

**NORWICH PLANNING COMMISSION
AFFORDABLE HOUSING SUBCOMMITTEE**

Agenda

PUBLIC FORUM ON ACCESSORY DWELLING UNITS

Monday, Oct. 17, 2022 START TIME 6:30 pm

Affordable Housing Subcommittee Meeting

Time: Oct. 17, 2022 at 6:30 PM Eastern Time (US and Canada)

Zoom Meeting Info:

<https://us02web.zoom.us/j/81242668798>

833 548 0282 US Toll-free

Meeting ID: 812 4266 8798

1. Approve Agenda
2. Public Forum on Accessory Dwelling Units
3. Approve minutes – 8-15-22
4. Approve minutes – 9-19-22
5. Comments from the public

Enclosures:

1. Vermont State Brochure on ADUs
2. 8-15-22 AH Draft Minutes
3. 9-19-22 AH Draft Minutes

Income and Property Taxes

Property taxes

Vermont's property tax system includes two education tax rates, homestead (residential) and nonresidential. The nonresidential rate may be higher or lower than the residential rate. If the Accessory Dwelling Unit is rented out, the nonresidential rate will apply to the part of your house that is rented.

Income taxes

Rental income is taxable. You should get professional advice from your tax advisor.

Where to Get More Information

For Zoning and Local Health Ordinances

Local Planning Commission, Local Zoning Administrator, Zoning Board or Development Review Board, Town Health Officer

For Property Tax Information

Town Assessor or Board of Listers

For Construction, Electrical & Plumbing Permits

Dept. of Public Safety, Division of Fire Safety
Barre (802)-479-4434
Rutland (802)-786-5867
Springfield (802)-885-8883
Williston (802)-879-2300

For Residential Building Energy Codes

Public Service Dept. (802)-828-2811
Assistance Center 1-855-887-0673

For Water-Wastewater Permits

Dept. of Environmental Conservation
Montpelier (802)-828-5034
Essex Junction (802)-879-5656
Rutland (802)-786-5900
St. Johnsbury (802)-751-0130
Springfield (802)-289-0603

For Landlord – Tenant Laws

Vermont Tenants Inc. 1-802-864-0099

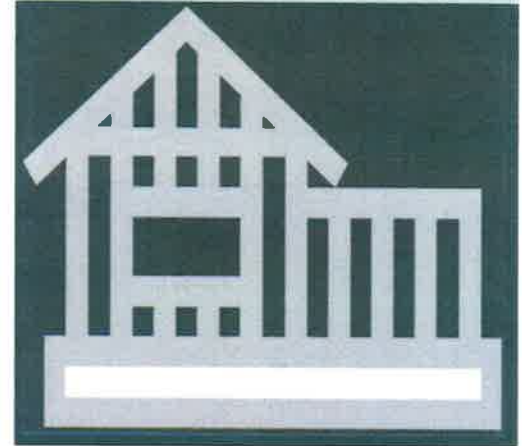
For Home Buying, Mortgage Information

Homeownership Centers
Barre (802)-476-4493
Brattleboro (802)-254-4604
Burlington (802)-862-6244
Lyndonville (888) 698-8466
West Rutland (802)-438-2303
St. Albans (802)-527-2361

Department of Housing & Community Development
One National Life Drive
Deane C. Davis Building, 6th Floor
Montpelier, VT 05620-0501
Phone: 802-828-3211
Fax: 802-828-3383
www.accd.vermont.gov

Adding An Apartment To Your House

For Homeowners



Accessory Dwelling Units
A GUIDE FOR HOME-
OWNERS
(24 V.S.A. Section 4412 (E))

2021 Edition

Enclosure 1

What is an Accessory Dwelling Unit?

Accessory Dwelling Unit (ADU) means;

An apartment that is clearly subordinate to the owner-occupied house, and that includes all the amenities needed for independent living; including:

- Bedroom or sleeping area;
- Kitchen or food preparation area; and
- Bathroom facilities.

An Accessory Dwelling Unit may be located within or “appurtenant to” an owner-occupied house – (i.e. addition to the house, or detached, such as above a garage.)

Vermont’s law on equal treatment of housing and town bylaws allows homeowners to add one Accessory Dwelling Unit to their house.

These provisions, as amended, became effective July 1, 2020 and guide local officials when considering applications to add dwelling units to owner-occupied single family houses.

A municipal bylaw may not prevent a homeowner from adding an ADU on a single family owner-occupied lot as a permitted use as long as these conditions are met:

1. The property has sufficient wastewater capacity (i.e. septic or municipal sewer);
2. The Accessory Dwelling Unit equals no more than 30% of the total habitable square footage of the house or 900 square feet, whichever is greater. (As of July 1, 2020, ADU’s are not limited to only one bedroom.)
3. The proposed ADU is not in a regulated flood hazard or fluvial erosion area.

A bylaw may require a single-family dwelling with an ADU to be subject to the same reviews and controls as a single-family dwelling without an accessory dwelling unit.

Towns may also adopt a less restrictive bylaw, such as; allowing a larger sized unit, allowing ADUs within flood hazard and fluvial erosion areas, or allowing an administrative permit for an ADU with no added reviews.

A town may also regulate short-term rentals separately from residential rentals.

WHY ADD AN APARTMENT TO YOUR HOUSE?

- Housing for an elderly parent or family member who otherwise could not live independently
- Extra income to you and your family if you rent the unit
- Help with mortgage payments to purchase your first home.
- Allow you to share your home with someone else but keep your privacy and theirs
- Supply housing for single persons and smaller households that don’t need a large unit.

State Permitting Issues

Construction, Building, and Plumbing

ADUs that the Division of Fire Safety determines are public buildings will need a construction permit, which may vary based on ADU type and design. **Smoke and carbon monoxide (CO) detectors are required.** A permit is also required from the Division of Fire Safety for the electrical and plumbing work and a licensed plumber is required for any plumbing work. Some municipalities have local building regulations that may be more restrictive than State requirements. Contact your town office or city hall.

Energy Efficiency Requirements

If you change or add a heating system, add a bathroom, or put an addition onto your house or detached structure, Vermont’s Residential Building Energy Standards (RBES) will apply, and a Vermont RBES Certificate is required. Contact the Vermont Public Service Department (PSD) or the Energy Code Assistance Center (ECAC).

Drinking Water and Wastewater

Anyone who is considering creation of an Accessory Dwelling Unit should contact their Regional Environmental Office and obtain a written determination as to whether or not a permit is required. In most cases a permit will be required. **Even if the State determines that a permit is not required, a drinking water test is required.**

Responsibilities of Being a Landlord

Landlord – Tenant Laws

Vermont’s Landlord and Tenant Law (T. 9 Chapter 137) applies to rental of Accessory Dwelling Units. It includes things like leases, deposits, rent, privacy, tenant obligations, habitability, evictions, and unclaimed property. You should become familiar with the rights and obligations provided under this law. A good source of this information is the booklet Renting in Vermont published by the CVOEO Vermont Tenant’s Inc.

Vermont Rental Housing Health Code

The Rental Housing Health Code applies to all rented dwelling units used as a regular residence. Its requirements cover sanitation, including bathrooms and kitchens; water and sewage disposal, trash removal, ventilation; lighting and heating, structural integrity, and insect and rodent control. The local Board of Health and Town Health Officer are responsible for enforcement of the code.

BENEFITS OF ACCESSORY DWELLING UNITS

- Increase the supply of housing without using up more land, within locally controlled, community based guidelines.

Lead Paint

Lead laws apply to any apartment with at least one bedroom in buildings built before 1978. Vermont’s Lead Law requires Essential Maintenance Practices (EMP’s) to be completed. At the start or renewal of a lease, the EPA/HUD Lead Disclosure must be provided to the tenant. Detailed information is available from the Vermont Department of Health Lead Resource Guide for Property Owners.

Fair Housing

Rental of an Accessory Dwelling Unit is exempt from Vermont’s Fair Housing Law as long as the unit is attached to your house (and provided your house doesn’t contain more than 3 dwelling units.) Race-based discrimination is illegal regardless of the number of units under Federal

NORWICH PLANNING COMMISSION
AFFORDABLE HOUSING SUBCOMMITTEE

Monday, Aug 15, 2022 Meeting

Lubell called meeting to order at 6:03 pm

In Attendance: Paul Manganiello, Jeff Lubell, Brian Loeb, Creigh Moffatt, Jeff Goodrich. Moffatt took notes in lieu of Kathleen Shepherd.

Moffatt made a motion to approve agenda with addition of an item related to inviting a guest to the next meeting (placed as #7), Loeb seconded, but vote superseded by Manganiello motion to approve agenda with addition of an item related to preparation of written materials (placed as #8). Moffatt 2nd motion and all approved.

1. Comments from the public – No public present

2. Approve minutes – 7-18-22 – Manganiello moved, Moffatt seconded motion to approve minutes of July 18, 2022 – all approved

3. Meeting times: should we switch to 6:30 pm in future? Manganiello moved, Lubell seconded switch of future meetings to 6:30 – all in favor

4. Planning for public forum on Accessory Dwelling Units - discussion of prior guest who spoke about ADUs; Article in today's Valley News about Woodstock and other VT towns assisting in the creation of ADUs to provide housing for local workers, and/or to attract workers to jobs available in the towns, using some town funds and other funds from the state to assist homeowners to create ADU's that will be used for prescribed amounts of time for AH. Discussion of planning for public forum shifted to next meeting as the optimal speakers have not yet been identified.

5. Quick updates

a. Application for VCDP Planning Grant – Selectboard has memo from planning commission requesting submission of planning grant.

b. Fire-District Owned Land – Lubell will go to the fire district prudential committee meeting in September to speak about the affordable housing subcommittee's request.

6. Selectboard questions for affordable housing subcommittee:

- What is the committee's charge as you all understand it?
- What are the committee's current initiatives (provide timelines if applicable)?
- What are the committee's goals and/or principal activities for the next three years?

The subcommittee worked on draft responses based on the town's Housing Strategy and passed a motion directing the chair, Jeff Lubell, to complete and share the responses to the planning commission for review, with a copy to Roger Arnold. Goodrich motion to approve, Moffatt Seconded, all approved.

7. Inviting representative from Conservation Commission to September AH meeting – The subcommittee discussed that this would be desirable to discuss the value of adding affordable housing in Norwich as we embrace thoughtful and sustainable use of the land and resources.

8. Topics AH is currently, or will be in the process of, considering, and writing about - deferred to next meeting

7. Zoning for affordable housing – deferred until September meeting

Motion to adjourn at 7:04 by Moffatt, seconded by Manganiello, all in favor

**NORWICH PLANNING COMMISSION
AFFORDABLE HOUSING SUBCOMMITTEE
DRAFT MINUTES**

Monday, Sept. 19, 2022 START TIME 6:30 pm
Affordable Housing Subcommittee Meeting
Time: SEPT 19, 6:30 PM Eastern Time (US and Canada)
Join Zoom Meeting
<https://us02web.zoom.us/j/81242668798>
833 548 0282 US Toll-free
Meeting ID: 812 4266 8798

Subcommittee Members Attending: Jeff Lubell, Jeff Goodrich, Creigh Moffatt, Brian Loeb, Kathleen Shepherd

Norwich Staff: Aaron DeNamur

Guests: Nick Clark, Nathan Margolis,

1. Motion to approve the agenda, with the addition of an item related to an update on the idea of siting affordable housing on land owned by the fire district. Moffatt moved, Loeb seconded, all approved the revised agenda.
2. Update on Loeb's meeting with the Fire District Prudential Committee. The Committee expressed the opinion that the current agreement between the Fire District and the Town related to transferring development rights to the Town does not permit housing development, but a subcommittee of the Prudential Committee that addresses land issues may be a place to consider further the possibility that this agreement might be modified in the future. There is a larger conversation about the possibility of a merger between the Town and Fire District that is unresolved and forms an important context for this issue.
3. Accessory Dwelling Units. The Norwich Housing Strategy includes items to promote ADUs and missing middle duplexes/triplexes. Clark (who grew up in Norwich and currently lives in Thetford) described work of a cooperative he and others have formed to shepherd

homeowners in the Upper Valley through the process of building and permitting an ADU. The cooperative's goal is to work where traditional developers and Twin Pines do not to promote creative housing solutions like ADUs. They are in the process of working on one ADU in Wilder where they will act as a developer and the homeowner is applying for a grant from the state for construction costs. They are talking with a number of additional homeowners about developing ADUs. He mentioned that Woodstock Community Trust has prepared a guide for ADU, and said it might be helpful for Norwich to consider preparing a similar guide for Norwich.

4. The Subcommittee decided to devote the next subcommittee meeting (Oct 17) to a public discussion of ADUs that would highlight the availability of grant funding from the state as well as discuss the ADU process more generally. Loeb will reach out to two individuals with whom he has discussed ADUs to invite them to participate.

5) Conservation-Housing committee cooperation. Moffatt aims wants to reestablish connection between the commissions, to help each other and will aim for the November meeting.

6) Lubell asked DeNamur to provide ideas for how Norwich could strengthen its zoning rules to promote housing affordability, such as through making it easier to build duplexes, triplexes and quadraplexes and other missing middle housing.

5. The 8-15-22 minutes were not reviewed and approved. This will need to be taken up at the October meeting.

6. Comments from the public. None.

7. Adjourn meeting at 7:04. Moffatt moved and Shepherd seconded. All approved.