

NORWICH PLANNING COMMISSION  
Tuesday February 8, 2022, 6:30pm

DRAFT MINUTES

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Zoom Meeting:

<p><a href="https://us02web.zoom.us/j/89339717735">https://us02web.zoom.us/j/89339717735</a> Meeting ID: 893 3971 7735</p>
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Physical meeting location: multi-purpose room, Tracy Hall

Members Present: Jaci Allen, Brian Loeb, Melissa Horwitz, Ernie Ciccotelli, Leah Romano, Jeff Lubell, Jeff Goodrich  
Public Present: Claudette Brochu, Linda Cook  
Staff: Rod Francis

Meeting Opened: 6:33pm

**1. Approve Agenda:**

Romano moved and Loeb seconded a motion to approve the agenda. Motion carried 7 – 0. For: Allen, Loeb, Horwitz, Ciccotelli, Lubell, Romano, Goodrich.

**2. Public Comment:** none

**3. Discussion of Land Use Regulations Administrative Procedures**

Chair Allen asked Francis to update the meeting on the discussion with the DRB of the draft land use regulations administrative procedures section. Francis said that the meeting was productive with a very close reading and detailed discussion of key policy points such as the distinction between minor and major site plan review, the role of the zoning administrator (ZA) and other points.

Ciccotelli then introduced an update on his track changes version of the document initially prepared by Francis. Ciccotelli said that the existing regulations often left the DRB uncomfortable because they lacked specificity. This often resulted in the DRB relying on the Town Plan, which was similarly ambiguous.

Goodrich asked for the Planning Commission to engage the DRB directly, not through staff. And then develop draft regulations in light of that feedback. Ciccotelli added that because the DRB is comprised of lay people the regulations needed to be clear and free of ambiguity.

Goodrich said that he was still unclear about the process with regard to how the commission was proceeding with the LUR rewrite, as there is no explicit motion(s) in the minutes that show how the work will be done. Allen responded that at the last meeting commissioners discussed their preferred approach to doing the work of the LURs rewrite. Francis confirmed that there was not a motion but that the Chair had polled commissioners present and a consensus emerged that the Planning Director (Francis) will continue to provide draft sections of the LURs for consideration by the commission.

Loeb asked Goodrich if he would like to make a motion with regard to how the process will work for drafting the LURs. He also expressed concerns about Ciccotelli's proposed language with regard to pre-application conferences between applicants and the ZA.

Goodrich declined to make a motion but also commented that the role of the ZA is to provide the necessary information to applicants, and that in his experience Francis as ZA (and his predecessor Phil Dechert) did their jobs well with regard to explaining the effect of the regulations and how to prepare a complete application.

Allen asked Francis to respond to Ciccotelli's suggested edits. Francis said that he understood and appreciated Ciccotelli's concerns. He then elaborated on comments he had made in December. Well-trained and supported ZAs are able to perceive when applicants are attempting to obtain tactical or strategic advantage and have the ability to decline to provide such information, and that it is inappropriate to advocate for an applicant.

Goodrich suggested that under Vermont statute the ZA is expected to say how they understand the rules. When they do this, any interpretation can be appealed.

Allen asked for assistance from another commissioner to assist her in summarizing the principal changes suggested in the Ciccotelli edits to the document. Goodrich agreed to work with Allen.

#### **4. Announcements, Reports, Updates, and Correspondence**

Loeb gave a verbal report on the Childcare Committee:

- Final report is ready to be presented to the Selectboard
- The Childcare Committee has fulfilled its charge
- The report minus the appendices is about 25 pages long and details the challenges confronting the community's parents and a municipality's limited ability to effect change

Francis gave a verbal Director's Report:

- The Wastewater Feasibility Study RFQ is still waiting on confirmation from the VT DEC engineer reviewing the draft contract before announcing the consulting firm that will be doing the study
- There has been no correspondence to the PC, but there has been correspondence sent to the selectboard by some residents near the proposed Upper Loveland RD solar project
- The density study is proceeding with AES Northeast (consultants)
- No significant updates with regard to ARPA funds the selectboard continues to discuss the priorities with regard to town operations and building a community outreach process

#### **5. Affordable Housing Subcommittee Proposal**

Lubell introduced a draft memo which serves a cover memo introducing three Affordable Housing subcommittee work products; i) a memo detailing two sites recommended for further consideration, ii) a longer list of sites that were explored, some with merit, other not and, iii) a workplan for how to further investigate the Norwich Fire District (NFD) properties.

The cover memo seeks a discussion with the Selectboard and perhaps the NFD on the issue. The proposal calls for scattered development for single or two-family developments.

Commissioners discussed aspects of the proposal including the ownership model, how to ensure affordability in perpetuity, and the locational factors with regard to proximity to the village, public transit jobs and education resources.

Lubell moved and Loeb seconded a motion to authorize sending the memo as approved to the Selectboard for further consideration regarding the investigation of potential affordable housing sites on land owned by the NFD. Motion carried. Motion carried 6 – 0 – 1. For: Allen, Loeb, Horwitz, Lubell, Romano, Goodrich. Against: Ciccotelli.

#### **6. Cannabis Control Board Guidance for Municipal Land Use Regulations (LUR)**

Francis introduced the Cannabis Control Board (CCB) guidance as a background document to the current project of drafting the LURs. He directed commissioners' attention to:

- Previously the state was contemplating a regulatory scheme whereby towns would need to "opt-out" of allowing adult cannabis retail establishments versus "opt-in" to affirmatively allow adult retail cannabis establishments
- After input from VLCT and others the state agreed on "opt-in"
- Norwich selectboard has already decided that it would not permit adult retail cannabis establishments, so there will be no 'opt-in'
- There are six license types provided for by the CCB including for cultivators, manufacturers, wholesalers, testing laboratories and retail (see above)
- There are no state mandated zoning designations for cannabis businesses
- Provision for licensed cannabis businesses apart from adult retail must be included in local zoning regulations
- Cultivation of cannabis does not meet the definition of agriculture (that is it is not exempt from zoning review like agriculture is more generally)
- It is recommended that the commission define cultivation as an 'agricultural enterprise' which still means it will be reviewed under zoning
- There has been interest shown already in applying for zoning permits

#### **7. Approve Minutes of January 11, 2021:**

Ciccotelli moved and Loeb seconded a motion to approve the minutes of 01/11/2022. Motion carried 6 – 0.  
For: Allen, Loeb, Horwitz, Ciccotelli, Romano, Lubell.

**8. Other Business:** none

**9. Comments from the Public:** none

**Meeting adjourned: 8:26pm**

**Future Meetings:**

**Tuesday, March 8, 6:30pm Regular Meeting**

**Tuesday April 12, 6:30pm Regular Meeting**

Respectfully submitted,

Rod Francis