

Town of Norwich | Planning Commission Agenda | April 12, 2022 | 6:30pm |

ZOOM access information:

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

888 475 4499 US Toll-free

877 853 5257 US Toll-free

Meeting ID: 893 3971 7735

| Agenda Item | Action | Packet Materials | Estimated Start/End |
|---|---|--|---------------------|
| 1. Approve Agenda | Chair will ask Commission to change/reorder agenda items | | 6:30-6:35 |
| 2. Public Comment | Public invited to speak to any item not on the agenda | | 6:35-6:40 |
| 3. Wastewater Feasibility Study | Introduction to DSG team, awarded contract for WW Feasibility Study | | 6:40-6:50 |
| 4. Density Study | Discussion of Consultants Preliminary Results | | 6:50 - 7:15 |
| 5. Draft Land Use Regs (LUR) Administrative Procedures and | Present tally of input on Admin Procedures Feedback Grid | Land Use Regs Admin Procedures tally of input and summary | 7:15-7:25 |
| 6. LUR General Section | Discuss next steps | | 7:25-7:40 |
| 7. Announcements, Reports, Directors Update, ARPA Update, AHSC update, and Correspondence | Comments and questions | Links to: DRB Minutes Affordable Housing Minutes | 7:40-7:50 |
| 8. Approve Minutes of 3/8/22 | Approve minutes. Motion req. | Minutes March 8, 2022 | 7:50-7:55 |
| 9. Other Business | Raise any other topics | | 7:55-8:00 |
| 10. Future Meeting Schedule and Agendas | Review schedule and provide input on upcoming agenda | Updated PC workplan | 8:00-8:10 |
| 11. Public Comment | | | 8:10-8:15 |
| 12. Adjourn | Motion required. | | |

Future Meetings:

May 10, 2022

June 14, 2022

Encl:

Land Use Regs-Admin Procedures-Tally of Feedback Grid and summary

Draft PC Minutes, March 8, 2022

Updated PC workplan

Amy Springer Correspondence

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| 1 | | Edit Category | Text of Suggested Edits in <i>Red Italic</i> (original text is crossed out or in bold) + | Policy Question identified | Staff Response ✓ | ✓ or + |
| 2 | 13 | Clarify | (2)Project Narrative. The applicant must submit a written statement demonstrating that the proposed development conforms to the applicable standards of these regulations by listing the facts and reasons why the application meets each of the applicable criteria of <i>Figure 1-01</i> . <i>[Comment: It would be clearer if the conditions listed in Figure 1-01 were set apart in their own section, and referred to as something other than a "figure". A "figure" is usually an exemplar of a condition or circumstance. The information in Figure 1-01 is not a condition.]</i> | | There will be tables and likely illustrations throughout the revised regulations. Those will be named and numbered as "figures" for ease of reference. The table format for review criteria is useful for the DRB and helps structure their written decisions. Applicants usually use them as check lists to ensure they have submitted a complete application | ✓✓✓✓✓✓ |
| 3 | 22 | Clarify | (8)Landowners are advised to must file new or revised deeds in accordance with state law for all lots created or modified by a development approval when filing a plat to ensure the lots have clear, marketable titles. <i>[Comment: The original language is advisory, not regulatory.]</i> | | There is no authority under statute to require landowners to file a new or revised deed. The two legal process operate independently of each other under Vermont law. <i>(It's stupid, but that's the way it is... Lawyers love it though!)</i> | ✓✓✓✓✓✓ |
| 4 | 26 | Clarify | 1033.G An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action or decision of the Zoning Administrator. <i>[Comment: Is this an application of the requirement that all administrative remedies must be exhausted be suit can be brought in the courts? Maybe there should be a note to that effect, so as to make this clear to the ordinary person who might need to appeal, but not be familiar with that particular legal requirement.]</i> | | Statute lays out the appeal path. Actions and decisions of ZA get appealed to the DRB. DRB decisions get appealed to Environmental Court. There is no alternative path | ✓✓✓✓✓✓ |

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| 5 | 35 | Policy | 1001.A Upon the fourth <i>third</i> offense, the Town of Norwich may <i>must</i> request that the case be transferred from the Judicial Bureau to the Environmental Division of Superior Court or another court of competent jurisdiction. | Timing | Will check requirements. | ✓✓✓✓✓✓ |
| 6 | 4 | Policy | 1010.B Deemed Approval. If the Zoning Administrator does not act on a complete application within 30 90 days, <i>except in the event of significant unanticipated circumstances that prevent the Zoning Administrator from so acting</i> , the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Zoning Administrator’s failure to act within the 30-day 90-day period resulted in a “deemed approval” of the application. | Timing | 30 days is statutory. This change cannot be made. | ✓✓✓✓✓✓ |
| 7 | 15 | Policy | § 1001 Site Plan Review 1001.A Applicability. All proposed development other than a single-unit or two-unit dwelling, and any accessory uses or structures to such a dwelling, requires site plan approval before the Zoning Administrator may issue a zoning permit. <i>[Comment: In light of 1021.B, why are single-unit and two-unit dwellings and any accessory uses or structures to such a dwelling excepted?]</i> | Procedural | Statute exempts single and two unit residential uses from site plan review. | ✓✓✓✓✓✓ |

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| 8 | 25-26 | Policy | 1033.CA notice of appeal must be in writing (electronic service will not be accepted) and must include all the following information:(7) <i>The signature of the appellant or appellant’s duly appointed representative.</i> | Procedural | OK with accepting applications and appeals electronically | ✓✓✓✓✓✓ |
| 9 | 5 | Policy | 1001.A Amended Regulations under Consideration. The Zoning Administrator must act on any application submitted while the Selectboard is considering amendments to these regulations in accordance with state statute, which requires that applications be reviewed under both the adopted and proposed regulations for a specified period. <i>A decision made regarding such an application shall be decided pursuant to the more restrictive regulation.</i> | Precedence | The additional sentence is not fully descriptive of the process. For up to 150 days following the SB warning of a public hearing on amendments to the regulations, all applications need to be reviewed under both adopted and proposed regulations. If the standards of both regulations cannot be met, the permit is denied. Rather than elaborate and confuse an already complex process I suggest adding (see 24 VSA §4449 (d)) | ✓✓✓✓✓✓ |
| 10 | 25 | Policy | <i>IMPORTANT: There must be criteria for avoiding breaking up or otherwise disturbing forest blocks, and there must be criteria for protecting and preserving the farmability of farmland.</i> | Environmental Add | This is examined in ch3 (forthcoming) which will address forest block impacts | ✓✓✓✓✓✓ |
| 11 | 2 | VSA Citation | 1003.B The Planning Commission drafts and considers amendments to these regulations and the zoning map, in addition to other powers and duties as specified in the Vermont Planning and Development <i>Act, 24 VSA Chapter 117, §§ 4301 – 4498.</i> | | The citation, if added, should be to the entirety of Ch 117. | ✓✓✓✓✓✓ |

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| 12 | 12 | Clarify | 1018.E Application Requirements. The Zoning Administrator: (1) General Waiver. May waive an application requirement <i>only</i> upon written request by the applicant and <i>only</i> upon the applicant <i>clearly and unambiguously</i> demonstrating that the information is not necessary to determine | | Edit does not change the meaning or outcome. But the inclusion of "unambiguously" is redundant . By definition something written clearly is unambiguous. | ✓ ✓ ✓ ✓ ✓ + |
| 13 | 20 | Clarify | (6)Appeals. The applicant or other interested person may appeal any of the Zoning Administrator’s actions or decisions under this section to the Development Review Board as specified in § 1033. However, the Zoning Administrator’s written response to the sketch plan application will not constitute a formal decision on the | | There is not an "approval" that can be appealed until the subdivision process is completed. It is a multi-step process and it would not be workable to have appeal rights at each step along the way. The ZA is serving an advisory function by reviewing the sketch plan not a regulatory one. | ✓ ✓ ✓ ✓ ✓ + |
| 14 | 35 | Clarify | § 1205NOTICE OF VIOLATION <i>This section must list any and all violations that warrant a violation or informal resolution rather than a civil complaint ticket. The type of violations in this section must not overlap with those susceptible to a ticket pursuant to section 1204. This section leaves itself open to subjective judgments and personal biases as drafted.</i> | | It is not possible to envision and list all of the potential violations and determine in advance what the appropriate enforcement response will be. This part of the regulations provides the ZA with multiple tools for enforcing the regulations. The ZA would have the discretion to choose the tool that best fits the situation. | ✓ ✓ ✓ ✓ ✓ + |
| 15 | 6 | Clarify [or policy?] | (1) Development Near Property Lines. ZA May condition any zoning permit for construction or installation of a structure within 10 feet of a property line on the applicant obtaining a certificate of compliance in accordance with <u>§ 1014</u> . <i>[Comment: this provision requires clarification setting forth the circumstances under which the ZA may condition a permit.]</i> | | This section is intended to give the ZA the authority to put conditions of approval on zoning permits. Not every zoning permit will need conditions of approval. May is the proper word in this instance. | ✓ ✓ ✓ ✓ ✓ + |
| 16 | 11 | Grammar | 1001.A Zoning Administrator. The Zoning Administrator will assist prospective applicants by <i>must</i> : | | Edit does not change meaning or outcome. "Assist" is more user-friendly | ✓ ✓ ✓ ✓ ✓ + |

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| 17 | 3 | Grammar | 9 changes suggested; 4 'will' to ' <i>must</i> ' changes and 5 changes to <i>tense of verbs</i> | | Edit does not change the meaning or outcome. | ✓✓✓✓✓ + |
| 18 | 4 | Grammar | (1) Certify, by signing the application form, that all the information provided is complete and accurate to the best of their knowledge. The Zoning Administrator or Development Review Board may must: (a) Reject an application that misrepresents any material fact; and (b) Award reasonable attorney's fees and costs to anyone who as incurred attorney's fees and costs in connection with an application that misrepresents any material fact in accordance with the procedures | | This change is not supported by statute. These are actions that the town can pursue but it is not mandated to do so under statute. | ✓✓✓✓✓ + |
| 19 | 4 | Grammar | 1001.A Determination of Completeness. The Zoning Administrator must:1) <i>Promptly</i> D determine whether an application is complete <i>promptly</i> and in no case more than 15 days after the applicant submits it unless the applicant agrees to a longer period; and | | Edit does not change the meaning or outcome. | ✓✓✓✓✓ + |
| 20 | 5 | Grammar | 1001.A Permit Issuance. The Zoning Administrator: (1) Conditions of Approval. May Shall issue a zoning permit with conditions as necessary to ensure compliance with these regulations. | | This section is intended to give the ZA the authority to put conditions of approval on zoning permits. Not every zoning permit will need conditions of approval. May is the proper word in this instance. | ✓✓✓✓✓ + |
| 21 | 7 | Grammar | (1) It will be the The applicant's responsibility to request that the zoning permit and any associated development approvals take effect. | | Edit does not change the meaning or outcome. | ✓✓✓✓✓ + |
| 22 | 7 | Grammar | 3 changes suggested; 3 'will' to ' <i>must</i> ' changes | | Will is an accepted legal term with an understood meaning, establishes an obligation for a future action often constructed as an "if... then" equation | ✓✓✓✓✓ + |
| 23 | 9 | Grammar | Change 'may' to ' <i>must</i> ' and 'will to ' <i>must</i> ' | | See above | ✓✓✓✓✓ + |

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| 24 | 10 | Grammar | Change 'may' to ' <i>must</i> ' and 'will to ' <i>must</i> ' | | See above | ✓✓✓✓✓ + |
| 25 | 11 | Grammar | (1) Determining <i>Determine</i> whether a project will require one or more development approvals under these regulations; | | Edit does not change the meaning or outcome. | ✓✓✓✓✓ + |
| 26 | 11 | Grammar | (2) Providing <i>Provide</i> applicants with the necessary form(s) to apply for the required approval(s); | | Edit does not change the meaning or outcome. | ✓✓✓✓✓ + |
| 27 | 12 | Grammar | (3) Notifying <i>Notify</i> applicants of the fees or other charges that the town may charge in relation to the application or proposed development; and (4) Informing <i>Inform</i> applicants that state permits may be required for the proposed development and recommending that applicants contact the state permit specialist at the Regional Office of the Vermont Department of Environmental Conservation. | | Edit does not change the meaning or outcome. | ✓✓✓✓✓ + |
| 28 | 17 | Grammar | (4) Construction of additional parking spaces or loading areas (this will not include <i>including</i> construction of previously approved reserve parking or loading spaces). | | Edit does not change the meaning or outcome. | ✓✓✓✓✓ + |
| 29 | 23 | Grammar | 1031.BThe process for applying for an amendment will <i>must</i> be the same as for the original approval. 1031.CThe process for reviewing and issuing a decision on an amendment will <i>must</i> be the same as for the original approval except that the scope of the review will be is limited to those aspects of the approved development affected by the proposed amendment. | | Edit does not change the meaning or outcome. | ✓✓✓✓✓ + |
| 30 | 26 | Grammar | 1034.BAll final hearings for site plan, conditional use and subdivision applications, and for appeals (including dimensional waivers and variances) before the Development Review Board will be <i>are</i> subject to on the record appeal in accordance with the Vermont Rules of Civil Procedure. | | Edit does not change the meaning or outcome. | ✓✓✓✓✓ + |

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| 31 | 30 | Grammar | (a) It will be the applicant's responsibility to <i>The Applicant must</i> ensure that the notice remains posted for the entire warning period and to remove the sign within 2 days of the close of public hearing. | | Edit does not change the meaning or outcome. | ✓✓✓✓✓+ |
| 32 | 31 | Grammar | 1103.G It is the applicant's responsibility to <i>The Applicant must</i> demonstrate compliance with the applicable standards and review criteria of these regulations. The Development Review Board may recess or continue a hearing and require an applicant to provide additional information as necessary to determine compliance with these regulations. | | Edit does not change the meaning or outcome. | ✓✓✓✓✓+ |
| 33 | 33 | Grammar | 4 changes of 'will' to 'must' | | Edit does not change the meaning or outcome. | ✓✓✓✓✓+ |
| 34 | 34 | Grammar | 3 changes of 'will' to 'must' | | Edit does not change the meaning or outcome. | ✓✓✓✓✓+ |
| 35 | 35 | Grammar | 3 changes of 'will' to 'must' | | Edit does not change the meaning or outcome. | ✓✓✓✓✓+ |
| 36 | 6 | Clarify | (1) File a copy of the permit as part of their <i>the Town Clerk's</i> office records within 30 days after issuing it. | | The ZA maintains permit records. In most cases the full permit does not get recorded in the land records by the Town Clerk due to page length and attached drawings, etc. (a one-page notice of municipal action is filed in the land records). This practice is in accordance with state law. | ✓✓✓✓✓? |
| 37 | 8 | Clarify | (1) Do not change the scale, location, type, character, <u>density</u> , or intensity of the approved development or use to a greater extent than specified below: | | The ZA is not being authorized to approve any increase in density. | ✓✓✓✓✓? |

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| 38 | 17 | Clarify | § 1023 PLANNED UNIT DEVELOPMENT REVIEW 1023.A Review Process. A planned unit development (PUD) will require subdivision approval under these regulations in accordance with § 1028. If proposed development within a PUD also requires site plan approval under these regulations, the Development Review Board will conduct that review concurrently with subdivision review in accordance with § 1029. <i>[Comment: Where is a PUD defined? Should it be defined here, or will it be defined under a different title?]</i> | | A full section of PUD standards will be in Ch3 (forthcoming) | ✓✓✓✓✓ ? |
| 39 | 17 | Clarify | § 1025 REVIEW OF BUILDING ENVELOPES 1025.A Administrative Review. The Zoning Administrator may approve the designation or amendment of a building envelope on an existing lot following the same process established for zoning permit applications in these regulations and in accordance with the standards of <i>[cross-reference]</i> . | | X-refs will be checked and corrected | ✓✓✓✓✓ ? |
| 40 | 18 | Clarify | § 1001 Review of Footprint Lots <i>[comment: what are Footprint lots? needs definition.]</i> | | See above | ✓✓✓✓✓ ? |
| 41 | 5 | VSA Citation | (a) Not commence the development authorized by the permit until the 15-day appeal period has ended and the applicant provides the Zoning Administrator with copies of any state permits or approvals as per § 1013. <i>[Comment: is this the proper section being cited?]</i> | | Correct reference (for now) is §1008 | ✓✓✓✓✓ ? |
| 42 | 1 | Grammar | 1001.A The Zoning Administrator will <i>must</i> : (1) Assist applicants in determining <i>Determine</i> whether and which town permits and/or approvals will be needed for the proposed land development; | | Edit does not change meaning or outcome. "Assist" is more user-friendly | ✓✓✓✓✓ + |

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| 43 | 20 | Policy | (2) Notification. The Zoning Administrator must notify the owners of all properties adjacent to the subject property (includes those across the street) in writing of the applicant's intent to subdivide the subject property. The notification must include a description of the proposed subdivision and must clearly explain to the recipient where to obtain additional information. <i>[why are only abutters automatically notified. Transparency requires the town to be notified.]</i> | Procedural | Full notice requirements will occur when application is heard by DRB. The notification of abutters is being recommended here as a courtesy and is not required by statute. The intent is to ensure abutters are aware and have an opportunity to contact the property owner if they have concerns - potentially resolving them directly before an application is submitted to the DRB. | ✓ ✓ ✓ ✓ ✓ + |
| 44 | 19 | Policy | <i>(1) Proposed subdivisions are designed to mitigate or reduce the effects of climate change.</i> | Environmental Add | PC would need to develop specific review criteria to implement any such purpose statement. This might be better achieved through zoning district standards | ✓ ✓ ✓ ✓ ✓ + |
| 45 | 18 | Policy | 1026.B Administrative Review. The Zoning Administrator Development Review Board may approve the realignment, relocation or elimination of a boundary line between abutting lots following the same process established for zoning permit applications in these regulations provided that the proposed change: | Role of DRB | Intent is to allow administrative approval of boundary line adjustments. These are minor. No lots are created. There is no reason to require a public hearing in front of the DRB | ✓ ✓ ✓ ✓ ✓ ? |

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| 46 | 11 | Policy | <p>1001.A Pre-Application Conference. A prospective applicant may request a pre-application conference with the Zoning Administrator prior to submitting a complete application. A pre-application conference is an informal meeting that provides the prospective applicant with an opportunity to consult with obtain information from the Zoning Administrator about the process of obtaining a permit for project and receive advice information on preparing an application in conformance with these regulations. Any comments or recommendations made are intended to provide general direction to the prospective applicant and will not be deemed binding in the preparation or review of any subsequent application for development approval. <i>The Zoning Administrator must not provide strategic or tactical advice that could be obtained from an attorney, engineer, or other person or entity knowledgeable about land use planning and development that an applicant could hire.</i></p> | Role of ZA | <p>This change sets up an adversarial position between the ZA and applicants that is not beneficial to residents, or the town. Most applicants are homeowners seeking to make small changes to their property. They do not hire professionals to assist them with completing an application. They rely on advice and guidance from the ZA, appropriate to the scale of the project. The presumption that applicants can use design or legal professionals all the time is elitist. The presumption that ZAs are motivated to share (or withhold) "tactical advice" is not borne out in practice. These regulations are significantly clearer and thus a) require less explanation or resolution of ambiguities and contradictions and; b) are more resistant to 'tactical maneuvers'</p> | <p>✓ ✓ ✓ ✓ ✓ +</p> |

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| 47 | 32 | Policy | <p>1105.C Deemed Approval. If the Development Review Board does not issue a decision within 45 days of closing a hearing, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.</p> <p>(1) <i>Deemed approval is not applicable in cases in which when a municipal panel actually makes a decision within the prescribed statutory period, even if the actual notice of the decision, and of the bases for the decision, is not sent to the applicant until after expiration of that time period. [See In re Appeal of Morrill House, LLC and Smith Variance, 2011 VT 117, ¶¶ 10, 11 - - Comment: citation not necessary for inclusion in regulation. Incorporated here for informational purposes.]</i></p> | Procedural | This level of citing case law is generally avoided in LURs. The key point is that to activate Deemed Approval requires filing with the Environmental Court | ✓ ✓ ✓ ✓ ✓ + |
| 48 | 22 | Policy | <p>1029.B The Zoning Administrator will must identify applications appropriate for combined review and assist provide information to applicants in regarding preparing and submitting coordinated applications to facilitate combined review. <i>The Zoning Administrator must not provide strategic or tactical advice that could be obtained from an attorney, engineer, or other person or entity knowledgeable about land use planning and development that an applicant could hire.</i></p> | Role of ZA | See Above | ✓ ✓ ✓ ✓ ✓ + |

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| 49 | 4 | Policy | 1001.A Application Requirements. The Zoning Administrator:(1) May waive an application requirement upon finding the information is not necessary to determine compliance with these regulations; <i>[Comment: This provision must set forth any and all circumstances permitting the ZA to determine that the information is not necessary to determine compliance with these regulations. Without such a list, this provision is open to subjective judgments and gaming the process, and therefore must be deleted.]</i> | More Specificity? | It is not possible to envision and list all of the potential circumstances where a ZA may determine that a specific application requirement is not relevant to specific application. This section is intended to give the ZA the ability to use their judgement to ensure that applicants provide the information necessary and are not required to provide information that is not needed to determine compliance with the regulations. | ✓✓✓✓+? |
| 50 | 7 | Policy | 1001.A Permit Timeframe and Extension. Zoning permits and any associated development approvals expire 2 years from the date the permit takes effect unless: (1) The Development Review Board specifies otherwise as a condition of approval; <i>[comment: such conditions must be set forth somewhere in these regulations, and referred to in this provision.]</i> | More Specificity? | The DRB has the authority to set conditions of approval. Such conditions can be crafted in response to the specific details of the application in front of them. All potential conditions cannot be enumerated in the regulations. | ✓✓✓✓+? |
| 51 | 7 | Clarify | 1001.A Expired Permits. If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant must apply for a new zoning permit and any other associated development approvals under these regulations <u><i>in order to continue or complete the construction or use.</i></u> | | Edit does not change the meaning or outcome. | ✓✓✓✓++ |
| 52 | 16 | Grammar | 1022.AApplicability. A landowner must obtain development approval from the Development Review Board and then a zoning permit from the Zoning Administrator prior to commencing a new conditional use or making a major change to an existing conditional use. Proposed development that includes any of the following will be considered a major change to a conditional use:(1) Increase in the number of dwelling units <i>this will not include</i> <i>including accessory dwellings; or</i> | | Edit does not change the meaning or outcome | ✓✓✓✓+? |

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| 53 | 13 | Clarify | <p>§ 1019APPLICATION REQUIREMENTS</p> <p>1019.ASite or Subdivision Plan. Applicants must submit a site or subdivision plan with any application for a development approval that at a minimum conforms to the specifications below and any application forms or checklists provided by the Zoning Administrator unless a specific requirement is waived in accordance with § 1018. It is the applicant’s responsibility to <i>The applicant must</i> provide the information necessary to demonstrate compliance with these regulations. As per § 1018 and § 1103, the Zoning Administrator or Development Review Board may require an applicant to provide additional materials. <i>[Comment: The language was changed here because stating “it is the applicant’s responsibility to...” is policy, not regulation, and should be set forth at the head of this section, separately, as all policy statements should be.]</i></p> | | Edit does not change the meaning or outcome. | ✓✓✓✓+ |
| 54 | 15 | Clarify | <p>1021.BPurpose. The purpose of site plan review is to ensure that: <i>{Comment: Any section or statement that expresses a purpose or intent or reasoning is a policy not a regulation, and should be the first section/sub-section in any regulatory document. Here, this sub-section should be 1021.A, and what is shown above as 1021.A should be 1021.B. This type of expression is important to the DRB for interpreting the language of the regulations when there is an ambiguity or vagueness in the regulatory language.}</i></p> | | Placing the applicability statement first allows the reader to determine if they need to keep on reading the section | ✓✓✓✓+ |
| 55 | 16 | Clarify | <p>(3)Must find that the proposed development meets all the applicable criteria specified <i>in Figure 1-01</i> before approving a site plan application.</p> | | Not sure what the proposed change is (?) | ✓✓✓✓+ |

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| 56 | 16-17 | Clarify | <p>Conditional Use Review 1022.A Applicability. A landowner must obtain a development approval from the Development Review Board and then a zoning permit from the Zoning Administrator prior to commencing a new conditional use or making a major change to an existing conditional use. Proposed development that includes any of the following will be considered a major change to a conditional use: Purpose. 1022.B The purpose of conditional use review is to ensure that a proposed use will not have undue adverse effects beyond the property line on the character and quality of the neighborhood and the natural environment, or on public streets, infrastructure, facilities and services. <i>{Comment: Any section or statement that expresses a purpose or intent or reasoning is a policy not a regulation, and should be the first section/sub-section in any regulatory document. Here, this sub-section should be 1022.A, and what is shown above as 1022.A should be 1022.B. This type of expression is important to the DRB for interpreting the language of the regulations when there is an ambiguity or vagueness in the regulatory language.}</i></p> | | See above | ✓✓✓✓+ |
| 57 | 16 | Policy | <p>1001.A Major Site Plan. The Development Review Board: (c) Major renovation of an existing structure with a footprint greater than 900 square feet; <i>["Major renovation" must be defined. How is it differentiated from repair or maintenance? What is the difference between "major" and "minor" renovation?]</i> (d) Any increase in the number of dwelling units within a building resulting in the total number of units in the building being 5 or more; <i>[Why 5? Why not 2 or more, since even an increase of only 1 is a significant change in the character of the development?]</i></p> | More Specificity? | <p>Definition: Major renovation means any structural alteration to the foundation, roof, floor, or exterior walls of a building. Thresholds for number of units can be set by PC. 5 DUs is considered a commercial building for the purposes of a) property tax b) finance and c) fire safety regulations (set by the VT Division of Public Safety)</p> | ✓✓✓✓+? |

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| 58 | 28 | Clarify | <p>§ 1036 VARIANCES</p> <p><i>There should be a section reciting the purpose of a waiver and variance, which show the difference between the two – It may be that one or the other (probably waiver) may be redundant or obsolete.</i></p> | | Waivers are not redundant or obsolete. Variances are required by statute but the criteria are extremely difficult to meet. Waivers are authorized by statute as an alternative and municipalities can craft less rigorous criteria for granting them as compared to a variance. | ✓✓✓✓ +? |
| 59 | 2 | Grammar | <p>1001.A The Zoning Administrator or Development Review Board may hire qualified professionals to provide an independent technical and/or legal review of an application when deemed necessary <u>in order</u> to ensure compliance with these regulations.</p> | | Edit does not change the meaning or outcome | ✓✓✓✓ +? |
| 60 | 2 | Grammar | <p><u>1001.A The Selectboard may may must establish procedures and standards authorizing the Zoning Administrator or Development Review Board to require an applicant to provide a performance bond or surety as a condition of approval to insure the: (1) Completion of proposed development in accordance with approved plans and applicable town specifications; and/or (2) Protection of any public facilities that may be affected by proposed development.</u></p> | | There is no authority to mandate that the SB establish procedures and standards. Changing 'may' to 'must' would not obligate the SB to act. | ✓✓✓✓ +? |
| 61 | 2 | Grammar | <p>1001.A The Town of Norwich will must only release a required bond or surety after certification by the applicant and determination by the Zoning Administrator that the proposed development has been satisfactorily completed.</p> | | Edit does not change the meaning or outcome. | ✓✓✓✓ +? |
| 62 | 23 | Grammar | <p>1031.F The approval of an amendment will must not affect the expiration date of the original permit and any associated development approvals.</p> | | Edit does not change the meaning or outcome. | ✓✓✓✓ +? |

| | A | B | C | D | E | F |
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| 63 | 27 | Grammar | 1001.A If the Zoning Administrator has issued a zoning permit based on a Development Review Board approval, the appeal of that approval will <i>must</i> be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved. An interested person cannot use the procedures of <u>§ 1033</u> to appeal the Zoning Administrator’s issuance of a zoning permit implementing a Development Review Board approval. | | Edit does not change the meaning or outcome. | ✓ ✓ ✓ ✓ +? |
| 64 | 7 | Policy | § 1012AMENDING PERMITS OR APPROVALS PRIOR TO PROJECT COMPLETION 1012.A An applicant may <i>must</i> submit a written request for the Zoning Administrator Development Review Board to amend a zoning permit, and any associated development approval, prior to project completion. The applicant must demonstrate that the proposed changes to the development: | Role of DRB | The intent is to grant the ZA the authority to approve minor amendments to plans in response to issues that arise during construction. This is considered a best practice. It is an important mechanism to streamline the permitting process and avoid burdening the DRB with minor applications. | ✓ ✓ ✓ ✓ +? |
| 65 | 8 | Policy | 1001.A The Zoning Administrator may <i>must</i> : (1) <i>Refer the request to amend a permit and any associated development approval to the Development Review Board for review under § 1031 Approve a request to amend a permit, and any associated development approval,</i> in writing, and <i>which</i> may condition any approval on the applicant submitting as-built plans when construction is complete; (<i>Delete: (2) Refer the request to the Development Review Board for review under § 1031</i>); or (3) Deny the request and require the applicant to submit a new application for the proposed development. (<i>Delete: 1012.D No notice or posting is required for an administratively-approved amendment.</i>) | Role of DRB | See Above | ✓ ✓ ✓ ✓ +? |

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|----|----|---------|---|-------------------|---|------------|
| 66 | 18 | Policy | 1001.A Footprint Lots on Existing Parcels. The Zoning Administrator <i>Development Review Board</i> may approve the creation of footprint lots on existing parcels following the same process established for zoning permit applications in these regulations provided that the proposed change will: | Role of DRB | Intent is to allow administrative approval of footprint lots. These are typically created for financing reasons (condominiumizing a building, for example). There is no reason to require a public hearing in front of the DRB. The purpose is to satisfy a deed requirement for mortgage holders | ✓ ✓ ✓ ✓ +? |
| 67 | 11 | Policy | <i>1016.B The Zoning Administrator must file a report setting forth the Zoning Administrator's findings, if any, and reasoning for filing or not filing a petition to revoke a zoning permit and any associated development approvals with the Environmental Division of Superior Court to the Town Clerk as part of their office records within 30 days of the decision to file or not file.</i> | Environmental Add | This section allows the Town to take legal action. Any decision to pursue such action requires an assessment by the TM, and possibly the SB depending on an assessment of cost, significance and the likelihood of prevailing. This is an extremely unusual thing for towns to do | ✓ ✓ ✓ ✓ +? |
| 68 | 19 | Clarify | 1028.B Purpose. The purpose of subdivision review is to ensure that: <i>{Comment: Any section or statement that expresses a purpose or intent or reasoning is a policy not a regulation, and should be the first section/sub-section in any regulatory document. Here, this sub-section should be 1028.A, and what is shown above as 1028.A should be 1028.B. This type of expression is important to the DRB for interpreting the language of the regulations when there is an ambiguity or vagueness in the regulatory language.}</i> | | See above | ✓ ✓ ✓ ✓ + |

| | A | B | C | D | E | F |
|----|-------|---------|--|-------------|--|---------|
| 69 | 21 | Clarify | (2)Purpose. The purpose of final review is to evaluate the plan’s conformance with the purposes and specific standards of these regulations and, for major subdivisions, to assure that the applicant has addressed the issues raised during the preliminary plan review. <i>{Comment: Any section or statement that expresses a purpose or intent or reasoning is a policy not a regulation, and should be the first section/sub-section in any regulatory document. Here, this sub-section should be 1028.E (1), and what is shown above as 1028.E (1) should be 1028.B (2). This type of expression is important to the DRB for interpreting the language of the regulations when there is an ambiguity or vagueness in the regulatory language.}</i> | | See above | ✓✓✓✓+ |
| 70 | 15-16 | Policy | 1001.A Minor Site Plan. The Zoning Administrator <i>The Development Review Board: [Comment: All site plan decisions should be made in public meetings, for the sake of transparency.] (6) Upon Development Review Board approval the Zoning Administrator must</i> issue a zoning permit for the proposed development concurrently with a site plan approval. | Role of DRB | The intent is to establish two levels of site plan and allow minor applications to be approved administratively. This is considered a best practice and has the same benefits as described above for minor amendments. | ✓✓✓✓+ |
| 71 | 22 | Grammar | (1) one must make any changes, erasures, modifications or revisions to a final plat after it has been signed are permitted under any circumstances. <i>[Comment: the original language can be read as meaning “No one is required to make any changes”.]</i> | | Edit does not change the meaning or outcome. | ✓✓✓+++? |

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

DRAFT MINUTES

Zoom Meeting:

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

Meeting ID: 893 3971 7735

Members Present: Jaci Allen, Brian Loeb, Melissa Horwitz, Ernie Ciccotelli, Leah Romano, Jeff Lubell, Jeff Goodrich
Public Present: Joy Kenseth, Elliot Harik, Jenn Goulet, Dan Goulet, Larry Ufford, Jay Benson, Andy Scherer, Amy Stringer, Mary Gorman
Staff: Rod Francis

Meeting Opened: 6:33pm

1. Approve Agenda:

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

2. Public Comment:

Jenn Goulet, 185 Upper Loveland RD, abutter to proposed Upper Loveland RD solar generation facility told the Commissioners that they had been misinformed about the project, there are five versions of the plan and that the version submitted to Public Utility Commission (PUC) is different from the one submitted to the Planning Commission. She requested that the Commission revoke the preferred site letter previously issued.

Mary Gorman, 504 Hawk Pine RD, commented that she was sorry that the public were unable to share images that would show how the proposed site has increased in size.

Jay Benson, 8 Spur Lane, commented that applicants should be required to obtain reapproval when information about the proposal changes.

3. Discussion of Land Use Regulations Administrative Procedures

Chair Allen introduced a matrix showing six columns with the original draft text, track change edits and comments provided by Ciccotelli classified by type, staff comments and a column for recording whether the commissioners would accept or reject the suggested Ciccotelli edits.

The meeting agreed that the Chair will circulate a version of the matrix and compile how individual commissioners' vote.

4. Draft Land Use Regulations; General Section

Francis introduced the next section of the draft land use regulations for review. After brief discussion it was agreed that Francis will provide the text in a similar format to the matrix developed for the Administration section.

5. Announcements, Reports, Updates, and Correspondence

Francis gave a verbal Director's Report:

- The Wastewater Feasibility Study contract has been approved by the VT DEC engineer. The Selectboard will vote on approving the contract and funding loan application at their March 23 meeting
- The density study is proceeding with AES Northeast (consultants) a presentation is expected in April
- ARPA funds will likely be discussed by the selectboard in April

6. Sidewalk, Trails, Bike Paths Master Plan Process

Allen introduced a scoping document which proposed the formation of a committee to fulfill the Town Plan Action Item #6-3.b.

Members discussed the timing of such work, issues to be encountered by such a committee and next steps.

7. Approve Minutes of February 8, 2021:

Goodrich moved and Romano seconded a motion to approve the minutes of 02/08/2022. Motion carried 7 – 0. For: Allen, Loeb, Horwitz, Ciccotelli, Romano, Lubell, Goodrich.

8. Other Business: Ciccotelli requested that the Upper Loveland RD proposed solar project preferred site matter be placed on the next agenda. Commissioners discussed the merits of the suggestion. Francis provided an outline of the Commission review of the application for preferred site status in 2021. Commissioners agreed to let the matter rest.

9. Comments from the Public: Peter Orner asked for clarification on item 6 (above). Francis outlined the process and rough schedule for the study of the Beaver Meadow RD sidewalk concept in the context of bike pedestrian facilities centered on Huntley Meadow.

Meeting adjourned: 8:40pm

Future Meetings:

Tuesday April 12, 6:30pm Regular Meeting

Tuesday May 10, 2022 Regular Meeting

Respectfully submitted,

Rod Francis

PC Workplan 2022

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

Subject: Fwd: Planning Commission question
From: Jaci Allen <allenjaci@gmail.com>
Date: 3/29/2022, 11:13 AM
To: Rod Francis <norwichvtplanner@gmail.com>
CC: Brian Loeb <loebbrian@gmail.com>

Rod,

Please include this message in correspondence for the April PC meeting.

Thanks.

Jaci

Begin forwarded message:

From: Amy <vermont6633@gmail.com>
Subject: Planning Commission question
Date: March 29, 2022 at 7:33:24 AM EDT
To: Jaci Allen <allenjaci@gmail.com>

Hi Jaci!

Jaan and I were wondering why the PC would not revisit the Upper Loveland Road solar installation plan after they changed it from their original proposal. (This in reference to post #31 on the Norwich listserv today.)

We'd love to understand the PC thinking behind this.

And please present this letter to the PC for us, if you would. I am never sure what address to send for the whole committee.

Thanks, Jaci!

Amy Stringer and Jaan Laaspere