

**NORWICH PLANNING COMMISSION
AGENDA**

7 pm Thursday, August 29, 2019, Tracy Hall-Meeting Room

NOTE START TIME

- 1) Approve Agenda
- 2) Meeting Objectives:
 - a) Review draft of Housing Strategy
 - b) Review draft of policies and action items for Town Plan chapters
 - c) Review calendar for Town Plan feedback events
- 3) Comments from the Public
- 4) Review draft of Housing Strategy
- 5) Review drafts of policies and action items for Town Plan chapters
- 6) Review calendar for Town Plan feedback events
- 7) Review and approve Minutes 7-25-19
- 8) Announcements, Reports, Updates & Correspondence
 - a) Correspondence
 - i) Thetford Town Plan
 - ii) AT&T re Lary Lane
 - iii) Peter Gregory/TRORC
 - b) Announcements
 - c) Updates
 - i) Postcard survey
 - ii) TRORC Responsiveness Summary
- 9) Other Business
- 10) Future Meeting Schedule & Agendas
- 11) Comments from the Public

Future Meetings:

Thursday, Sept 26, 7pm Regular Meeting
Thursday, Oct 24, 7pm Regular Meeting
Thursday, Nov 14, 7pm Regular Meeting
Thursday, Dec 12, 7pm Regular Meeting
Thursday, Jan 9, 7pm Regular Meeting

Norwich's 2019 Housing Strategy

Summary

This document describes the housing strategy for the town of Norwich for the five-year period of 2020 to 2024. The strategy articulates the town's interest in this important issue and provides guidance to town officials on how to advance the town's housing objectives.

This strategy was developed by the Affordable Housing Subcommittee of the Norwich Planning Commission over an 18-month period, informed by input from a series of Affordable Housing Listening Sessions, an Affordable Housing Education Series, town surveys, stakeholders, and the Selectboard.

To achieve the three core housing objectives of affordability, diversity, and environmental sustainability, this document outlines a series of action items to advance four strategies:

1. Encourage the development of dedicated affordable housing;
2. Facilitate the development of lower-cost housing types;
3. Reduce barriers to the development of new housing; and
4. Expand public understanding of housing issues.

To facilitate tracking of the town's progress in achieving its goals, the strategy has identified the following numeric goals for the five-year period of 2020 - 2024:

- Construct at least 10 Accessory Dwelling Units;
- Construct at least 10 units of "missing middle" housing (duplexes, triplexes, etc.); and
- Construct at least 25 units of dedicated affordable housing

These goals will be revisited from time to time to ensure they remain relevant and appropriate.

Background

Housing affordability is on the minds of many Norwich residents. Families that have lived here for decades or even generations express nostalgia for the greater economic diversity that once characterized the town. Newer arrivals know what a scramble it was to put an offer in for the one suitable house that came on the market or respond to the one listserv post advertising a rental with enough bedrooms. And the school community understands how climbing housing costs threaten families' ability to remain in Norwich and keep others out of Norwich altogether. A more robust, dynamic housing market – serving a range of housing needs and income levels – is essential to the sustainability and vibrancy of the town.

The Norwich Selectboard has identified housing affordability as a high priority for the town, as did a majority of the town in a 2018 town survey. To inform the strategy, the subcommittee sought out broad public input during subcommittee meetings and in five affordable housing listening sessions:

- Two of the sessions (on May 5 and May 10, 2018) were public meetings, held at Marion Cross Elementary School and Tracy Hall

- Two of the sessions involved joining previously planned meetings of the Norwich Business Roundtable (January 12, 2018) and Energy Committee (February 27, 2018).
- The fifth session was hosted by the Congregational Church on April 15, 2018.

The roundtables helped identify topics for a speaker series on affordable housing held in the fall of 2018, which in turn informed the development of this strategy. The speaker series included sessions on Government funding of Affordable Housing (August 7, 2018), Developing Housing by the Private Sector (September 17, 2018), and Alternative Septic Systems to Facilitate Affordable Housing (October 22, 2018)

A public meeting was held on ____ to consider input on this draft strategy before it was finalized.

Objectives

Through this housing strategy, the town seeks to advance the following objectives:

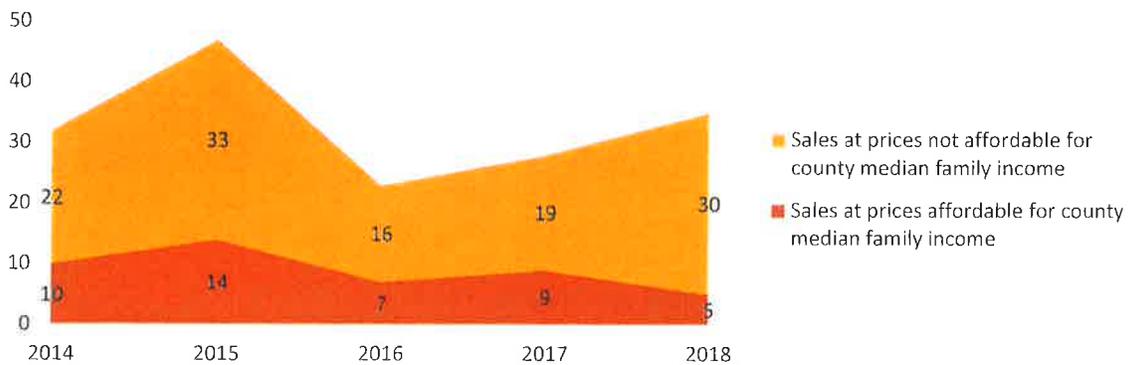
- **Affordability** -- Ensure that people of all incomes can find quality housing they can afford in Norwich.
- **Diversity** – Increase the diversity of the housing stock so that it includes a range of housing types suitable for people of different incomes and backgrounds and at different stages of their life. Increased numbers of both rental and for-sale homes are needed in Norwich. Among other needs, housing efforts should support:
 - **Older adults who wish to age in place** in a safe and energy-efficient home as well as those who want or need a communal living environment.
 - **Families with children** who are in the market for rental housing or homeownership.
 - **The town workforce**, including teachers, police, and other employees of the town.
- **Environmental sustainability** – Reduce energy use and greenhouse gas emissions by increasing housing in areas served by public transit and with easy access to employment and retail centers, as well as through the use of green building materials and practices.

Some housing plans or strategies provide strict definitions of affordable housing, sometimes distinguishing between “affordable” and “workforce” housing, and breaking out the population that cannot afford market-rate into a number of different segments, such as low-income, very low-income, and extremely low-income. While definitions are necessary to implement specific policies, in this broad housing strategy document, the town prefers to focus on the full spectrum of housing needs. The strategies proposed in this document are designed to encourage the development of housing at a range of different price points to meet the needs of people with a range of different incomes. The ultimate goal is to ensure that people of all incomes can find housing they can afford in Norwich.

Housing Needs

Very few homes come on the market in Norwich every year, and those that do tend to sell for prices that far exceed what the typical household in Windsor County can afford. In 2018, just 35 single family homes were sold (to be used as either primary or secondary residences), and the median value for those homes was \$649,000. This price was a sharp jump from the medians in 2015 (\$480,000), 2016 (\$431,000), and 2017 (\$500,000),¹ but even the 2015-2017 levels were largely unaffordable to the typical household in the region. As shown in Figure 1, only about a quarter of the homes sold in Norwich over the past five years – and no more than one-third in any given year – sold at levels affordable to a family at the median income for Windsor County.² Since older homes in Norwich are often upgraded at the time of sale, these home sale data provide a more realistic yardstick of the affordability of home purchases than Norwich’s Grand List, which is based on current property values.

Figure 1: Affordability of Norwich homes



While the cost of entering the town through homeownership is high, the cost of remaining a homeowner is also high. Much of the housing stock is aging (55 percent of units were built in 1970 or before), with implications for septic systems, weatherization and heating, and general maintenance that

¹ These statistics do not include property sold as open land, and they do not include condominiums or mobile homes. In other areas, these other forms of homeownership may be significant components of the housing stock, but they are not in Norwich. In the period 2014-2018, just 9 condominium units sold, and zero mobile homes sold.

² Income data are from five-year averages of American Community Survey data, inflated to the end year, accessed using <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> on May 30, 2019. The American Community Survey is an annual survey administered by the U.S. Census Department and is a replacement for the long form previously administered every ten years. The most recently available American Community Survey data as of July 1, 2019 are for the 2013-2017 period. Homeownership affordability calculations assume a family can afford to spend 30% of monthly income on mortgage payments, a 30-year fixed-rate mortgage at 4.5%, and down payments of 10% of purchase price. County income estimates are not available yet for 2018 from the American Community Survey, so the 2017 figure has been adjusted for inflation for 2018. To illustrate the methodology, in 2017, the median family income in Windsor County was \$74,662, which under the assumptions specified here would allow for the purchase of a home of about \$409,316.

can present tough choices for households struggling with mortgage payments (31% of homeowners in Norwich with a mortgage spend 30% or greater of their household income on housing).³

Rental housing in Norwich is more affordable than for-sale housing, with an estimated 43 percent of units renting for less than \$1,000 per month (including utilities). Rental housing in Norwich is still more expensive than in Windsor County, however, where an estimated 59 percent of units rent for this level. Moreover, only about one in five (21.3 percent) households in Norwich are renters, which means that most households who wish to live in Norwich will need to purchase a home. Renters make up a modestly higher share of occupied households (28.3 percent) in the County.⁴

According to the 2013-2017 American Community Survey, an estimated 16.5 percent of the 3,341 individuals in Norwich are 65 years of age or older. This is up from 11.0 percent as of the 2000 census, tracking a broader U.S. trend toward the aging of the population.⁵

For additional data on the characteristics of housing in Norwich, see the Housing Chapter of the 2019 Town Plan.

Strategies

Over the five-year period from 2020 to 2024, the town will work to advance its housing objectives through four strategies:

1. Encourage the development of dedicated affordable housing;
2. Facilitate the development of lower-cost housing types;
3. Reduce barriers to the development of new housing; and
4. Expand public understanding of housing issues.

This section provides a brief overview of these four strategies. The next sections specify the action items the town will undertake to advance each of these strategies.

Overview

There are two main ways to increase housing affordability. The first is to expand the stock of housing that is reserved over the long-term for people with low or moderate incomes. These homes are known as “dedicated affordable housing” because they come with legal covenants that regulate the rent or sales prices of the units in order to ensure they are and remain affordable over time, even as the rents and sales prices of market-rate units increase. Norwich currently has two developments that provide dedicated affordable housing: Norwich Senior Housing, a 24-unit development of rental homes for

³ 2013-2017 American Community Survey, accessed [on June 25, 2019](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17_5YR/DP04/0600000US002752900), https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17_5YR/DP04/0600000US002752900.

⁴ 2013-2017 American Community Survey Tables B-25063 (Gross Rent) and DP-04 (Selected Housing Characteristics), accessed using <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> on June 23, 2019. Tables

⁵ 2013-2017 American Community Survey Table DP-05 (Demographics and Housing Estimates) and 2000 Census Table DP-1 (Profile of General Demographic Characteristics), accessed using <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> on June 23, 2019.

seniors in the village center and Starlake, a 14-unit development of for-sale homes kept affordable over time through a “shared equity” arrangement.⁶ The first of Norwich’s four housing strategies focuses on encouraging the development of more homes that provide dedicated affordable housing.

The second way to expand housing affordability is to increase the overall supply of housing, and in particular the supply of lower-cost housing types, such as duplexes, triplexes, and multifamily housing developments. The second and third of Norwich’s four strategies focus on these approaches.

To make these efforts possible, Norwich land owners and the region’s housing developers need to be aware of the town’s interests in developing a diverse and affordable housing stock as well as the incentives Norwich provides to encourage this outcome. The fourth and final strategy focuses on expanding public understanding of housing issues.

Strategy #1. Encourage the development of dedicated affordable housing

The most common approach for developing dedicated affordable housing is to use subsidies provided by the federal or state government. In Vermont, most housing subsidies are obtained by nonprofit housing developers through applications to the state (most notably, for an allocation of federal Low-Income Housing Tax Credits). Municipalities may also apply for grants from the state, which typically are used to supplement the larger subsidies that nonprofits obtain. Another way to create dedicated affordable housing is to require that a share of newly developed housing units be provided at a price or rent that is affordable for a certain income level, or to create incentives for this outcome.

Norwich’s strategy focuses on both of these approaches. Specifically, Norwich will do the following to encourage the development of dedicated affordable housing:

A. Formalize and grow the affordable housing revolving fund. In November 2018, Norwich voters approved the re-instatement of Norwich’s \$45,000 revolving fund for housing⁷, which had lapsed. The town encourages applications for use of the funds to produce dedicated affordable housing under the terms approved by the Norwich Selectboard on April 24, 2019. While the fund amount is modest, it provides a tangible signal to developers that the town is interested in the development of dedicated affordable housing. In addition to maintaining and administering this fund, the town will conduct outreach to advise developers of its availability and to solicit contributions from private citizens to grow the fund. To donate to the fund, contact the town planner at planner@norwich.vt.us.

B. Review Norwich’s density bonus. A density bonus allows a property owner to develop more homes or housing units on a particular parcel than would otherwise be permitted. Norwich’s Zoning Code provides a density bonus of 25 percent (i.e., ten units instead of eight) for planned developments in which at least 20 percent but less than half of the units are affordable, and a density bonus of 50 percent (i.e., twelve units instead of eight) for developments in which at least half of the units are

⁶ In “shared equity” housing, a for-sale home is kept affordable to future buyers through provisions specifying for the sharing of home price appreciation. Typically, upon sale, a portion of the appreciation is retained by the owner while the balance stays in the home to keep it affordable to subsequent homebuyers.

⁷ Specifically, a majority of voters answered “yes” to this question: “Shall the voters of the Town of Norwich re-establish a revolving Affordable Housing Reserve Fund with previously appropriated funds approved by Norwich voters to be distributed and administered according to a process adopted by the Selectboard in consultation with the Town Manager, the Norwich Planning Commission, and the Affordable Housing Subcommittee?”

affordable. (A larger bonus applies to the Village Residential II district). To date, this provision has not been used. During the period covered by this housing strategy, the Planning Commission and its Affordable Housing Subcommittee will review the town's density bonus policy to determine whether and if so how it should be adjusted to increase the likelihood that it is used to produce dedicated affordable housing. The town will also conduct outreach to advise owners and developers of its availability.

C. Consider whether developments of a certain size should be required to include affordable units. For such requirements to be effective, they need to be structured in a way that does not undermine the financial feasibility of new development. Therefore, they are typically adopted in conjunction with density bonuses or other provisions that make development more financially feasible. In addition, they generally only apply to developments over a certain size, such as 10 or 15 units. The current version of the regional plan for the Two Rivers Ottauquechee Regional Commission requires that a share of homes in developments of 10 or more units be affordable, but does not provide specific details on how this requirement can be satisfied. During the period covered by this housing strategy, the Planning Commission and Affordable Housing Subcommittee will consider whether Norwich should adopt its own affordable housing requirement and how best to implement the provision of the regional plan, should it be included in the final adopted plan.

D. Investigate the use of land owned or controlled by the town of Norwich for dedicated affordable housing. The high cost of land is widely understood to be a key obstacle to the development of dedicated affordable housing in Norwich. Accordingly, the town will investigate whether and to what extent land owned or controlled by the town might be used for this purpose. The town will develop an inventory of all publicly owned land in Norwich, including land owned by the town as well as by the Norwich Fire District, Dresden School District and any other governmental bodies. The town will also explore the mechanisms by which it could make land available for the development of affordable homes.

E. Encourage the donation of land for dedicated affordable housing. The town encourages residents to donate suitable parcels, either vacant or with homes, for use as affordable housing. Property sales at below-market levels can also help facilitate the development of affordable homes, as the reduced cost of acquisition can be passed along to buyers or renters. In some cases, such donations can be made as part of an effort to preserve open space – for example, housing units may be clustered in one section of a larger parcel. To explore donating or selling land at a below-market-price for purposes of developing dedicated affordable housing, contact the town planner at planner@norwich.vt.us.

F. Conduct outreach to encourage developers of affordable homes to focus on Norwich. The development of dedicated affordable housing will require an organization or business to assemble the land, apply for public subsidies, identify and manage the construction of the development, and operate the development as affordable housing. The town will conduct outreach to encourage developers to develop affordable homes in Norwich.

Strategy #2: Facilitate the development of lower-cost housing types

The overwhelming majority of structures in Norwich are single-family homes. These homes provide a considerable amount of privacy, but tend to rent or sell at levels higher than other forms of housing, such as duplexes, triplexes or multifamily housing. These alternative housing types typically rent or sell

at levels that fall below that of single-family homes but above that of dedicated affordable housing. While the town is not a developer and cannot construct these types of lower-cost housing directly, there are a number of steps it can take to promote their development.

To facilitate the development of lower-cost housing types, the town will do the following:

A. Facilitate the creation of Accessory Dwelling Units. Accessory Dwelling Units (or ADUs) are housing units located on the same parcel as a principal unit. Familiar names for ADUs include “granny flats” and “in-law suites.” An ADU may take the form of an apartment in or over a garage, barn or other outbuilding. Vermont state law requires municipalities to allow ADUs, and Norwich’s zoning rules expressly permit them. When not used to house a relative, ADUs are often rented out to members of the public. Because they tend to be small, ADUs often rent for levels below that of other rental homes, providing a source of lower-cost housing and increasing the stock of rental housing. ADUs also provide a stream of revenue to their owners, which can help defray the costs of property taxes and building maintenance.

There is no list of ADUs currently being rented or available for rent within Norwich. It is likely, however, that the number of ADUs can be increased. To help promote the development of ADUs, the Affordable Housing Subcommittee will work to educate residents about ADUs and the process for obtaining financing and contractor services to make an ADU possible. The Subcommittee will also investigate the potential barriers to the development of ADUs and consider how they could be addressed by town action.

B. Facilitate the creation of duplexes, triplexes and other “missing middle housing.” Missing middle housing is a term for the many different forms of housing that fall in between single-family housing and mid-rise construction.⁸ These include, among other housing types, duplexes, triplexes, quadraplexes, town homes, and garden style apartments. Historically, these housing types were included within the mix of housing in many towns around the U.S., but in recent decades, housing construction has tended to focus either on single-family development or (in larger communities) larger multifamily structures. Duplexes are already permitted on all parcels in Norwich, but this may not be well understood by property owners and developers. The Planning Commission will examine the town’s zoning code to determine whether there might be opportunities for zoning changes that facilitate the development of triplexes, quadraplexes and other missing middle housing types. And it will conduct outreach to educate property owners and developers about these housing options.

C. Ensure that zoning rules permit the development of multifamily housing. Multifamily housing is an important part of the housing stock in all communities, including Norwich. Multifamily housing is an important source of rental housing and tends to rent or sell at lower levels than single-family housing. It can also be useful for meeting the services needs of older adults and persons with disabilities who prefer a congregate living environment. Under Vermont state law, all municipalities must ensure the town’s bylaws “designate appropriate districts and reasonable regulations for multiunit or multifamily dwellings” and not have the effect of excluding multiunit or multifamily dwellings from the municipality (24 V.S.A. § 4412). Norwich’s zoning code already permits the development of multifamily housing in all zoning districts. The town will increase efforts to educate residents and potential partners that this is the case.

⁸ More information on the concept of missing middle housing may be found here: <https://missingmiddlehousing.com/>.

Strategy #3. Reduce barriers to new development

The Upper Valley has a shortage of housing units, which has led to low vacancy rates and rising rents and home prices. While the high demand for housing in Norwich means that most new development in Norwich will likely continue to be fairly expensive, new development in Norwich may free up spaces in older homes that rent or sell at prices that are affordable to more people. New development in Norwich also helps to expand the supply of housing in the Upper Valley, which is important for improving housing affordability in the region.

The town will work to reduce barriers to new development by doing the following:

A. Reduce the cost of developing new housing. The Planning Commission will take a number of steps to investigate options for reducing the cost of developing new housing, including: (a) considering whether there might be appropriate areas in town in which to increase the allowable density⁹ and (b) inviting input from the public, the Development Review Board, and from area developers on whether there are changes the town should consider to the regulations governing new development that might reduce development costs without undermining the objectives underlying these regulations.

B. Consider how to address barriers to development related to limitations on septic capacity. Many sites in Norwich have limited septic capacity due to their underlying geology. This can make development difficult at the densities needed for new projects to be financial feasible. One option to address this limited capacity is to take advantage of shared septic systems, including alternative systems that allow more people to be served. Norwich has already held a forum on alternative septic systems and will take further steps during the period covered by this strategy to educate property owners and developers about the available options.

While alternative systems can be helpful, they will not be sufficient to meet the wastewater needs of many of the properties that are needed to advance the town's housing objectives. Therefore, in consultation with the Dresden School District, area businesses and other stakeholders, the Planning Commission will re-examine the feasibility of providing community wastewater service to the village and adjacent areas, updating an investigation of this issue completed in 2005 and make recommendations to the Selectboard.

Strategy #4 Expand public understanding of housing issues

Increased public understanding of Norwich's housing challenges and planned approach for meeting them is important for building support for this housing strategy and dispelling misperceptions that may arise. Increased understanding of Norwich's goals and housing policies by developers and residents is also important for ensuring that the different participants in the housing market are aware of the available opportunities to take action to increase the diversity of Norwich's housing stock, such as developing more affordable homes or adding an ADU.

To advance this strategy, Norwich will:

⁹ The allowable density in a zone determines how many housing units can be built on a given parcel. It applies to all housing that is developed, and not just to housing that includes dedicated affordable housing. By contrast, the affordable housing density bonus increases density only for properties that include affordable homes.

- A. **Make it easier for developers and the public to understand Norwich’s zoning rules and affordable housing policies.** Publication of this housing strategy as a stand-alone document will help to improve understanding of Norwich’s housing objectives and policies. In addition, the affordable housing subcommittee will prepare a series of educational materials related to different aspects of Norwich’s housing strategy, including a guide to creating an ADU and a guide for developers underscoring Norwich’s interest in a diverse and affordable housing stock that meets the needs of people of different incomes, older adults, families and others, and the policy options available for facilitating this outcome. The materials will also reference Norwich’s interests in promoting sustainability through energy-efficient building practices and the prioritization of development locations close to retail and job centers. The subcommittee will also conduct personal outreach to area developers to make them aware of these materials and encourage them to develop a diverse mix of housing in Norwich.
- B. **Increase public understanding of how new development will affect town and school property taxes.** To reduce confusion about the implications of new development for property taxes in Norwich, the affordable housing subcommittee will produce educational materials on this topic. Among other points, these materials will highlight the fact that most of the property taxes paid by Norwich residents are for school taxes, rather than municipal taxes; for example, in FY 2018, approximately 77% of the property taxes paid by Norwich residents went for school taxes, rather than municipal taxes.¹⁰ The materials will also highlight the unique formula in Vermont for setting school property taxes in which the school property tax rate is based on the level of per-pupil spending. Under this formula, decreases in per-pupil spending lead to a reduction in the property tax rate while increases in per-pupil spending lead to an increase in the property tax rate. As a result, increases in the number of children in the school can actually lead to reductions in property taxes by allowing the school district to amortize fixed expenses over a larger student body. The relationship between the school population and the education tax rate is not perfectly linear, since some increases can require the addition of new teachers, but in general, a larger student body helps to keep school taxes from rising, and may even allow taxes to be reduced, so long as the physical limits of the Marion Cross building are not reached. With enrollment at Marion Cross below capacity and projected to decline, the capacity limits of the building are not expected to be reached any time soon.
- C. **Investigate models for improving public understanding of the housing stock.** The subcommittee will also seek to learn about successful models implemented elsewhere for improving public understanding of the housing stock and housing issues generally. In particular, the subcommittee is interested in policy options – such as rental registries – that can help increase knowledge of the town’s rental market and encourage all owners of residential rental property to provide safe and well-maintained homes for their tenants. Such learning will be shared with the Planning Commission for consideration as future actions.

¹⁰ Norwich Annual Report for Fiscal Year 2018.

Goals

Specific, measurable goals are an important part of any strategy as they help ensure that progress can be measured and a determination made of whether the strategy is on track. For the five-year period of 2020 – 2024, Norwich’s housing goals are as follows:

Outputs

- Complete the policy actions specified in this strategy
- Complete the educational materials and outreach specified in this strategy

Outcomes

- Construct at least 10 Accessory Dwelling Units;
- Construct at least 10 units of “missing middle” housing (duplexes, triplexes, etc.); and
- Construct at least 25 units of dedicated affordable housing

These goals will be revisited from time to time to ensure they remain relevant and appropriate.

Discussion

These goals are informed by a number of factors, including the 2018 town survey and the practical realities associated with developing housing in Norwich.

In the 2018 survey, a majority (56 percent) of respondents identified affordable housing as a high (or the highest) priority for the use of tax dollars, but a majority (53 percent) also expressed a desire to see the population remain relatively stable, as opposed to “grow[ing] some” (42 percent). When asked how many units of affordable housing should be built in the next five years, the top two responses were 8-16 units (22 percent) and 17-25 units (22 percent), followed by 26-100 units (16 percent) and 8 units or less (12 percent). 11 percent said no units of affordable housing should be built, while 4 percent said 100 or more units should be built and 12 percent were not sure.

These survey results, together with the strong vote in favor of restoring funding for the housing trust fund, confirm the town’s desire to make progress in expanding the affordability of housing. At the same time, the results suggest a desire for incremental rather than transformative change. While annual housing development in Norwich in the 2005-2007 period ranged from 14 to 18 units per year, fewer than 10 units a year have been developed since that time. Achieving the goals specified in this Plan would likely mean restoring development in Norwich to the development level seen in the 2005-2007 period, or perhaps slightly higher, but would not take Norwich back to the level of development seen in the 1990s, when Norwich’s population grew by 15 percent, or in the 1980s, when the population grew by 29 percent.

According to a local developer of affordable housing, the economics of developing housing with low-income housing tax credits in Vermont means that a project in Norwich would generally need to have around 25-30 units to be viable. While more difficult, it may also be possible to combine somewhat smaller developments into a single “project.” The goal for the five-year period is to complete at least one development providing at least 25 units of dedicated affordable housing.

The goals for ADUs and missing middle housing have been set at modest levels that reflect the challenges associated with developing housing in Norwich and the limited options available to the town for facilitating it.

Conclusion

There is a significant need for a more diverse housing stock in Norwich that includes housing options affordable to people of all incomes and promotes environmental sustainability through energy-efficient construction and the location of housing near job and retail centers. Implementation of this Housing Strategy will help the town make progress towards achieving these goals.

Fall Calendar of Public Input Events

[DRAFT 8/26/2019]

Tuesday, September 3rd, Virtual Workshop on Land Use and Conservation GoToMeeting® workshop

Norwich has a proud tradition of land conservation. This workshop presents mapping data for forest habitat critical to sustaining the forest industry, natural communities, and ultimately our identity as a rural town. The questions we pursue include:

- How do we best maintain existing forest and agricultural resources?
- How do we address human – natural environment conflict?
- How do we accommodate future development to minimize impact on natural environments?

Thursday, September 12th, 6:30-8pm, Housing Strategy Workshop, Multi-purpose Room

Prepared by the Affordable Housing Sub-Committee of the Planning Commission, the Housing Strategy identifies three objectives: i) affordability, ii) diversity and iii) environmental sustainability, Discussion will focus on strategies for achieving these objectives:

Wednesday, Sept 18th, 6:30-7:30pm, Zoning 101: Current Land Use Regulations Multi-purpose Room

Confused about current land use regulations in Norwich? Get the **facts** on how it works now, and the pattern of recent development. Planning Director Rod Francis will lead participants through how Norwich's land use regulations work, describe what kind of development is possible and takes participants questions.

Thursday, October 3rd, 6:30-8pm, Future Land Use Discussion, Multi-purpose Room

Discussion of draft Future Land Use policies and actions.

[Schedule virtual discussion?]

Evening of October 17, joint event with the Norwich Library and PC at the library

Learn about how Vermont has handled questions of development and progress in the past, and how we might use those lessons to discuss a path forward to the future. The program will open with Northern Vermont University professor Paul Searls, author of *Repeopling Vermont: The Paradox of Development in the Twentieth Century*.

Searls' presentation will help us answer:

- How do we maintain our rural character?
- How do we respond to demographic changes and the climate crisis?
- Can we find a balance between development and rural character?

Early November Date TBD, Town Plan Action Item Discussion, Multi-purpose Room

Discuss draft of action items for Community Facilities and Services, Transportation, Energy, Economic Development, and Resilience

[Schedule virtual discussion?]

**NORWICH PLANNING COMMISSION
REGULAR MEETING
DRAFT MINUTES**

Thursday, July 25, 2019, 7:00pm
Tracy Hall-Meeting Room

Members Present: Jaci Allen (Chair), Brian Loeb, Jeff Goodrich, Jeff Lubell, Ernie Ciccotelli (7:15pm), Steve Thoms (left at 7:10pm), Leah Romano

Members Not Present: Susan Brink, Melissa Horwitz

Public: Linda Gray, Craig Layne (Conservation Commission), Linda Cook, Nathan Margolis, Barry Rotman, Peter Gregory (TRORC), Kevin Geiger (TRORC)

Staff: Rod Francis (Clerk)

Jaci Allen (Chair), called the meeting to order at 7:04pm

1. Approve Agenda: Lubell moved and Romano seconded a motion to approve the agenda. Motion carried 4 — 2
2. Meeting Objectives
 - a. TRORC Update
 - b. Discussion with Conservation Commission on draft Land Use Chapter
 - c. Discuss next steps on calendar and input from Town Plan feedback events
3. Comments from the Public. Thoms announced resignation effective immediately. The Commission and staff wished him well and thanked him for his service.
4. TRORC Update
 - a. Peter Gregory (Executive Director) and Kevin Geiger (Senior Planner) gave an outline of the process TRORC is following for the approval of the 2019 Regional Plan. They expect to release a response to comments from towns and individuals soon. The plan is on track for a full Commission vote of approval in October.
 - b. TRORC is available to review working drafts of chapters, participate in forums and support the PC and SB throughout the Norwich town plan adoption process.
5. Discussion with Conservation Commission draft Land Use chapter
Craig Layne discussed a list of comments:
 - a. Maintaining Forest Integrity is a high priority, even at very low levels of development
 - b. While the current density calculation process for new subdivision directs more intense development closer to the village protecting forest block integrity may complicate this because of the proximity of mapped forest blocks to the village
 - c. Education of existing and new property owners is critical to the success of this new state requirement
 - d. Many meadows are protected under conservation easements which often stipulate when the fields are to be brush-hogged
6. Discussion about next steps on calendar and input from Town Plan feedback events
 - a. 9/12 Housing Workshop confirmed
 - b. Land Use/Zoning 101 (including FAQs) TBA
 - c. Rod will ask that a button be added to the Town homepage linking users direct to 'town plan page'
<http://norwich.vt.us/town-plan-2019/>

7. Approve Minutes
 - a. Lubell moved and Ciccotelli seconded a motion to approve the minutes of June 27, 2019. Motion carried 5 —0
 - b. Lubell moved and Romano seconded a motion to approve the minutes of July 2, 2019. Motion carried 4 —1 (abstain).

8. Announcements, Reports, & Correspondence
 - a. Correspondence
 - i. Various emails requested to be entered into the record regarding development Route 5 South
 - b. Announcements — none
 - c. Updates
 - d.
 - i. Affordable Housing subcommittee has made further edits and approved the Housing Strategy. There is the question of how best to integrate the strategy into the housing chapter of the town plan. The upcoming meeting (7/29) will consider ways of engaging the public. The Strategy document will be on the Agenda for the August 29 PC meeting.
 - ii. Postcard Survey approximately 180 returns to date. An out-of-hours 'coding party' will be set after the August PC meeting (once tax bills have been paid) and thus the maximum number of surveys will be received

9. Other Business
 - a. Ciccotelli enquired as to when the 'policy-making' around the town plan will take place. Allen explained that the next step in the plan drafting process involves review of all the chapter outlines, where Goals, Policies and Actions will be reviewed. All commissioners will have the opportunity to contribute to all the chapters as we move towards a working draft.

Meeting adjourned at 8:57pm

Future Meetings:

Thursday, Aug 29, 7pm Regular Meeting
Thursday, Sept 26, 7pm Regular Meeting
Thursday, Sept 26, 7pm Regular Meeting
Thursday, Oct 24, 7pm Regular Meeting

8 a) i)

Complete Plan
available @
meeting

THETFORD, VERMONT 2019 TOWN PLAN



©Jim Mauchly / MountainGraphics.com

PROPOSED DRAFT BY THETFORD PLANNING COMMISSION, AUGUST 2019

Available online at the Thetford town site (www.thetfordvermont.us) under "Documents".

This draft revision 2018_v0.e created 8/6/19

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

8-12-19

Petition of New Cingular Wireless PCS,)
LLC d/b/a AT&T pursuant to 30 V.S.A. §)
248a requesting a Certificate of Public)
Good for the attachment of) Case No. 19- ___ PET
telecommunications equipment on a)
replacement utility pole in Norwich,)
Vermont)

SECOND AFFIDAVIT OF NICOLE CAPLAN-MASON

I, Nicole Caplan-Mason, hereby declare that the following statements and supporting exhibits were prepared by me or under my direct supervision, and that the information contained therein is true and accurate to the best of my personal knowledge, information and belief. I further state and certify the following:

1. My name is Nicole Caplan-Mason. I am employed by Empire Telecom ("Empire") and serve as Site Acquisition Supervisor. My business address is 16 Esquire Road, Billerica, MA 01862.
2. On July 26, 2019, I submitted Prefiled Testimony in support of the Project Narrative and accompanying exhibits to provide the PUC with a description of the proposed wireless telecommunications facility that is the subject of the Petition (the "Facility").
3. The purpose of my Second Affidavit is to introduce a Corrected Project Narrative, provided as Revised Exhibit AT&T 5B. The originally filed Project Narrative incorrectly identified the Project location as being located outside of the Norwich Historic District. After consultation with Vermont Division for Historic Preservation, it was determined that the Project location falls within the Norwich Historic District. Even so, because the Project is a small cell wireless communications facility, it is not required to undergo Section 106 review.
3. My Prefiled Testimony and the Project Narrative remain true and correct in all other aspects.

Signature line with faint markings

Nicole Caplan-Mason

Name: Nicole Caplan-Mason

Title: Site Acquisition Supervisor

STATE/Commonwealth of Massachusetts

COUNTY OF Middlesex, SS.

On this 07 day of Aug, 2019, personally appeared Nicole Caplan-Mason, known to me, or satisfactorily proven to be the person who is the signatory to the foregoing, and made oath that the foregoing instrument, subscribed by said individual, is true.

Before me,

Sophany U. Sar
Notary Public

My commission expires: NOV-1-2024



SOPHANY U. SAR
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 1, 2024

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of New Cingular Wireless PCS, LLC)
d/b/a AT&T pursuant to 30 V.S.A. § 248a)
requesting a Certificate of Public Good for the) Case No. 19- ____-PET
attachment of telecommunications equipment on)
a replacement utility pole in Norwich, Vermont)

**REVISED PROJECT NARRATIVE:
LIMITED SIZE AND SCOPE (NEW REPLACEMENT POLE)**

I. Introduction

By this Petition, New Cingular Wireless PCS, LLC d/b/a AT&T (“AT&T”) seeks approval from the Vermont Public Utility Commission (the “PUC”) to replace an existing utility pole owned by Green Mountain Power Corporation (“GMP”), located along Lary Lane, Norwich, Vermont, with a new taller utility pole (the “Pole”), and to install wireless telecommunications equipment on the Pole (the “Facility” or “Project”). AT&T refers to this project as RCTB 00077 (the “Site”).

An overview of the characteristics of the Site where the Pole is located is as follows:

Pole Location	Lary Lane, Norwich, VT
Latitude	N 43.714818°
Longitude	W 72.307754°
Road Status	Town Road
Closest Intersection	Carpenter Street / Lary Lane
Pole Owner(s)	Green Mountain Power
Pole Height	38’ 6” aboveground level (“AGL”)

This Petition is filed pursuant to the PUC’s “Sixth Amended Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a,” dated September 21, 2018 (the “Procedures Order”).

II. Project Description

AT&T is licensed by the Federal Communications Commission to provide multiple technologies in Vermont, including long-term evolution (“LTE”) wireless broadband internet service. AT&T is improving and enhancing its voice and data network in the state through deployment of technology generally known as “small cells,” used to address capacity issues at specific locations. Small cell technology is especially helpful to remedy connectivity issues experienced in more heavily populated areas or during certain high network traffic periods. The Project will improve capacity in the commercial district along Lary Lane, Main Street, and Church Street.

The proposed Facility will consist of the following components:

- A. Replacement of the existing 32' 4" AGL utility pole with a new 38' 6" utility pole;
- B. Installation of one (1) canister antenna, measuring approximately 2' 1" in height and 10", to be mounted on top of the Pole;
- C. Installation of an equipment cabinet, measuring approximately 3' 3" in height and 1' 11" in width, to be mounted on the Pole at a height of 12' 9"AGL; and
- D. Ancillary improvements and other appurtenances located within and around the base of Pole at the Site to be used in connection with operation of antenna and equipment installations.

Site plans depicting each feature of the Facility, and providing vertical profiles and electrical information, are attached as Exhibit AT&T 5C. Equipment Specifications are provided as Exhibit AT&T 5D.

The Project will not result in additional permanent earth disturbance. To the extent applicable, the construction plan will comply with the requirements of the Department of Environmental Conservation *Low Risk Handbook for Erosion Prevention and Sediment Control*. The Project qualifies as a "Project of Limited Size and Scope," as defined in 30 V.S.A. § 248a(b)(3).

This proceeding is subject to the general authority and limitations of the federal Spectrum Act, 47 U.S.C. §1455(a)(1) and 47 C.F.R. Subpart U (State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities) (eff. 01/14/2019), as it involves the PUC's review of a "small wireless facility" under 47 C.F.R. § 1.6002(l) (i.e., a facility mounted on a structure of less than 50 feet, with antennas of less than 3 cu. ft. and structure-mounted operating equipment of less than 28 cu. ft.). Consequently, in addition to the 60-day review timeframe set forth in 30 V.S.A. §248a(f), the application is also subject to a 90-day review timeframe pursuant to 47 C.F.R. § 1.6003(c)(1)(iii), which includes any pre-application period asserted by the siting authority as set forth in 47 C.F.R. § 1.6003(e). AT&T hereby preserves its rights under the Spectrum Act and the corresponding FCC regulations, in addition to Section 248a(f), to the extent necessary to proceed with the Project.

III. Project Objective and Public Good (30 V.S.A. § 248a(a) and 202c(b))

The Project will provide enhanced wireless service access on and along Lary Lane, Main Street, Church Street, and surrounding neighborhoods in Norwich. The Project will promote the general good of the state, consistent with 30 V.S.A. § 202c(b), insofar as the Project will improve its wireless service capacity in a populated area of Norwich. The small cell Facility will improve connectivity for AT&T users, and "densify" AT&T's network service by bringing it "closer" to its users. The Project also allows AT&T to prepare for implementation of newer technologies—including 5G capabilities, "smart

cities” and new developments in the Internet of Things (“IoT”). Propagation maps depicting the existing coverage in Norwich and showing the effect of installing the proposed Project are attached as Exhibit AT&T 5E.

IV. Environmental Criteria (30 V.S.A. § 248a(c)(1)) and Public Safety

The Project will not have an undue adverse effect on the reduced scope of Section 248a criteria for projects of limited size and scope under Section H(2) of the Procedures Order, being floodways, aesthetics, historic sites, rare and irreplaceable natural areas, endangered species, and necessary wildlife habitat. AT&T has considered the criteria and submits that the Project to construct and operate the Facility complies with each of the limited criteria, as discussed more fully below.

A. Floodways (10 V.S.A. 6086(a)(1)(D))

The Project is a co-location on a replacement utility pole. The Replacement Pole is not situated in a floodway.

B. Aesthetics (10 V.S.A. §6086(a)(8))

The Project will not have an undue adverse effect on the scenic or natural beauty of the area or aesthetics. The two-pronged approach set forth in *Quechee Lakes* for addressing aesthetic effects is settled law and applies in reviewing this 248a petition. *Petition of New Cingular Wireless PC, LLC (Weston)*, Docket No. 7729, Order of 6/6/11 at 10.

The PUC must determine whether the proposed Project will have an adverse effect. In making this determination, the PUC considers whether the proposed project will be in harmony with its surroundings or “fit” the context within which it will be located, considering the nature of the project’s surroundings, the compatibility of the project’s design with those surroundings, the suitability for the project’s context of the colors and materials selected for the project, the locations from which the project can be viewed and the potential impact of the project on open space. If the project fits the context, it will not have an adverse effect. *See Petition of Central Vermont Public Service Corporation*, Docket No. 7788, Order of 2/16/12, at 16–17 (outlining the elements of the *Quechee* test).

The Facility fits the context of the area insofar as the Project involves attachment wireless telecommunications equipment on the Replacement Pole that is similar in height and appearance to other utility poles in the area. As such, it is not out of context with its surroundings. Accordingly, AT&T submits that the Project will not have an adverse effect on aesthetics.

C. Historic Sites (30 V.S.A. §248a(c)(1); 10 V.S.A. §6086(a)(8))

The Project will not have an undue adverse impact on any historic sites. The Replacement Pole is located within a historic district; however, given the physical dimensions of the Facility, the Project is presumed to have “No Adverse Effect” on historic properties pursuant to 47 C.F.R. Part I, App. B, Nationwide Programmatic

Agreement for the Collocation of Wireless Antennas, § I.C. Therefore, the project is not required to under review under Section 106 of the National Historic Preservation Act. *See* 10 U.S.C. § 470f, *see also* 47 C.F.R. § 1.1307(a)(4) (requiring applicants to determine whether proposed facilities may affect properties that are listed, or are eligible for listing in the National Register of Historic Place.) *See also* AT&T Compliance Memorandum (Exhibit AT&T 5F).¹

D. The Natural Environment, Including RINAs, Endangered Species, Necessary Wildlife (30 V.S.A. §248a(c)(1); 10 V.S.A. §6086(a)(8))

There will be no impacts to any rare and irreplaceable nature areas, endangered species, or necessary wildlife habitat. The Project is situated in a semi-urban setting, principally a commercial retail district near US Route 5 and Interstate 89. No natural areas will be affected by the Project.

E. Public Health and Safety (30 V.S.A. §248a(c)(1))

The Project will not have an undue adverse impact on public health and safety. As shown by the Structural Capacity Letter attached as Exhibit AT&T 5G, the Replacement Pole will meet the Electronics Industry Alliance / Telecommunications Industry Association Standard 222-G applicable to towers and other antenna support structures for all classes of communications service: it is accredited by the American National Standards Institute and represents the accepted industry practices in the design of antenna structures. Installation of the Facility shall conform to the standards contained in the 1981 edition of the National Electrical Safety Code. Green Mountain Power will be completing all make-ready work associated with the Replacement Pole.

The Facility also will comply with FCC standards regarding radiofrequency emissions, as demonstrated by the Maximum Permissible Exposure Study (the “MPE”) attached at Exhibit AT&T 5H. The Report assumes a “worst case scenario” for radiofrequency emissions, using maximum power for an antenna mounted at a centerline height of 30’ AGL. The Report shows that the maximum emissions will not exceed 0.5 % of the maximum permissible exposure limit for General Population and Uncontrolled Access.

The Project will not cause unreasonable congestion or unsafe traffic conditions with respect to the use of highways or other means of transportation. The Project does not involve the on-site storage of hazardous material, and will not generate any waste streams. The Project will not endanger public investments or cause an unreasonable burden on the ability of local governments to provide municipal or governmental services, including educational services. The Project will not utilize water, sewer or solid waste disposal facilities, and will not affect demands on recreational or school facilities.

¹ The FCC recently adopted rule changes to 47 CFR 1.1312 to streamline the wireless infrastructure siting review process to facilitate the deployment of next-generation wireless facilities. *See* 83 CFR 19440 – Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (Effective Date: July 1, 2018). The Order excludes small wireless facilities deployed on non-tribal lands from review under the National Historic Preservation Act and the National Environmental Policy Act.

V. Municipal Impacts: Municipal Plan Compliance, 30 V.S.A. § 248a(c)(2)

The Project is generally consistent with the principles set forth in the Norwich Town Plan, adopted July 11, 2018 (the “Plan”) (see excerpts in Exhibit AT&T 5I). The Plan recognizes that cell phone service and high-speed internet access have become a necessity in modern life, just as electricity and the telephone were in the early part of the last century. Town Plan at 8-7. “The availability of cell service (which often also delivers Internet access) and broadband internet access are services providing important benefits to residents including safety and security, education, economic, health monitoring, entertainment, etc.” Town Plan at 8-7. The Town Plan indicates that the Town should continue to support these services while minimizing the adverse visual impact of the towers, antennas and wires to the extent possible.

The proposed Project furthers the goals of the Plan insofar as the Facility will provide reliable, cutting-edge telecommunications service in a high-traffic commercial area. AT&T does so through installation of a small cell facility on an utility pole, thus furthering co-location objectives referenced in the Plan.

The Town of Norwich raised no concerns with the Project during the 60-Advance Notice Period.

VI. Regional Impacts: Regional Plan and Recommendation, 30 V.S.A. § 248a(c)(2)

The Two Rivers-Ottauquechee Regional Plan, adopted July 26, 2017 and effective August 31, 2017 (see excerpts in Exhibit AT&T 5J), recognizes that wired and wireless telecommunications have become increasingly important to the economic needs of the residents and businesses in the region. Regional Plan at 287. The Regional Planning Commission states that “[it] is highly supportive of efforts to expand broadband access provided that the infrastructure required does not have an undue adverse impact on the rural character of our communications.” Regional Plan at 290. The Regional Plan sets forth policies that focus on reducing the impacts of siting in the region, and identifies co-location on existing structures as an important tool. Regional Plan at 290-293.

The Project advances these goals by improving public access to reliable, high quality broadband internet service without adversely impacting the County’s scenic and environmental qualities. The small cell Facility will improve connectivity for AT&T users, and “densify” AT&T’s network service by bringing it “closer” to its users, in particular along the civic building area of the town (i.e., Main and Church streets). The Project also allows AT&T to prepare for implementation of newer technologies—including 5G capabilities, “smart cities” and new developments in the IoT.

Two Rivers-Ottauquechee Regional Commission raised no concerns with the Project during the 60-Advance Notice Period.

VII. Reasonability of Co-location (30 V.S.A. § 248a(c)(3))

In selecting to undertake the Project, AT&T has analyzed whether there are existing structures in the area to be served that could be used for the antennas and equipment

without extending or replacing the existing pole. Following an internal evaluation, AT&T's radiofrequency engineers confirmed that none of the existing utility poles in the area would allow AT&T to meet its customer service objectives in a way that accounts for future growth of the network in the area to be served by the Project. The existing pole itself must be replaced with a higher pole to provide height, space and capacity for AT&T's antenna and equipment.

VIII. Compliance with Existing Permits (30 V.S.A. § 248a(d))

Upon information and belief, and following consultation with counsel, the Replacement Pole is not subject to any existing permits.

IX. Compliance with Advance Notice Requirements

A list of the names and addresses of all adjoining property owners is included with the Petition at Tab 3, and the locations of their properties are shown on the Site Plan (Exhibit AT&T 5C). As described in the "Certification of Advance Notice" included as Tab 3, AT&T complied with the advance notice requirements under Section 248a and the Procedures Order.

19441805.2

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of New Cingular Wireless PCS, LLC)
d/b/a AT&T pursuant to 30 V.S.A. § 248a)
requesting a Certificate of Public Good for the)
attachment of telecommunications equipment)
on a replacement utility pole in Norwich,)
Vermont)

Case No. 19-3107-PET

CERTIFICATE OF SERVICE

Downs Rachlin Martin PLLC hereby certifies that it has provided copies of the Second Affidavit of Nicole Caplan-Mason and Revised Project Narrative for the above-captioned Petition and Request for a Certificate of Public Good Pursuant to 30 V.S.A. § 248a(k), postage prepaid, as follows:

Norwich Selectboard
Attn: John Pepper, Chair
300 Main Street, PO Box 376
Norwich VT 05055
Selectboard@norwich.vt.us
*(1) Copy via US Mail and
electronic link via email*

Norwich Planning Commission
Attn: Jaci Allen, Chair
300 Main Street, PO Box 376
Norwich VT 05055
manager-assistant@norwich.vt.us
*(1) Copy via US Mail and
electronic link via email*

Two Rivers-Ottauquechee Regional
Commission Attn: Kevin W. Geiger, Senior
Planner
128 King Farm Road
Woodstock, VT 05091
kgeiger@trorc.org
*(1) Copy via US Mail and
electronic link via email*

Dated at Burlington, Vermont, this 8th day of August, 2019.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC
Attorneys for Petitioner

By: _____


Elizabeth Kohler, Esq. 19380611.1

8)a) iii)

**TOWN OF NORWICH
PLANNING AND ZONING
RECEIVED**

7-24-19

July 19, 2019

John Pepper, Selectboard Chair
Town of Norwich
P.O. Box 376
Norwich, VT 05055

RE: FY 20 Annual Dues

Dear John:

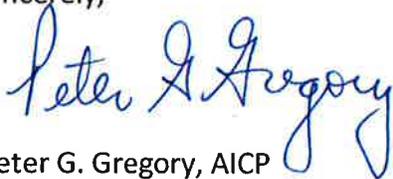
Thank you very much for the town check to the Regional Commission for FY 20 Annual Dues. We appreciate your town's continued support of the Two Rivers-Ottauquechee Regional Commission.

As always, support from our towns is critical because it helps to preserve our capacity to respond to your needs, whatever they may be. For grant writing and administration, local transportation, community and economic development, water quality, or emergency management planning, we want to be there to assist you.

In order for us to serve the needs you feel are most important; please do not hesitate to call me if there are issues, programs or services that we ought to be providing that we currently are not. In addition, if the quality of our work is not up to your standard, I would like to know about that too.

Once again, I look forward to another productive year with you.

Sincerely,



Peter G. Gregory, AICP
Executive Director

cc: Planning Commission Chair
TRORC Commissioner

8) (ii)

TO: TRORC Board

FROM: Peter G. Gregory AICP, Executive Director

DATE: August 13, 2019

RE: Regional Plan Public Hearings Responsiveness Summary

Attached please find a Responsiveness Summary for all the comments that were received from the public during the formal public hearing process. Two formal public hearings were held in the Region and written comments were received as well.

As you will see, staff summarized the comments and then responded with our proposal on what TRORC should accept.

TRORC staff also generated some suggested changes for consideration, many of which are the result of public comments, where the public didn't propose an actual change, but had a question or concern.

The TRORC Executive Committee reviewed this document in detail on August 7th, and recommends that the Board approve this and instruct staff to modify the draft Regional Plan in anticipation of another Public Hearing to be scheduled for September 25th.

Thank you.

attachment

Gerald Fredrickson, Chair ~ Peter G. Gregory, AICP, Executive Director
128 King Farm Rd. Woodstock, VT 05091 ~ 802-457-3188 ~ trorc.org

Barnard ~ Bethel ~ Bradford ~ Braintree ~ Bridgewater ~ Brookfield ~ Chelsea ~ Corinth ~ Fairlee ~ Granville ~ Hancock ~ Hartford ~ Hartland
Newbury ~ Norwich ~ Pittsfield ~ Plymouth ~ Pomfret ~ Randolph ~ Rochester ~ Royalton ~ Sharon ~ Stockbridge ~ Strafford ~ Thetford
Topsham ~ Tunbridge ~ Vershire ~ West Fairlee ~ Woodstock

Responsiveness Summary for 2019 Regional Plan Comments

TRORC Board Meeting August 21, 2019

All written and verbal comments from the hearings, and any response or action proposed to be taken based on these, are listed below. All responses are in italicized text. When the response involves proposing a change in Plan text, the proposed change is referenced to the appropriate page number(s) in the initial hearing draft and any change is shown in underline/strikethrough format.

Comments have been summarized as bullet points below, but the full text of any written comments is available on request. Comments are attributed to authors, and their organizations if representing such. Staff have also generated our own comments which are listed at the end.

Comments and Responses

Bill Emmons – TRORC Board, Pomfret

- Add information on Lyme disease into the Healthy Communities Chapter.

Response: Language on Lyme disease in Vermont will be added to the Healthy Communities chapter as a new section titled ‘Healthy Natural Environment.’

Healthy Natural Environment

Natural environments contain the components that enable life as we know it. Enhancing the ability of natural environments can mitigate the negative health impacts associated with development that affects our water and air. More information on clean water and air can be found in the Natural Resources chapter of this Plan. Climate action and more greenspace are possible solutions to creating a healthier natural environment.

Climate Action

Climate change is defined as a “long-term change in climate conditions, such as temperature, precipitation, extreme water events, snow cover, and sea level rise.”¹ There are several mitigation efforts that Vermont and its municipalities can take on, such as increasing energy efficiency (as seen in the Energy chapter) through our buildings and our transportation methods. In Vermont, an increase in extreme weather events, such as flooding, can increase risks for vulnerable populations, such as the elderly. Hotter summers can lead to increases in heat-related stress in seniors and children.

There is one epidemic that is plaguing Vermonters, and that is the prevalence of Lyme disease. Vermont is well-known for its expansive outdoor recreational opportunities that span all seasons. With an active lifestyle

¹ <https://planh.ca/take-action/healthy-environments/natural-environments/page/climate-action-public-health>

comes some risks for disease. Vermont is number two in the country for the most diagnoses cases of Lyme disease, which is contracted to humans from blacklegged ticks, or more commonly known as deer ticks. Ticks are becoming more prevalent in Vermont due to milder winters, increased precipitation, and an increase in wildlife. The state's large number of white-tailed deer and deer mice has led to this increase in diagnoses. The Centers for Disease Control and Prevention (CDC) has labeled this an epidemic in Vermont. Much of this epidemic is due to a lack of effective early diagnosis and treatment, even with 1,093 confirmed cases in 2017.² There are many preventative measures people can take to avoid contracting Lyme disease when they go on a hike, such as; wear long socks and pants, spray bug spray, and check for ticks when you get home. Lyme disease may become harder to treat in the coming decades due to antibiotic resistance of the Lyme disease bacteria.

Other common tick borne diseases that are not as prevalent as Lyme disease include; anaplasmosis, babesiosis, borrelia miyamotoi, ehrlichiosis, powassan virus, and tularemia. While 99% of these diseases are transmitted through the black-legged tick (deer tick), these diseases can be transmitted through the dog tick, woodchick tick, and the lone star tick in Vermont³. More information on these diseases and prevention can be found on the Vermont Department of Health website.

Green Infrastructure

Providing residents with parks and greenspace **not** only beautify communities, **but** can also increase the well-being of people. Healthy by Nature is a movement **about** the physical and mental health benefits of green infrastructure and states that spending more time in **nature** improves human health, **human** health depends on healthy ecosystems, and that parks or other conserved **natural** areas contribute to **vibrant** and healthy communities.⁴ Studies also show that **people** who connect **with** nature often feel less isolated and can form connections with neighbors.⁵

In a practical sense, green infrastructure can mitigate climate change effects by preserving ecological functions, such as carbon sequestration **and** water storage.

Goals

1. Increase in access to public green space.
2. The number of confirmed Lyme and other tick borne disease cases in Vermont is decreased.

Policy

1. Support climate change mitigation efforts.

Recommendations

1. TRORC should work with municipalities to distribute information on Lyme disease and prevention.
2. TRORC should work with municipalities on climate change mitigation strategies.

Ernie Ciccotelli – Norwich Resident

² https://vtdigger.org/2019/06/16/high-tick-populations-prompt-lyme-disease-concerns/?mc_cid=a3b3b407d3&mc_eid=c9fd5ffa15

³ <https://www.healthvermont.gov/health-environment/climate-health/tickborne-diseases>

⁴ Healthy by Nature, "Welcome," 2011 <http://healthybynature.ca/#sthash.b9XEWBHd.dpuf> (accessed August 4, 2013).

⁵ Judy Maan Miedema, Ellen Desjardins, and Kevan Marshall, *Not Just a Passing Fancy – How Community Gardens Contribute to Healthy and Inclusive Neighbourhoods* (Garden Council of the Waterloo Region and Waterloo Public Health, 2013) http://chd.region.waterloo.on.ca/en/researchResourcesPublications/resources/Community_Gardening_Storytelling_Project.pdf

- Plan is too long.
- No concise and cogent statements of policy upon which the region and towns can base regulations.
- Wants a definition of sustainability.

Response: The TRORC board directed the staff to reduce the size of the Plan by being more concise, reducing redundancies and cross-referencing. The overall Plan has been shortened by over 100 pages. The entire draft was also reviewed by an outside professional editor for style and clarity. We will continue to strive for conciseness in future revisions. The Plan has numerous statements of policy that we believe would be useful at the local level. The Plan does not define sustainability as the term is broadly known.

Norwich Selectboard and Planning Commission

- How are Rural and Mixed-Use Areas mapped?
- What density of housing development does the Rural Area allow?
- Does excluding principal retail in Mixed-Use Areas impact community design? Create a definition of principal retail using quantitative measures (floor area, sales volume)
- How is community design best facilitated?
- Why was the public outreach process so limited?

Response: The Rural Area is essentially the area left after other land use areas are mapped. The Mixed-Use Areas in Norwich front state highways and have (or may have in the future) public sewer and water. The Regional Plan's policy is for density of homes in Rural Areas of one per 2 acres, but that is not lot size (lots could be as small as the town allows). The Rural Area level of intensity is roughly in keeping with residential developments such as on McKenna Road and Hopson Road. For more information on how we look at land use areas, please see <https://www.trorc.org/wp-content/uploads/2013/10/lud102407.pdf>.

See response to Rod Francis, Norwich Planning and Zoning Director (below) on 5-unit structures in the Rural Areas, residential/mixed use buildings, and secondary retail.

We disagree on the characterization of the public process. The drafting of these changes to the Plan have taken place at several public board meetings over the last two years, been discussed at several local planning commissions, had newsletter articles, and included informal listening sessions as well as the required hearings. We understand that our process and the Town Plan adoption process are not in sync, but we fully expect to be working on changes to the Regional Plan again in 2021 and look forward to considering any changes that arise from the Norwich planning process. Local and regional planning is ongoing and iterative.

Rod Francis, Norwich Planning and Zoning Director

- Retail as part of a housing development might enable the project to be financially viable and so should be considered in Mixed-Use Areas.
- Five units as a limit in Rural Areas precludes larger development and affordable housing usually needs 10-20 to make it worthwhile.
- The term "land-intensive commercial use" would make more sense as "land-consumptive".
- The maps at the end of the Plan could benefit from a preamble description of how they were made.

Response: Definition of "secondary retail" has been modified as follows:

"Secondary or Ancillary Retail.—A business whose primary use is not retail sales, but contains a retail component that is clearly secondary to the primary use. Examples include (but are not limited to), eye doctor's offices, veterinarian's offices, small engine repair shop, manufacturer's with a small showroom, etc. The term also includes retail within a multi-story, mixed-use building in a Mixed-Use Area where any total retail floor space is less than the total residential floor space, and any individual retail use does not exceed 4,000 square feet."

Mixed-Use Area Policy #3 on page 35 has been amended to, "Commercial uses that include land-consumptive ~~intensive~~ uses, lumberyards, repair services, service businesses, secondary retail, warehouses, kennels, and indoor recreation are appropriate in this Area."

Rural Policy #3 on page 44 has been reworded to: "New freestanding, individual multi-unit residential buildings containing five units or less per structure are appropriate along Class 3 or better roads in order to stay in keeping with rural scale, but larger ones are not, excepting inns, outdoor recreation, and other lodging. However, a development may contain more than one such multi-unit building. Individual buildings with more than five residential units each are not appropriate in this Area. This unit limit does not apply to adaptive reuses, or to rooms in senior care facilities, outdoor recreation, or lodging establishments."

We will change "land-intensive commercial" to "land-consumptive commercial" throughout the Plan.

For more information on how we look at land use areas, please see <https://www.trorc.org/wp-content/uploads/2013/10/lud102407.pdf>.

Stuart Richards – Norwich Resident

- Disagrees with making Norwich a center of growth. The Mixed-Use Area designation will result in undesirable changes to the historic character of Norwich.
- Plan will lead to sprawl on US 5 south of the village, and such growth would be hurtful to existing businesses in the Village.
- The Plan, "includes changing current zoning districts and adding zoning districts along Route 5 South to promote intense residential development and commercial development in new mixed used zoning districts".
- Feels like our policies will lead to strip development.

Response: US 5 south of Norwich village is already a location for several businesses and residences. The village itself is relatively built-out, unless public sewer was installed, and this area allows for additional growth, if the community desires it. Additional development in this area is possible now, and if there was an extension of sewer then more could be done here, especially a few residential developments that would help address the need for affordable homes in the town, but this is not intended to create a new center of growth or reach the density of the village area. The Plan has relatively tight anti-sprawl policy language regarding principal retail, limiting any such retail that would come under Act 250 permitting and focusing retail into the village where it exists now.

The Plan is a permissive document and does not actually create development, nor does it override local regulations or create any zoning districts. Most commercial development in this area would not be subject to Act 250, only to local zoning. Norwich should continue to plan at a more detailed scale for this area than is done regionally, and update its zoning regulations if needed.

Charlotte Metcalf – Norwich Resident

- Concerned about Mixed-Use designation and resulting development that would cause stormwater runoff from impervious surfaces, and degradation of wetlands and environmentally sensitive areas.

Response: The Plan does not create development, but is permissive and restrictive of certain kinds in certain places. The Plan is meant to be read in full, and it contains many policies that address stormwater, impervious surfaces, and wetland protection. State regulations also regulate stormwater and wetlands and towns can have standards that address such as well. Also, Act 250 would protect these environmentally sensitive areas.

Marcia Calloway – Norwich Resident

- Objects to Town Center and Mixed-Use Area designations, believes TRORC is not in keeping with the goals in 24 VSA 4302, and extended strip development “will be imposed on the Hartford-Norwich-Route 5 area.”
- Notes that the future land use map area does not match the “DHCD map”.
- Asks who reviews the regional future land use areas.

Response: We do not believe that the designations create sprawl or strip development. The future land use maps and policies would allow more development than currently exists on the few remaining unbuilt parcels in the US 5 corridor south of the village, but that does not mean that development will just occur because of these new land designations, and not all development is strip development. Policies in the Plan address the characteristics of strip development.

The DHCD map is simply a map showing the State Designated Village area that no longer exists as a State Designated Village under the Vermont Downtown Development Program. This is not necessarily the regional or town defined village area and is created by the state’s Vermont Downtown Board for tax credit purposes, not for planning purposes.

There is no review and approval of regional plans by other bodies. TRORC has the statutory authority and duty to conduct regional planning and adopt a Regional Plan. DHCD, towns, neighboring regional planning commissions, and others can submit comments during the drafting process.

Lori Hirshfield, Director, Hartford Department of Planning and Development

- Questions if substantial regional impact is defined well enough.
- Questions if the new Mixed-Use and Industrial future land use areas would require Hartford to change its zoning.
- Definitions of new land use categories are too narrow. Concerned that this will require Hartford to change their own land use policies and zoning to be compatible.
- Current Town Plan has US 5 south identified as Gateway Commercial (which was approved by TRORC in 2014) and zoning has it as Highway Commercial. Concerned about conflict between proposed future land use areas and current uses.
- Concerned that not allowing principal retail in Mixed-Use Areas at Quechee Gorge will negatively affect this tourist attraction area that has many retail uses. Mixed-Use Areas would run counter to the current zoning, and Mixed-Use Areas are defined as “recognizing existing” uses. Speak to preferred scale/minimized impacts by using smart growth principles.
- Concerned Industrial definition is too narrow and that it will conflict with local zoning.
- TRORC is over-stepping their authority by creating mandatory language, “shall” versus “should”.
- Would like more collaboration and less dictating.
- Likes the idea of master planning for the Exit 1 interchange, but thinks that should precede policies.

Response: Substantial regional impact is clearly defined.

The Regional Plan does not, nor could it, require that a town change its zoning. It is possible that the future land use areas in the Regional Plan would conflict with future land use areas in a Town Plan to the extent that the Town Plan would not be approved, but that would need quite a difference as the “compatible” test in statute is relatively benign and requires an almost opposite effect to be found incompatible. In no case can the Regional Plan invalidate or supersede a Town Plan or zoning.

In response to concerns about the new Mixed-Use Area on US 5 south of the I-89 overpass, such developments as Young’s Propane and KW Tire are service establishments for our purposes and not principal retail. We have clarified our definition of service business. The Regional Plan has gone through one revision since 2014 (in 2017) and our Town Plan approval process continues to evolve, so a 2014 Town Plan approval is not a guarantee of future approval.

Definitions have been changed as follows:

“Principal (Primary) Retail.–As used in this Plan, “principal (primary) retail” means a use whose primary use is the supply of merchandise or wares to the end consumer for use off site. Examples include (but are not limited to) supermarkets, hardware stores (without lumberyards), dry-good stores, pharmacies, big box stores, etc. Principal retail does not include online sales with no product on site, land-consumptive intensive and resource-based commercial uses, service businesses, restaurants, retail as a home occupation, or secondary retail.”

“Service Business.–Any establishment whose primary activity is the provision of services, which may include retail associated with that service assistance, as opposed to the sole provision of products. Such businesses include fuel distributors, combined sales and repair of vehicles, tires, heavy equipment and small engines, etc., to individuals, businesses, industry, government, or other enterprises.”

“Mixed Use Area. – As used in this Plan, “Mixed Use Area” means the future land use area identified as such in the Regional Future Land Area Map, and is a regional land use area designation of land with a mixture of existing uses that is served by by state highways, is generally multi-story, includes residential uses and deep lots, and is within walking distance of Regional Growth Areas. This Area and is appropriate for recreational facilities, higher intensity residential, light industrial/manufacturing, land-consumptive intensive commercial uses, service businesses, secondary retail, and uses not appropriate for the core of downtowns and villages, such as lumberyards, nurseries, warehouses, and kennels. Principal retail establishments are not allowed in this area.”

In response to concerns about the new Mixed-Use Area on US 4 around Quechee Gorge, this area is designated as a mix of both Rural and Conservation and Resource Area in the current Regional Plan’s future land use areas. We feel that the Mixed-Use designation much more closely aligns with what is there now and town goals, while also staying in keeping with regional goals. We don’t believe that tourists are seeking principal retail as their reason for visiting Quechee Gorge. There are retail operations there now that would not be permissible under the current Regional Plan or draft Plan, if Act 250 applied. These can remain, of course, and future retail operations under 10 acres would not go through Act 250 and would only be regulated by local zoning.

In response to concerns about the new Industrial Area along VT 14, as the comment notes, this is very similar to the town’s zoning. Statute directs regional planning commissions to identify industrial areas. Similar to Quechee Gorge, this area is designated as a mix of both Rural and Conservation and Resource area in the current Regional Plan’s future land use areas. We feel that the Industrial designation much more closely aligns with what is there now and town desires, while staying in keeping with other regional goals. We have clarified some definitions, mainly around services.

The Town has questioned the authority of TRORC to create mandatory language in the Regional Plan. TRORC’s obligation to create a Regional Plan is found as a duty in 24 VSA section 4345a(5) and has existed for over 40 years. The purpose of a Regional Plan is found in 24 VSA section 4347. A Regional Plan shall be consistent with the planning goals in section 4302 and the elements of the Plan in section 4348(a). We disagree that the Regional Plan (or by an extension of this logic, Towns Plans) cannot have mandatory language. The mandatory effect of our Regional Plan has been reaffirmed by the Vermont Supreme Court. Plans are meant to have an effect, not simply be a wish. Mandatory conformance with a Regional Plan is part of Act 250. Such a requirement for conformance without clear statements of what to conform with would not make sense.

We have noted the town’s request to have a discussion on TRORC’s authority with the TRORC Board. We disagree that the exercise of our legitimate authority takes away from town authority. Both authorities are independent, but are presumed to always be aligned, since (assuming an approved Town Plan) both must be consistent with the goals in 24 V.S.A. §4302. Aligned does not mean they are exactly the same. Towns may have different definitions and future land use areas than the Regional Plan. The Regional Plan does not have zoning districts.

We plan on to continuing to collaborate with Hartford on many projects and plans as we have done in the past. This does not preclude that there will be areas of conflict, and such conflict is a healthy tension due to independent authorities that exist at both the regional and local level.

We believe that with an absence of a master plan at Exit 1 we should still have policies in the Regional Plan.

Hartford Planning Commission

- Concerned by use of words 'shall' and 'must' and that the RPC is over reaching their authority.
- Takes away legislative authority of the municipal planning commissions.
- Requests that the full TRORC commission has a discussion of the authority of the RPC.

Response: See response to Lori Hirshfield Hartford Town Planner above on creating mandatory language. We do agree with Hartford in that 24 VSA section 4302(b)(2) states that, "decisions shall be made at the most local level possible commensurate with their impact". For example, we fully expect that towns' future land use maps will be more detailed and have finer gradations than the regional future land use map. Most projects will only go through the town's zoning on the regulatory side, and not encounter Act 250 and any applicable Regional Plan policies. However, water quality, state transportation routes, energy use, certain land uses, pollution, an equitable provision of affordable homes, etc. all have the ability to have effects beyond the purely local scale. The Vermont Legislature clearly recognized this and explicitly required regional planning commissions to conduct regional planning (whereas planning is optional for towns) and adopt a Regional Plan to have effective policies on these matters.

We believe that the TRORC Board discusses our authority as the Regional Plan is drafted, and that the resulting draft is a statement of that authority.

Bruce Riddle, Chair, Hartford Planning Commission

- To solve housing we may need to go up several stories. With the right design, much larger buildings than 5-unit structures could and should go in Rural areas.
- National retail operations are looking at delivery options where there would be big buildings with the ability for residents to pick up orders instead of local delivery everywhere.

Response: We will be looking at scale and design of multi-unit structures as part of our regional housing study over the next two years and anticipate updating Regional Plan language in 2021.

We do not think that any large distribution center is needed or desired in each town. There may be such desires in Regional Centers.

Adolfo Bailon, Town Manager, Town of Randolph

- Several comments question the wording, meaning, or veracity of background or policy text in the Land Use chapter.

Response: We agree with some of the comments in terms of clarity or redundancy and will make the following changes.

Page 36, item #6: Delete word insensitive "unnecessary loss of scenic qualities resulting from insensitive land development."

Page 39: "The interchange area is particularly well known for panoramic and distant scenic vistas, particularly the mountain views to the west."

Page 40, policy #2: Small-scale retail uses secondary or subordinate to primary uses and non-traditional to downtown Randolph or its village areas may be acceptable uses subject to in-depth review and evaluation by the community Selectboard and Planning Commission.

- The following comments suggest changes that are not accepted:
 - Page 36, item #4: Delete “erosion of cultural, social, and economic values of the traditional town center or village settlement due to a dislocation of redistribution of key uses into the area.”

Response: Improper traffic management and development in Interchange Areas does have negative effects on cultural, social, and economic values of town centers and village settlements. This will remain in the Plan.

- Page 37, policy #1: Delete the first sentence “land use activities and public or quasi-public investments planned for Interchange Areas that have the effect of eroding the socioeconomic vitality of downtowns are incompatible with this Plan.”

Response: This policy is not being deleted as it represents state policy to support investments in downtowns.

- Page 39: Delete the sentence “this area is predominantly open land, including farmland and woodland.

Response: The Randolph Interchange Area is currently predominantly open land that includes farmland and woodland.

- Page 40: Delete the list and subsequent paragraph relating to a 1998 study.

Response: This list comes from a factual and published study from 1998. It will remain in the Plan.

- Page 40, policy #4: change the policy to read “new development should be sited in areas that are not highly scenic, visible, or environmentally sensitive.

Response: Scenic and visible areas are real criteria in Act 250, so those will remain in this sentence.

- Page 40, policy #7: change the policy to read “The types of land development appropriate for this interchange include offices, light industrial, residential, appropriately scaled traveler-oriented uses, and other similar uses that are not intended to draw on regional populations.

Response: This policy does not preclude traveler-oriented uses, rather it says they must be appropriately scaled.

John Echeverria – TRORC Board, Strafford

- Add a recommendation to the Transportation Chapter that encourages Route 132 be handed over to the state for maintenance.

Response: A recommendation #7 has been added on page 90. “VTtrans should take over Route 132 as a state highway.”

Nick Clark, Thetford Selectboard

- A policy or recommendation to pursue a regional energy coordinator to help towns would be good as towns can't do this by themselves.

Response: A new Recommendation #14 has been added to page 228. “TRORC will work with member towns on exploring possible shared energy program services aimed at improving efficiency and adoption of electrification and conservation measures, including hiring a multi-town energy coordinator”.

Thomas McHenry, Vermont Law School

- How does the forest block information appear in the Plan and how was the Forest-based Resource Area (FBRA) made?

Response: Information on forest blocks appears in the Plan on pages 49 and 50 and on Map 5. This information comes from the Vermont Conservation Design (VCD) base data. Highest priority interior forest blocks and highest priority habitat connectors were the initial cut, and these were then smoothed on the edges to make more usable polygons. In places, priority level areas were added to join them, or added based on local plans or conservation efforts. As the Plan states on pages 47-48, the VCD data was the first step in creating the FRBA delineation, but other factors were used as well, including town future land use maps, topography, riparian areas, conserved lands, and actual land cover.

Agency of Natural Resources

- The Agency recognizes and appreciates the Plan highlighting the ecological and economic importance of working lands and the important role working lands play with respect to habitat, recreation, and water quality in the Land Use, Working Landscapes, and Natural Resources Chapters.
- Figures 3-4 and 3-5 identify the priority and highest priority forest blocks and connectivity blocks within the Region. In addition to forest blocks and connectivity blocks, TRORC may also want to consider adding the highest priority surface waters and riparian areas to Figure 3-5 to show the role of riparian areas in providing a connected landscape. Riparian areas serve as vital habitat connectors.
- The definition for habitat connector could also be included in the definitions section of the Draft Plan.
- Recommendations for TRORC to work with municipalities to explore and analyze regulatory and non-regulatory mechanisms to maintain forest integrity and preserve connecting habitats could include mentioning potential studies to further these strategies include natural community mapping to identify special features within highest priority and priority forest blocks, as well as within surface water and riparian areas.
- Other regional or local analyses to aid in minimizing forest fragmentation could include overlaying forest block/habitat connector maps with future land use and/or zoning maps. This will identify which areas are most prone to development pressures, as well as help communities focus on the most effective planning or zoning mechanism to encourage the pattern of desired growth while maintaining forest integrity.
- In 2012, the Legislature passed Act 138 which transferred certain rulemaking authorities from the Water Resources Panel of the Vermont Natural Resources Board to the Agency of Natural Resources. The Draft Plan references the Natural Resources Board and Water Resources Panel when discussing rulemaking and petition processes for wetlands and outstanding resource waters. These processes are now under the Agency's purview. A brief explanation of the affected rules can be found on the Agency's website.
- The Agency has resources and guidance available to aid municipalities and regions in addressing the concepts of Act 171. The Agency is currently providing in-person and webinar trainings that teach communities to identify high-priority forest blocks and habitat connectors, plan for their protection, and understand the risk of conversion of forestland to non-forest uses in their region.
- Regarding solid waste, the Draft Plan refers to the 2014 Vermont Materials Management Plan (MMP). The MMP is being updated; public comments are requested by July 17, 2019. The Agency welcomes TRORC's input on the MMP. The Agency supports the Draft Plan recommendation for TRORC to assist towns in meeting Vermont's Universal Recycling (Act 148 of 2012) through outreach and education.
- In Chapter 9, the Agency supports the overarching goal to invest in facilities and services that create efficiencies and support the land use patterns articulated in the Draft Plan. Regarding water and wastewater systems, TRORC should consider mentioning more specifically the resources available for water and wastewater infrastructure planning and development from the Facilities and Engineering Division of the Agency's Department of Environmental Conservation (DEC). DEC recently helped form an inter-agency Village Wastewater Solutions workgroup which may be able to support planning for wastewater treatment in the Region's village centers.
- The Agency supports TRORC's inclusion of floodways and special flood hazard areas; wetlands; rare, threatened, and endangered species; necessary critical wildlife habitat; and forest blocks in Policy #3 on page 198 regarding telecommunications. TRORC should consider adding Agency-mapped river corridors among these features; revising "necessary critical wildlife habitat" to "necessary wildlife

habitat” for consistency with 10 V.S.A. §6001(12), and; removing “large” from Policy #5 on this page, as “priority” or “highest priority” forest blocks that are not “large” may still provide important ecological functions, such as wildlife connectivity.

- The telecommunications section refers to a telecommunications map (“Map XX”) which is not included in the Draft Plan.
- The Agency recommends the energy chapter of the Draft Plan describe in greater detail the implications a determination of compliance under 24 V.S.A. §4352 has for TRORC’s and its member municipalities’ participation in proceedings before the Public Utility Commission (i.e., substantial deference under 30 V.S.A §248(b)(1)(C)).

Response: In determining the Forest-Based Resource Areas within future land use, TRORC used primarily the highest priority forest blocks and connectivity blocks (habitat connectors). In areas where linkages were needed surface waters were also considered in this process but not specifically the high priority surface waters and riparian areas as defined by Vermont Conservation Design as the Forest-Based Resource Area is mostly centered on forests and such riverine areas are quite small to use as land use areas. TRORC does mention the importance of shoreline buffers and riparian areas in relation to connectivity within the Natural Resources Chapter.

We have added to the Definitions a definition for forest block and habitat connector as defined in statute: “Forest Block – A a contiguous area of forest in any stage of succession and not currently developed for non-forest use. A forest block may include recreational trails, wetlands, or other natural features that do not themselves possess tree cover, and uses exempt from regulation under subsection 4413(d) of Title 24 VSA.”

“Habitat Connector – land or water, or both, that links patches of wildlife habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants and the functioning of ecological processes. A habitat connector may include recreational trails and uses exempt from regulation under subsection 4413(d) of Title 24 VSA. Synonymous with wildlife corridor.”

We do have a Recommendation #6 on page 143 for towns to conduct more detailed mapping in concert with the VT Department of Fish and Wildlife.

We have Recommendation #4 on page 54 to work with towns on bylaws to preserve forest blocks and habitat connectors, and also have Recommendations #3 and #5 on page 143 for towns to use bylaws to protect habitat areas.

On pages 125-126, the Plan will be changed to read, “An additional designation of Outstanding Resource Water can be decided by the Agency of Natural Resources Board. . . . In classifying the surface waters of the State, the Board Agency considers any adopted basin plan, existing uses, background conditions, and the degree of water quality to be obtained and maintained. Recommendations for use reclassifications are made during the tactical basin planning process of each watershed. The Agency Board, on its own . . .”

On page 133 the Plan will be changed to read, “Class 3 wetlands are those that have not been evaluated or are not considered by the Water Resources Panel of the Agency of Natural Resources Board (formerly the Water Resources Board) to be significant.”

On page 134 the Plan will be changed to read, “Municipalities, TRORC, or other interested parties may petition the State Agency of Natural Resources Board to (1) have a wetland reclassified to a . . .”

On page 135, Recommendation #1 will be changed to read, “The State of Vermont must more accurately identify and map significant wetland areas not currently classified as Class 1 or 2 wetlands and petition the Agency of Natural Resources Board to have such areas reclassified at a higher level.”

Unlike floodways, TRORC does not always consider river corridors as places where some development should not take place.

The fourth bullet under Policy #4 on page 198 has been revised to read, "Necessary ~~critical~~ wildlife habitat identified . . ."

Text at the top of page 196 has been changed to delete reference to a telecommunications map as follows: "See ~~Map XX, the telecommunications map to see where these services are.~~"

Recommendation #4 on page 227 has been amended to read, "TRORC will help interested towns meet the standards set forth in Act 174 for enhanced energy planning so that local preferences receive substantial deference in the Public Utility Commission's Section 248 proceedings."

TRORC Staff-generated changes

The changes below reflect staff suggestions that in many cases originated from comments received by the public.

- Due to the scarce nature of developable lands served by public sewer and water, and the desire to maximize development in core areas, ground-mounted solar has the potential to unnecessarily use up such rare lands and negate the possibility of dense development, increasing development pressure outside of compact centers. For this reason, we have added a policy opposing this. To make this fit well in the draft, on page 243, just prior to the I. Conclusion, we have added a goal, this new policy, moved Policy #1 from page 227 along with Recommendations #1 and #9 from page 227 on energy facility siting, and moved the policy contained in text on unsuitable areas at the bottom of page 240 and top of page 241.

This now reads:

Goal, Policies and Recommendations: Utility-Scale Renewable Energy Siting

Goal

Carefully sited renewable energy facilities are built in the Region to meet generation goals.

Policies

1. TRORC supports the continued development and siting of renewable energy generation that counts toward the goals of the CEP.
2. Ground mounted solar arrays above 15Kw in capacity should not be constructed in Regional Growth Areas if a reasonable alternate location is available, in order to preserve these areas for compact development. Solar arrays on structures in these areas are encouraged.
3. The following locations shall be considered regionally unsuitable for renewable energy generation facilities: floodways shown on FEMA Flood Insurance Rate Maps (except as required for hydro facilities), Class 1 Wetlands as indicated on Vermont State Wetlands Inventory maps or identified through site analysis, Wilderness Areas, including National Wilderness Areas, any unsuitable Areas as identified in a duly adopted municipal plan that has received a determination of energy compliance from the Department of Public Service or TRORC."

Recommendations

1. TRORC will encourage communities and residents to identify areas with the potential for renewable energy generation.
 2. TRORC should provide support for grid improvements that will allow improved renewable energy generation facility coverage in our Region by actively participating in the Act 250 and Section 248 review process.
- On page 184 in the text, it has been revised to read, "Wastewater treatment facilities and/or public water supplies will eventually be necessary in all communities' core areas if they desire to grow."

~~create more housing, or attract businesses, and meet end-use challenges.~~ Currently, the towns of Norwich, Hartland, Sharon, Strafford, and Fairlee are the highest priority for some type of wastewater treatment facilities to achieve the state's goal of "densely populated villages and downtowns surrounded by open countryside."

- Figures in Chapter 3 are renumbered as there are four labeled as Figure 3-5.
- Added on page 35 a new Mixed-Use Areas "Policy #5: Reasonable efforts shall be made to provide pedestrian connections between uses, interconnect parking lots, and limit access points onto the state highway."
- In the Utilities, Facilities and Services chapter, page 184, Policy #2, added to end of sentence "... in this Plan, as well as affordable housing in Rural Areas."
- Page 68 of the Plan has been revised to address more modes of transportation by adding, "The bulk of this chapter focuses on the transportation facilities we use for vehicular access. This primarily is the road network, but the chapter also looks at means of access to these facilities (cars, transit, bikes, etc.), as well as other issues that affect our ease of access or the impacts of the transportation system. For example, how do access needs get served for those who cannot drive? And what have our roads done to our streams. This chapter also reviews transit services, rail, and carpooling facilities. We have no airports of any size, but residents, businesses, and visitors use smaller regional airports in Lebanon, New Hampshire and Rutland, Vermont. Larger airports within an easy drive are located in Manchester, Boston, Hartford and Burlington."
- To clarify the relation of the Plan to zoning, added text to Introduction chapter on page 7 as follows:
"6. In federal projects.

The Regional Plan does not create non-conformities like a zoning bylaw. Nor does it ever invalidate a local zoning bylaw. A proposed project with a valid local permit may fail to get an Act 250 permit due to a policy in the Regional Plan, just like a project with an Act 250 permit may fail to get a local permit. These are distinct processes with their own set of standards.

The goals ..."

- ~~Just prior to Section E in the Introduction chapter,~~ added, "...construed as policies. Like the Plan's goals, the Plan's future land use areas are desired future conditions and the Plan does not map every existing development node."
- On page 176, made Goal #1 more urgent by rewording to, "Sufficient decent and affordable primary homes (both rental and owned) are available now for residents and for needed newcomers."
- Inserted a new policy as Policy #1 on page 176, "Increasing the availability of homes (both rental and owned) that are affordable to our residents is an urgent, high regional priority."
- To more fully address energy sources, text on page 233 has been amended to read, "The state's goal of getting 90 percent renewable energy from renewable sources by 2050 represents a substantial shift from our current energy portfolio. Sixty percent of Vermont's electricity currently comes from renewable sources, a majority of which is hydropower generated by Hydro Quebec. A growing percentage of energy is now coming from wind and solar sources, but most energy used in the Region today is still coming from fossil fuels (see Figure 11-6) and is used for transportation and heat. The Region does get some thermal energy from wood as well. To reach the state's renewable energy generation targets, more renewable generation will need to be developed and we believe most of this will be in from solar."

- On page 45, delete policy #12: “smaller non-formula retail stores aimed at local markets may be appropriate when located where commercial development already exists, but shall not create a new node of commerce.” This is because we do not want to limit new general stores in rural communities.
- The Plan does not address the availability of air travel to the Region’s residents, new language will be added on this in the Transportation chapter.
- A recommendation will be added to the Transportation and Utilities and Facilities chapter: TRORC should look into developing a capital budget for the Region.

DRAFT