VERMONT
LAND USE REVIEW BOARD
Application #:
RPC10-0001
Exhibit #: 11
Date Received: 10-23-2026

October 22, 2026

Todd Daloz, Assistant Attorney General
Director of Policy and Legislative Affairs
Office of the Vermont Attorney General
109 State Street
Montpelier, VT 05609

Re: Request for formal inquiry into the conduct of the Two Rivers-Ottauquechee Regional Commission

Dear Mr. Daloz,

We are four sitting Commissioners of the Two Rivers-Ottauquechee Regional Commission (TRORC): Lynne Bertram (Bridgewater), Tony O'Meara (Newbury), Diane Eramo (Granville), and Michelle Massa (Vershire). We are writing to request that your office open a formal inquiry into TRORC's conduct during its current Act 181-required regional plan update, including repeated Open Meeting Law (OML) violations, and disregard of its own bylaws on several provisions. We are not asking your office to file suit. We are asking for a formal letter of inquiry to TRORC, one that puts the organization on notice that its conduct is being watched; that Vermont's laws governing regional planning commissions, and its own bylaws, apply to it regardless of whether anyone has yet enforced them.

This is not, for us, a partisan matter; it is a matter of community, economic, and environmental justice. It is about whether the participation that Act 181 promised Vermonters in the redrawing of the lines that will govern their land is real or illusory. Act 181 is the statute that created this process in the first place, and it is Act 181's own language, requiring regional commissions to ***solicit, encourage, and enable meaningful public participation***, that TRORC has repeatedly failed to honor. That same planning law, which Act 181 amended and left standing, directs that "decisions shall be made at the most local level possible commensurate with their impact" (24 V.S.A. § 4302(b)(2)). We are asking that the law be enforced and its advisory spirit respected, and nothing less.

That request matters because, as Legislative Counsel told the Legislature on October 8, no body currently enforces this. There is no private right of action to enforce Act 181 against a regional planning commission, no state agency has statutory authority to oversee an RPC's compliance with its own governing documents, and there is no direct democratic check on TRORC's conduct either. Commissioners are appointed by our respective Selectboards, not elected, and while a Selectboard can revoke an appointment, the public that TRORC's decisions actually affect has no vote and no recall mechanism reaching TRORC directly. If your office will not look at this, then who will?

The Vermont Supreme Court made TRORC's plan language binding in 2016

The position TRORC is taking today did not appear overnight. In 2016, the Vermont Supreme Court decided *In re B&M Realty, LLC*, 2016 VT 114, with TRORC itself as a party, holding that regional plan language using mandatory terms ("shall," "must") is enforceable under Act 250 Criterion 10, while aspirational language generally is not. That holding is the foundation TRORC now cites, in its own writing, to justify both the volume of mandatory language in its draft plan and its position that no outside body, including the state's own Land Use Review Board, may impose additional requirements on how that language is adopted (see Sections 8 and 9 of the accompanying briefing).

Timeline of conduct

The headline dates are listed here, while the accompanying briefing outlines each one in full, with direct quotes, underlying records, and citations.

- **2016:** the Vermont Supreme Court decided *In re B&M Realty, LLC*, 2016 VT 114, with TRORC as a party, establishing that mandatory regional plan language is enforceable under Act 250.
- **March 25, 2026:** the Land Use chapter of TRORC draft plan was reviewed and amended at a Board meeting without public input. Pomfret resident John Moore asked to be heard and was told he could not speak.
- **2023 to October 2026:** the Executive Committee operated with a seventh member, one over the six-seat maximum set by its own bylaws, Article 8, Section 8.1, for at least three years, with the full Board itself voting each year to seat a seven-member Committee, until the violation was pointed out to the Chair and one member resigned from the Committee on October 5, 2026.
- **August 20, 2026:** TRORC acknowledged a violation of 1 V.S.A. § 312(h) (see all OML violations HERE).
- **September 9, 2026:** TRORC cancelled a public meeting set aside for residents' questions, with no explanation to the public. That day, a member of the public who asked the Executive Director about it in a coffee shop was told "f*ck you," twice, and "f*ck off." He did not deny it when the Board Chair raised it. No corrective action has been taken: the Executive Committee's only response, at a September 14 closed session it later acknowledged violated the Open Meeting Law, was to have its attorney draft a public statement for "damage control,"which as far as we know was never issued.
- **September 14–15, 2026:** the Executive Committee called an "emergency meeting" on three days' notice to Committee members only, without the public announcement the Open Meeting Law requires, denied three Board commissioners access, and entered executive session incorrectly; subsequently, a second formal Open Meeting Law complaint followed, alleging eight violations.
- **September 18, 2026:** a letter filed with the state Land Use Review Board in TRORC's name told LURB that the standards it set for the plan's mandatory policies are "outside of the LURB's authority to require." Yet no Board vote authorized it: the letter responds to the Land Use Review Board's August 7, 2026 preapplication review, and the Board's minutes

since then (August 20, September 30, and October 14) record no vote on it. The letter is unsigned; when asked about this letter, the Chair's September 30 email later described it as "the Executive Director's comments." The letter is posted HERE.

- **September 25, 2026:** of eight alleged Open Meeting Law violations raised with the Executive Committee, five were acknowledged, two denied, and one partially acknowledged.
- **September 30, 2026:** TRORC's Board took up roughly 140 proposed plan changes. The agenda was posted late, and Tom Kennedy, Hartland's alternate commissioner, who holds no TRORC office, presided over the portion deciding 20 of those changes, using a show of hands rather than the roll call required once a member attends remotely.
- **October 5, 2026:** the Executive Committee held a special meeting with no notice sent to the full Board, which the bylaws require seven days in advance, then adopted a new policy setting 24-hour notice for its own special meetings, conflicting with the bylaws' own seven-day requirement.
- **October 14, 2026:** TRORC acknowledged both Open Meeting Law violations in Neil Ryan's October 4 complaint. To prevent future violations, its attorney drafted a meeting-notice policy built on the Open Meeting Law's 24- and 48-hour minimums. When Commissioners objected in open session, the attorney agreed the Commission is obligated to follow its bylaws' seven-day requirement and offered language to match it. The Board adopted the shorter policy anyway. The same night, it again had a non-officer preside over official business, and the bylaws question Ryan raised about who may chair a meeting was never addressed.

This has drawn statewide attention, and other regional commissions are watching

This is not the view of a handful of disgruntled commissioners. In recent weeks, TRORC's conduct has drawn coverage from VTDigger, Seven Days, Compass Vermont, and the Vermont Standard, along with sustained attention from independent Vermont writers (compiled in the accompanying briefing). The Rural Vermont Rising Facebook group's growth to roughly 18,000 members in this same period reflects a level of public attention and concern that we believe your office should weigh heavily. Other regional planning commissions across Vermont are watching how this plays out. What happens here will likely shape how much latitude they believe they have in their own Act 181 rollouts and future plans. We think that makes this a bellwether matter, not an isolated one.

The smallest, least affluent towns have had to fight hardest to be heard

We also think it is worth mentioning who has had to fight extra hard to be heard in this process. The four of us represent Bridgewater, Newbury, Granville, and Vershire, four of the smaller and less affluent towns in TRORC's 30-town region, with median household incomes averaging about $66,000, compared with about $95,000 across the six towns that currently hold Executive Committee seats (U.S. Census Bureau, American Community Survey 5-year estimates, 2020–2024). We think the disparity itself, in whose land gets the more restrictive designations and

who had a real chance to shape the plan deciding it, is the kind of fact your office should weigh, whatever its ultimate legal significance. The full briefing has the details.

TRORC keeps breaking its own bylaws because nothing stops it

We also want to flag a pattern broader than any single meeting. Across different years and different committees, TRORC has repeatedly violated its own bylaws, not just the Open Meeting Law's statutory floor: the Executive Committee operated one seat over its six-member cap for at least three years; it adopted a new 24-hour meeting-notice policy that conflicts with the bylaws' seven-day requirement, then sent no notice to the full Board of the meeting that adopted it; and a non-officer presided over a meeting where binding plan changes were decided – a role Article 9, Section 9.5 reserves to an officer, a question Neil Ryan's October 4 complaint raised and that neither TRORC's counsel nor its Executive Committee addressed when the Board took up that complaint on October 14.

We looked into what happens when a regional planning commission violates its own bylaws this way, repeatedly. As best we can determine, nothing happens: Vermont's regional planning commission statute, 24 V.S.A. Chapter 117, gives no state body authority to enforce an RPC's compliance with its own bylaws, and the Secretary of State's role is administrative registration, not governance oversight. An organization that can violate its own governing document with no consequence does not really have bylaws; it has procedures it follows when convenient. Full citations for each item above are in the accompanying briefing.

This record has also reached the Legislature. Representative Rob North raised TRORC's conduct at the Joint Legislative Environmental Oversight Committee's first meeting, on October 8, 2026, and asked for a formal legal briefing on RPC oversight, citing TRORC specifically. We have done our own preliminary research and are glad to share it, though the authoritative answer likely rests with Legislative Counsel and LURB's own counsel. Asked preliminarily who has that oversight, Legislative Counsel responded that "currently in statute there isn't a direct oversight body on the regional planning process," and that "for the last… more than a decade, it's been I think unclear about who would bring any kind of enforcement against that." More Legislative record links are in the accompanying briefing.

What we are asking

We are asking your office to send TRORC a formal letter of inquiry regarding its compliance with the Open Meeting Law, its own bylaws, and Act 181's participation and environmental justice requirements. We believe TRORC's staff leadership has operated for the better part of a year believing no one has the authority or will to hold it accountable, and in practice its Board and Executive Committee have had no tool to prove otherwise. We are asking you to tell us, and TRORC, whether that belief is correct.

A detailed evidentiary briefing, including press coverage, independent reporting, and the legislative record, accompanies this letter and documents everything above in full; further documentation is available at your office's request.

Signatures

Signatures below are provided electronically; each signer has reviewed and approved the final content of this letter prior to submission.

/s/ Lynne Bertram
Lynne Bertram, Commissioner, Bridgewater — Date: October 22, 2026

/s/ Tony O'Meara
Tony O'Meara, Commissioner, Newbury — Date: October 22, 2026

/s/ Diane Eramo
Diane Eramo, Commissioner, Granville — Date: October 22, 2026

/s/ Michelle Massa
Michelle Massa, Commissioner, Vershire — Date: October 22, 2026

cc:
Janet Hurley, Chair, Vermont Land Use Review Board
Representative Amy Sheldon, Chair, and Senator Seth Bongartz, Vice Chair, Joint Legislative Environmental Oversight Committee
Representative Rob North, Joint Legislative Environmental Oversight Committee
Representative Michael Tagliavia (Orange-1) and Senator John Benson (Orange District)
Alex Farrell, Commissioner, Vermont Department of Housing and Community Development
Selectboards of the Towns of Bridgewater, Granville, Newbury, and Vershire