

From: [Jaci Allen](#)
To: [Aaron DeNamur](#)
Cc: [Rod Francis](#)
Subject: Fwd: OML
Date: Friday, October 7, 2022 7:18:14 AM

Ernie requested that his email from August 31st be included in the PC packet.

Begin forwarded message:

From: Ernest Ciccotelli <ernieciccotelli@gmail.com>
Subject: OML
Date: August 31, 2022 at 11:46:05 PM EDT
To: Jaci Allen <allenjaci@gmail.com>

Please DO NOT RESPOND to avoid Open Meeting Law violation.

After reviewing the Open Meeting Law Statutes and speaking with the appropriate staff member of the Office of the Vermont Secretary of State, it appears that I may have violated the Open Meeting Laws when I circulated a response regarding the “PC Response to 3 Questions from Selectboard” to all the members of the Norwich Planning Commission simultaneously on August 20, 2022 at 9:15 pm. For this, I apologize.

I had no intention of violating the OML. At the time I received the initial email in which I was asked to respond by a certain deadline, I thought the email sent to me by the Chair regarding that subject matter had been sent to all the Planning Commission Members and that I would be responding as every other member of the Planning Commission would be, since I figured everyone had been sent the same email. In sending my response to a second email from the Chair on the subject to everyone, I thought I was just taking a shortcut to doing the same thing as the Chair had done with the initial email asking for my response to the “PC Response to 3 Questions from Selectboard”.

In my discussion with the S.o.S. staff member about whether I had violated the OML, I was informed that any response or discussion that moves or is intended to move the discussion to a resolution when there is no warned public meeting is a violation of the OML. As

I understand it, my response to the original email to just the sender was also a violation of the OML since my response was intended to move the discussion to a resolution and no meeting had been warned. Therefore, from here on out, I will not respond to any messages to which my response could be characterized as an argument or statement intended to move a discussion to a resolution unless the public has been warned of a meeting. Further, if I send around communication regarding a subject that is debatable to a quorum for any reason, I ask that no one respond to the communication. It is probably best if I include a header to my communications like the one at the top of this email.

Based on my discussion with the S.o.S. staff member, the only sorts of permissible communications between a quorum or more of the members of a municipal board without warning of a meeting are unilateral statements that do not require a response of a quorum or more, and scheduling and agenda setting communications. Questions or discussions requiring a response from a quorum or more are impermissible under the OML.

Sincerely,
Ernie Ciccotelli

NORWICH PLANNING COMMISSION
Tuesday September 13, 2022, 6:30pm

DRAFT MINUTES

Zoom Meeting:

<https://us02web.zoom.us/j/89339717735>

Meeting ID: 893 3971 7735

Members Present: Jaci Allen, Brian Loeb, Ernie Ciccotelli, Melissa Horwitz, Vince Crow, Jeff Goodrich
Public Present: Linda Cook, Jaan Laaspere, Nancy Osgood, Philip Zea, Frances Mize
Staff: Rod Francis, Aaron DeNamur

Meeting Opened: 6:32pm

1. Approve Agenda:

Loeb moved and Horwitz seconded a motion to approve the agenda. Goodrich asked that Open Meeting Law be a topic of discussion on the agenda. Crow expressed a desire to discuss speed of traffic in town.

2. Public Comment: Goodrich expressed concern about thoroughness of minutes for the meetings.

3. Introduce new Planning and Zoning Coordinator

Francis introduced Aaron DeNamur as the Town's new Planning and Zoning Coordinator, previously from the Town of Shelburne. DeNamur took a few moments to introduce themselves to the Planning Commission. Goodrich asked if the Commission could see DeNamur's resume.

4. Land Use Regulations

Allen stated that as discussed in their last meeting the Commission has drafted a large part of the first two administrative sections of the new zoning regulations, and that the next step is to address land use. The Town Plan and state statute act as guides to developing this language and create limitations that must be abided by. Allen also expressed wanting to continue to engage the Development Review Board (DRB) to ensure usability of the new regulations. Engaging the Historic Preservation Commission (HPC) in the DRB process is also a topic of discussion and consideration.

Allen asked Osgood to comment on the letter sent to the Planning Commission by the HPC. Osgood expressed the HPC wanting to come together with the Planning Commission to discuss their possible role in development review and concerns over wanting to protect historic structures. Francis discussed historic districts in municipalities in Vermont and the Certified Local Government program regarding historic preservation. There are currently no design review requirements in the Norwich Zoning Regulations but there has been historic conversation around this topic. Francis discussed design review in other municipalities such as Dorset, Shelburne, and Montpelier. This process is empowered through the zoning regulations of these municipalities. The degree of review and requirements vary from municipality to municipality. The Planning Commission would have to decide the scope of design review if they wanted to implement this in Norwich. Allen asked Osgood for the HPC to deliberate on what they would like a design review process to look like and any recommendations they would have.

Goodrich suggested the creation of a subcommittee of the Planning Commission to investigate the implications and process of design review in Norwich, that this would likely be a lengthy process. Allen expressed discomfort with creating an additional subcommittee and instead suggested having a representative of the Planning Commission attend HPC meetings to discuss the matter. Goodrich expressed they thought a subcommittee could function readily to address the question. Loeb volunteered to be the Planning Commission representative to attend HPC meetings.

Ciccotelli stated they still believe that the Planning Commission should draft the land use regulations and not staff. They also stated that it is in the purview of the Planning Commission to discuss economics and consider effects on taxes and that promotion of growth would promote growth of taxes. Goodrich expressed agreement with Ciccotelli regarding regulations not being drafted by staff. Allen was not in agreement with this

interpretation and did not think it was realistic to expect that members of the Planning Commission were going to draft all the language of new land use regulations.

5. Wastewater Study

Francis reported that there will be meetings with the consultants and hopefully next month there will be a status update with more information to share.

6. Draft Response to SB

Allen stated that the Selectboard has asked each Town committee to respond to some questions regarding their priorities and purpose. Reviewed the drafted response found in the meeting packet.

Ciccotelli took issue with the amount of language regarding environmental conservation in the draft response in comparison to development. Goodrich stated they had not had sufficient time to review the document and did not agree with all the contents or the process.

Loeb stated they thought the drafted document was an accurate reflection of the work plan of the Commission and addressed the questions asked by the SB. Horwitz and Crow expressed agreement with Loeb. Goodrich proposed a language change regarding sustainability goals in the draft response

Loeb moved, and Crow seconded, to submit the draft response with the change proposed by Goodrich.

Vote: Yes- 4 (Allen, Loeb, Crow, Horwitz) Nay- 2 (Goodrich, Ciccotelli)

7. Announcements, Reports, Directors Update, AHSC, Update, and Correspondence

Allen stated that letters to the SB were submitted regarding the sidewalk master plan and the planning grant application. Those letters have been presented and the Planning Commission is awaiting a response. Loeb had nothing further to report on affordable housing. Francis had no further announcements.

Crow expressed concern over traffic speeds through town and asked whether the Planning Commission should discuss the matter or make recommendations to the SB. Ciccotelli expressed similar concerns and dissatisfaction with recent road widenings in town. Goodrich stated that the town and Planning Commission needed to take time to deliberate on what measure could be used to abate the issue and should not rush the discussion. Francis described steps the town is currently taking to address speeding concerns.

Goodrich asked that discussion of Vermont's open meeting law be added to a future agenda.

8. Approve Minutes:

Goodrich proposed several changes to the minutes for June 14, 2022. Loeb moved, and Horwitz seconded, to approve the minutes as amended by Goodrich. Vote: Unanimous

Goodrich moved, and Crow seconded, to approve the July 12, 2022 minutes as amended.

Vote: Yes- 5, No- 0, Abstain- 1 (Goodrich)

9. Other Business: none

10. Future Meeting Schedule and Agendas

Next two meetings will be October 11th and November 8th. Agenda items- Density study, open meeting law, discussion with Francis and DeNamur on work capacity and plan, wastewater study.

11. Public Comment: none

12. Meeting adjourned: 8:25pm

Future Meetings:

Tuesday, October 11, Regular Meeting

Respectfully submitted,

Aaron DeNamur

Task	Jun	Jul	Aug	Sept	Oct	Nov	Dec
1 2021 MPG (density study)							
draft RFQ							
release RFQ							
✓ award contract							
intro meeting with PC							
milestone report							
2 WW Study							
draft RFQ							
release RFQ							
award contract							
intro meeting							
outreach							
3 LUR re-write							
Administration Overview							
DRB input							
Review Draft							
4 Trails and Paths Master Plan							
Coordinate with Con Comm.							
Plan Review & Prioritization							
Draft workplan for 2022							
5 Community Rating System (FEMA)							
Begin process							