipping in of significant and sweeping changes, and inclusion of an ever increasing level of prescriptive policies and recommendations, all done with inadequate vetting, discussion and consultation, is problematic in and of itself on procedural grounds and does not comport with good faith collaboration with member municipalities or public participation and outreach on plan amendments.

Therefore, while some of the provisions in the 2026 regional plan that we will be objecting to may have been adopted by TRORC in past iterations in 2020 or 2025, the cumulative impact of these piecemeal, under-the-radar changes have resulted in a comprehensive regional plan that is altogether unacceptable as it is currently written. We have therefore included our objections to the whole of these points in our review of the 2026 Regional Plan.

Comments RE: 2026 Regional Plan

Chapter 1: Introduction

1. Page 1-5 – Parts of the Plan (policy definition)

The TRORC 2026 regional plan states that “Policies in the Plan are clearly labeled as such, and by and large aspirational, meaning they generally do not create any requirement.” This statement is misleading as it does not reflect the scale and frequency of the use of clear and intentional prescriptive language throughout much of the Plan, particularly in the Land Use chapter, though such prescriptive language shows up often in nearly every chapter of the Plan. This indicates that the Plan is already far afield from its original intent.

2. Page 1-6 – Effect and Use of This Plan

Calling attention to several quotes in this section: “The Plan has many uses, most of them non-binding,” “...even when this Plan uses mandatory language, conformance is only required in very limited cases, primarily Act 250,” and “the use of this Plan in Act 250 does not, nor could it, require that a town change its zoning. In no case can the Regional Plan invalidate local zoning.”

Fine words, but the plain language of many of the mandatory and prescriptive provisions of the Plan represent obvious overreach into matters of local land use planning and zoning. Furthermore, in practice, these prescriptive policies in the Plan have been used as cudgels to force compliance and alignment from municipalities with said prescriptive language in the Regional Plan, whether a regional nexus for such assertions exist or not, and often in contradiction to the local priorities, vision and interests of the municipality. At least, this has been the experience of the Town of Newbury. Dire consequences are often implied by TRORC if a municipality does not fall in line. Perhaps that is not technical invalidation of local zoning, but we believe such pressure campaigns certainly violate the primacy of local zoning and decision making.

On a final point, the notation on the role of the Regional Plan that “Lacking county government, it can take the place of what might be a county comprehensive plan in other parts of the country...” Such an assertion from an unelected advisory body, seeking to fill a role that elsewhere would be met by elected officials answerable to the voting public and with all the attendant requirements for transparency and accountability, is inappropriate. TRORC, as a bureaucratic, advisory body, which exists in a state of layered insulation from oversight and accountability to the electorate, is not an appropriate entity to vest such authority.

Chapter 2: Healthy Communities

1. Page 2-12 – Recommendation 2

We question Policies 1 and 2, in particular Recommendation 2, as they seem to insert TRORC unnecessarily into local land use decision making on the siting of medical, elder care, and other healthcare facilities, some of which will have no regional impact or nexus. We have concerns about RPC overreach where it involves dictating zoning bylaw revisions to direct the location and siting of locally based facilities.

Chapter 3: Land Use

The Land Use chapter is the location of the majority of problematic prescriptive and mandatory language in the 2026 Plan, though such language is seen throughout. The Town of Newbury wishes to make clear that we do not necessarily object to the worthiness of the particular substance of some of these prescriptive elements; however, we do strenuously object to the assertion of top-down, heavy-handed application of such prescriptions beyond the scope of an RPC’s authority which infringes on local land planning and zoning authorities. Further, many of these prescriptive points lack a clear or defensible regional nexus for such language to be based upon.

1. Page 3-1 – “guidance”

We find it remarkable that TRORC chose to frame the Land Use chapter, which is rife with prescriptive and mandatory language that, on its face, usurps local land use decision making, as guidance. To wit: “Most of this chapter, as well as the rest of this Plan is *guidance*...” The

revisions comprising the 2026 Regional Plan have moved well beyond guidance into essentially “super-zoning” assertions.

2. C. Future Land Use Areas

Downtown Centers (pp. 3-4-3-5)

Policy 2: “... uses, that serve regional needs and markets shall be located in Downtown Centers...” Strike prescriptive language.

Policy 3: “...continued maintenance or expansion of water and sewer facilities must occur.” Strike mandatory language. The assumption is made that resources will be available at a scale to continue expansion of said infrastructure, but unless adequate capital funds exist for such projects, it will be impossible for municipalities to meet this.

Policy 4: “... public investment strategies must encourage renovation...” Strike prescriptive language.

Policy 5: “Primary retail establishments that provide goods and services to a regional clientele must be located within Downtown Centers or immediately adjacent...” Strike prescriptive language.

Who evaluates whether a primary retail establishment serves a regional clientele and under what criteria? This policy assumes that current downtown areas are not already at build-out or that unique geographical or other natural constraints or considerations do not exist in member municipalities. To foreclose economic opportunity to communities to the discretionary whim of an RPC is a gross overreach of the scope of regional planning.

Policy 7: “In historic districts...new development must be visually compatible with the existing character...” Strike prescriptive language. Again, who decides this? The RPC? It is an inappropriate role for regional planning.

Policy 8: “...other land intensive commercial uses shall not locate in Downtown Centers.” Strike prescriptive language.

Policy 9: “Highway investments... must include...” Strike prescriptive language.

Policy 10: “New development... shall locate in...” Strike prescriptive language.

Policy 12: “New development in this Area must be planned...” Strike prescriptive language.

Village Centers (p. 3-6)

For the sake of brevity and to avoid needless repetition, we will note the Policies and Recommendations that contain prescriptive language with the request that said prescriptive language be removed and replaced with appropriate guiding or aspirational language.

Policy 1: “Village Centers shall...” Strike prescriptive language.

Policy 3: “...continued maintenance or expansion of such facilities must occur.” Strike prescriptive language.

Policy 4: Strike prescriptive language.

Policy 7: Strike prescriptive language.

Policy 9: Strike prescriptive language.

Planned Growth Areas (p. 3-7)

Policy 3: Strike prescriptive language.

Policy 4: Strike prescriptive language.

Village Areas (p. 3-9)

Policy 3: Strike prescriptive language.

Policy 4: Strike prescriptive language.

Policy 6: Strike prescriptive language.

Policy 8: Strike prescriptive language.

Policy 9: Strike prescriptive language.

Hamlet Areas (p. 3-10)

Policy 1: Strike prescriptive language.

Policy 2: Strike prescriptive language.

Policy 3: Strike prescriptive language.

Policy 4: Strike prescriptive language.

Enterprise Areas (p. 3-11)

Policy 2: Strike prescriptive language.

Policy 3: Strike prescriptive language.

Resource-based Recreation Areas (p. 3-11)

Policy 1: Strike prescriptive language.

Rural General Areas (pp. 3-12-3-13)

Policy 1: Strike prescriptive language.

Policy 2: Strike prescriptive language. A further note, Policy #2 in this section is a particularly egregious transgression of bounds for an RPC, moving into prescriptive dictates regarding lot size and location, as well as density allowances regarding number of units per lot. This is the clear purview and purpose of zoning at the local government level.

Policy 3: Strike prescriptive language. And again, see note above on Policy #2.
Policy 6: Again, moving into a granular zoning level that is inappropriate for an RPC.
Policy 8: Strike prescriptive language. Who determines “reasonable steps”?
Policy 11: Strike prescriptive language.
Policy 12: Strike prescriptive language. Enters the purview of zoning regarding subdivision design and is an inappropriate place for RPC involvement.

Rural Agriculture and Forestry (p. 3-15)

Policy 1: Strike prescriptive language.
Policy 2: Strike prescriptive language. See notes above.
Policy 3: Strike prescriptive language. Again, who determines “reasonable steps”?
Policy 5: Strike prescriptive language.
Policy 6: Strike prescriptive language.
Policy 8: Strike prescriptive language.

Policy #8 is another egregious example of overreach, in attempting to assert control over the number of events allowed, direct the amount of truck traffic and insert themselves into control over the operations of private business. How would TRORC even plan to police such activities and enforce this provision? Will municipalities be expected to do so? If so, at what level of expense and dedication of staff time? It boggles the mind.

Rural Conservation Areas (p. 3-19-3-20)

Policy 1: Strike prescriptive language.
Policy 5: Strike prescriptive language.
Policy 9: Strike prescriptive language.
Policy 12: Strike prescriptive language.
Policy 13: Strike prescriptive language.
Policy 16: Strike prescriptive language.

Chapter 4: Transportation

1. Page 4-8 – 4-9

Policy 4: Strike prescriptive language.
Policy 5: Strike prescriptive language.

Policy 6: Strike prescriptive language. Furthermore, how shall such effects of development “eroding the economic vitality and quality of life in a core settlement” be measured? What is the criteria? Who decides? This seems to create a completely arbitrary and capricious decision making process around infrastructure investment.

Policy 7: Strike prescriptive language.

Policy 11: Strike prescriptive language. The evaluation of parking capacity and type and the level of investment towards it should be driven by demonstrated community need and local circumstances. How many EV charging stations are occupying space in our communities and go completely unused (except, mostly, by the occasional out-of-town visitor)? Too many. Transportation investment must be driven by evidence-based local and regional needs, not ideological pursuits. Infrastructure funding is already difficult to come by and often is insufficient to cover the costs of the needs. To deliberately expend such precious dollars on underutilized features is fiscally irresponsible.

Policy 21: Strike prescriptive language.

Chapter 5: Economic Development

On page 5-8, the TRORC 2026 Regional Plan delves into their opinion on the shortcomings of municipal planning and zoning within the region. However, we would point out that such shortcomings could be construed as a function of the inadequacy of TRORC support to local governments in providing technical assistance to improve said plans within the context and priorities of local governments, and which honors community vision and aspirations.

The heavy-handed approach often taken by TRORC discourages municipalities from engaging with those services that RPCs are supposed to be providing, and rather than help build the capacity within local government, TRORC appears to have taken the position of steamrolling local communities instead. That remains disappointing and contrary to the purpose of having an RPC.

1. Page 5-10 – Policy 1 - Strike prescriptive language.
2. Page 5-11 – Recommendation 10 – Newbury questions the intent behind this recommendation for TRORC to engage in legislative advocacy when the goal, desired outcome and messaging around municipal zoning and the “agriculture exemption” is left unclear.

Chapter 6: Natural Resources

1. Page 6-17 – Recommendation 2 – Requiring municipalities to play an active role in basin planning processes and prepare water resources elements in municipal plans appears on its face to be an additional unfunded mandate for local government. The Town of Newbury does not object to undertaking this work, provided resources are made available to engage the specialized expertise that such activities may require.
2. Page 6-22 – Policy 6 and 7 – Strike prescriptive language. It is unclear what the intent of this prescriptive language is, nor how developers, landowners, foresters are expected to comply with such vague requirements.

Chapter 7: Historical, Archaeological, and Scenic Resources

1. Page 7-5 (Historic Structures & Sites) – Policy 5: Strike prescriptive language.

2. Page 7-6-7-7 (Scenic Resources) – Policy 1; Policy 2; Policy 3 - Strike prescriptive language. Furthermore, who is defining where said “scenic resources” are and what parcels are affected by these prescriptions?
3. Page 7-8 (Outdoor Lighting Design and Management) – Policies 3, 4, 6, 8 - Strike prescriptive language.

Chapter 8: Homes in the Region

1. Page 8-5 – 2030 TRORC Region Housing Targets

As the Town of Newbury Selectboard has stated in its oral testimony, we object to housing targets that are unrealistic and arbitrary and that do not reflect a thoughtful analysis of the existing conditions of infrastructure capacity, available land for development, and the ability of municipalities to meet said targets. We do not control whether appropriate land for development is made available for such projects, nor can we control whether developers choose to engage in construction projects within our community. All we can do is align our zoning to accommodate such projects if the private level interest and investment should appear. The Town of Newbury has already done this to the extent feasible, and we are making a good faith effort to attract interest in housing projects in the community.

We object to Policy #1 on Page 8-15 under the Homes in the Region section, as it assumes that we have control over the factors that would enable such targets to be met. That language must be struck from the 2026 Regional Plan.

Chapter 9: Utilities, Facilities & Services

1. Page 9-2 (Overall Utilities, Facilities and Services) – Policies 1, 2, 3, 4, 6 - Strike prescriptive language.
2. Page 9-5 – Policy 8 – The Town of Newbury wonders what calculus was used to select the areas of the TRORC region that apparently are deserving of being the highest regional priorities for new wastewater treatment facilities. Or for any special level of investment, full stop. Who is picking the “winners” and “losers” for receiving infrastructure investment? We contend that it is highly inappropriate for TRORC to engage in such decisions that potentially pit member municipalities against each other, which demonstrates favoritism, or effectively relegates other communities to the status of, basically, economic sacrifice zones. **This is a serious breach of the role of an RPC and destroys the trust that “non-favored” municipalities can have in believing that their best interests will be served within the region.**
3. Page 9-9 – Recommendation 2 – Strike prescriptive language. Furthermore, this seems to direct municipalities to assert themselves into educational facility funding and budgetary matters that are more appropriately contained within the scope of elected school district boards. Municipalities have little to no control over the budgets of the school districts.

4. Page 9-16 – Policy 1 (Municipal Buildings & Properties) - Strike prescriptive language. The Town of Newbury cannot see a legitimate regional nexus for TRORC to dictate the process for siting and designing local municipal facilities.
5. Page 9-23 – Goals, Policy and Recommendations: Cemeteries – The Town of Newbury questions why TRORC has included language regarding the management of cemeteries to the 2026 Regional Plan. What is the regional nexus? Is TRORC planning to involve themselves in cemetery management? That’s new.

Chapter 10: Energy

1. Page 10-15 (Transportation and Land Use) – Policies 1 & 1 - Strike prescriptive language. See also discussion regarding EV charging stations in the Transportation chapter. The Town of Newbury objects to prescriptive language requiring EV charging stations without evidence and data that demonstrates their necessity, subject to individual community need.
2. Page 10-16 (Thermal Energy) – Policies 2 & 3 - Strike prescriptive language.

Chapter 11: Relationship to Other Plans

1. Page 11-5 – Municipal Plans within the TRO Region

The assertion made by TRORC on page 11-5, “Towns are not required to but may request regional approval of their locally adopted plans,” again may *technically* be true as laid out in Vermont law. However, in practice, municipalities are often threatened with dire consequences for not aligning local plans with top-down regional directives and requesting the blessing of TRORC in approving their plans. A frequent “bogeyman” thrown up is the yanking of funding opportunities, infrastructure investment, technical assistance grants, and village designations that provide important tax credits for village core areas.

Therefore, the statement “both Town and Regional Plans have basically the same required elements, they naturally look somewhat like each other,” must be taken with a grain of salt. Alignment between plans can sometimes be grudgingly given from the town level and at odds with local community values and visions.

Later in that chapter, the point is made that TRORC staff attempt to “maintain a close and coordinated relationship with local public officials and the general public.” To share an anecdote from Newbury, the Selectboard Chair in 2024 and 2025 received a single email from TRORC regarding the 2025 Regional Plan revision. The note advised to the timing of the final hearing for the 2025 Regional Plan update. The email was sent on December 21, 2024, just prior to the holidays. The hearing date was set for January 22, 2025, in the midst of the busiest time of year for municipal government. January is the month when the annual municipal budget hearings take place in Newbury, when the budget for the coming fiscal year is finalized, when the Town

Report is prepared and finalized, and when the articles and warning for Town Meeting are completed for posting and notice.

Consultation with member municipalities is frequently cursory, superficial, and all-too-often, focused on a narrow aspect of a planning question (for example, regarding the 2026 Regional Plan update, TRORC claims the discussion of the pros and cons of opting into Tier 1B exemptions – an incredibly small point in the larger regional planning process – as part of their “outreach” on the 2026 Regional Plan). It is not a robust process.

Chapter 12: Plan Implementation

On pages 12-1-12-2, TRORC lays out its criteria for the determination of “substantial regional impact.” The Town of Newbury has concerns about many of these criteria and questions their appropriateness in asserting a regional impact. In particular, the criteria listed under (l), (m), and (n) are especially problematic since there are many cases that will trigger such a determination where regional implications are simply nonexistent in reality, or questionable at best. The criteria listed for (b), (c), (h), and (k) are also concerning. How were these percentage thresholds developed and do they hold water in assessing regional impact? Given the untested nature and lack of ground-truthing of many elements of the 2026 Regional Plan draft and maps, we are highly skeptical of these thresholds for determining regional impact, and would object to TRORC being given deference on such an assertion based upon them.

A Final Note

In our view, the Town of Newbury believes that the 2026 Regional Plan, as written, asserts a level of super-zoning authority that attempts to override local land use planning and zoning authority. However, since planning and zoning authority continue to be delegated as police powers held by local government in the state of Vermont, the adoption of the 2026 Regional Plan in its current form is likely to create a legal conundrum around whose prescriptive language has precedence, particularly in the nebulous areas that do not trigger Act 250 or that may involve a questionable regional nexus. It is our view that this Plan would create muddy legal waters of the worst kind, which would discourage investment, entrepreneurship, and economic activity that is badly needed, particularly in rural communities.