

Town of Norwich | Planning Commission Agenda | May 10 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. Welcome new members and election of officers	Elect Chair, Vice Chair and Clerk		6:40 -- 6:50
4. Recommendation of Zoning Administrator (ZA)/Acting ZA for Selectboard Appointment	Motion to recommend Steven Bauer for ZA/Acting ZA to Selectboard		6:50 -- 7:00
5. Draft of Land Use Regs (LUR)	Discuss questions and comments submitted by PC members		7:00 -- 7:30
6. Announcements, Reports, Directors Update, AHSC update, and Correspondence	Comments and questions	Links to: DRB Minutes Affordable Housing Minutes ARPA presentation to SB	7:30 -- 7:40
7. Approve Minutes of 4/12/22	Approve minutes. Motion req.	Minutes April 12, 2022	7:40 -- 7:45
8. Other Business	Raise any other topics		7:45 -- 7:50
9 Future Meeting Schedule and Agendas	Review schedule and provide input on upcoming agenda	Updated PC workplan	7:50 -- 8:00
10. Public Comment			8:00 -- 8:10
11. Adjourn	Motion required.		

Future Meetings:

June 14, 2022

July 12, 2022
Aug 9, 2022

Encl:

Draft PC Minutes, April 12, 2022
Draft LUR General Section Discussion Topics
Questions on Draft LUR General Section
NTC Trail Inventory

July 12, 2022
Aug 9, 2022

Encl:

Draft PC Minutes, April 12, 2022
Draft LUR General Section Discussion Topics
Questions on Draft LUR General Section
NTC Trail Inventory

Encl:

Draft PC Minutes, April 12, 2022

Draft LUR General Section Discussion Topics

Questions on Draft LUR General Section

NTC Trail Inventory

Questions and Comments on draft General Section of Lane Use Regulations 4/22/22

Questions from Marc:

1) Can Rod provide data on:

What types of permits do landowners apply for?

How often/how many applications does the town get per year?

What is the revenue associated with each kind of permit?

What is the approximate cost to process these?

I think the above data will help inform which could be exempted.

If those data are not available, perhaps he could just group them into which permits he considers "minor" or not substantial and "not minor".

2) Could the impending adjustment to the Vermont "equalized pupil" calculations, which are slated to result in a 30% increase in property taxes in Norwich over the next 2-3 years, be considered to "burden future landowners or the torn with unreasonable maintenance costs" per section 1003.A.9? Yes, I know this is a huge question, but I'm curious about the "burden" and "unreasonable" parts and how it applies. If so, it could imply that the town needs to do something about it.

Input from Jaci:

110 Exemptions and Limitations

- General comment: Although parameters are defined for items such as ponds and fences, at what point in a project does it become noticeable that guidelines aren't being adhered? Whose responsibility is it to point this out? Neighbors?
- (21) Electrical or communications distribution poles. Is there any requirement to take down wires and poles that aren't being used any longer?
- (24) Please define 'Home occupations' and 'are located within a dwelling unit.' Wording seems awkward. I think we're talking about people living in a home?
- (27) Hunting, fishing, trapping or shooting ...'but not including any permanent structures associated with such use.'" Does this mean you need a permit for a deer stand or not?

1103 Farming and Forestry

- **Farming and Forestry Practices.** "The Zoning Administrator may require a landowner to provide a written determination from the applicable state agency as to whether the subject land use activity is a required agricultural or accepted silvicultural practice." Are we doing this today? If yes, how often?

1206 Discontinued Uses

1206.A Nonresidential Uses

- General comment: Use of double negatives interferes with comprehension. Recommend clarifying. Question: What happens when 12 months is up?

1207 Abandoned Development

1207.A

- Question: What's the process to check on this? Assume ZA follows up on all open permits?

1208 Damaged or Destroyed Structures

- Comment: 12 months, with extension to 24 total months, seems reasonable

1208.D Failure to Act

- Question: What are the consequences?

1208.E

- Clarification: Assume one can rebuild the non-conforming structure, if it's not MORE non-conforming?? Wording is unclear.

1301 Nonconformities

1301.D.(3) Unclear what this means. Please explain further.

1302. Nonconforming Uses

1302.D Minor Expansion

- A bit unclear. Please explain further. Example?

1303 Nonconforming Lots

1303.B Merger

- "If a nonconforming lot comes into common ownership with one or more contiguous lots, the Town of Norwich will not deem the lot merged with the contiguous lot(s) for the purposes of these regulations."
- Question: What does this mean?? Unclear.

Comment from Jeff Lubell:

My one comment on the General section is to request a reference to affordable housing under the purpose section in 1003.

One simple solution would be to quote section 4301(c)(11) of the Vermont Planning and Development Act, under the purposes of that act and add: "To ensure the availability of safe and affordable housing" as one of the goals. In my view, this change is very important for ensuring the town's zoning is consistent with the Town Plan.

Input from Brian re: Group Homes:

The image shows a document with two sections, 1105.A and 1105.B. Section 1105.A contains text with several redactions: "in accordance with state statute [24 V.S.A. § 4412], landowners do not need to obtain a zoning permit to use a lawful single-unit dwelling as a group home that will be operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501." Section 1105.B states: "Landowners must obtain a zoning permit for home construction or other associated development to the same extent as required for other single-unit dwellings in the zoning district." To the right of the document is a comment box from "Loeb, Brian" with the text: "I suggest we use the statute language here rather than paraphrasing and pulling from other rules. This is an evolving area of the statute (and case law), and I don't want our rules to be more restrictive than necessary if the statute changes." The comment box includes a "Reply" button.

Input from Ernie:

The following are my comments and edits on the Land Use Regulations, General, Section 100, Section 110, Section 120, and Section 130.

For the most part, I am satisfied with the draft of all the Sections. I have a few nitpicks, and a couple major objections.

Nitpicks first.

Section 120, Subsection 1104.A, 1204.B, and 1208.C: these subsections have short lists of examples built into them, (e.g....) with the “e.g.” followed by a couple specific examples. My experience in the DRB with examples, even if prefaced by “including by not limited to”, is that they result in unnecessary confusion and contention, and a lot of “what about.....’s”. It is better where examples are shown that there is either an exhaustive list, or a very clear definition that needs no examples. This is true of any other sections where examples are listed as well.

Section 130, Subsection 1302.E: the language of the subsection is confusing and ambiguous to me. Clarify somehow.

Section 130, Subsection 1303.B: I have a question – does this subsection apply when the two lots are formally merged and subdivision between them is terminated? If it doesn’t apply, how is such a situation handled?

Section 130, Subsection 1303.C (4): What if the lot is triangular? The subsection describes a dimensional envelope that is rectangular (width x depth) which does not work for a triangular lot.

My Objections.

Section 100, Subsection 1003, 1003.A: The first 2 lines of 1003:A are fine – “These regulations implement the goals and policies of the *Norwich Town Plan* and the *Vermont Municipal and Regional Planning Development Act* as most recently amended.” They briefly and concisely describe the purpose of the regulations. So far, so good.

But then the document goes far off the rails, by listing certain things that are supposed to happen, in other words, goals. But the list of goals is not exhaustive, nor is it an accurate representation of the goals of the Town Plan, nor is it a listing of the policies of the Town Plan. It is also not even a fair representation of the contents of the Town Plan and its policies, goals, and objectives, because the list is primarily about development goals, with no substantive mention of conservation, environmental, or farm-related policies or goals that are incorporated in the Town Plan.

If there is to be a list of policies, goals, and objectives included in the regulations, the list should recite all of them with equal weight and should be labelled appropriately. This might not be a bad thing, because regulations, like statutes, often recite the policies and goals of the regulations. Either that, or just stop at the first 2 lines.

This is entirely unacceptable and I oppose the section as it is currently drafted.

Section 130, Subsections 1301.G and 1304.A (2): There is no need whatsoever to create a non-conformity such as that described in Section 1304.A (2). To allow such nonconformities to be created is to eviscerate the entirety of the land use regulations. This subsection gives applicants a carte blanche to avoid the regulations in any manner they choose, with the only price to be paid to create a

nonconformity being that the applicant can persuade the DRB or ZA that have a right to be able to ignore the regulations and create the non-conformity.

The regulations clearly set forth the requirements for creating conforming circumstances. The reasons for defining certain circumstances as non-conforming is to protect the safety, security, health, and so on of the Town and its people. By definition, a non-conformity that is created goes against the goal of protecting the Town and its people.

Likewise, Section 1301.G provides the mechanism for an applicant to obtain a carte blanche to violate the rights and protections of the Town and its people. Variances are provided so that certain applicants and developers can defy common sense and logic by purchasing land that is undevelopable if the regulations are complied with. The regulations are, like all law, not only to prohibit certain activities and decisions, but also to provide notice of the prohibition of those activities and decisions. If someone puts themselves into the position of violating the regulations or law, it is properly the burden of the person themselves to avoid the problem in the first place. It is not the burden of the public to accommodate a person who ignored or flaunted the law. Variances upend the purpose of the law/regulations. The regulations regarding non-conformity have been on the Town's books (in fact on the towns' books throughout Vermont) for years. It is inconceivable that anyone would be stupid enough to purchase land that does not conform at this point in time, but it is not inconceivable that there are those who will deliberately thwart the intent of the regulations by knowingly purchasing land that cannot conform under the law and then complaining that they need a variance or suffer a hardship. It is not properly the burden of the people or the Town to subsidize those who thwart or flaunt the law by granting them variances. (In Norwich, during my time on the DRB, there were several parties that knowingly bought poor land that could not be developed in conformity with the regulations, who whined about hardship and were granted variances, to the detriment of the town and its people.)

These subsections are harmful and dangerous waivers of the Town's police powers, and violations of the rights of the people of the Town to expect the Town's protection.

These sections are unacceptable and I oppose the sections' inclusion in the Land Use Regulations, or any other set of regulations.

Draft General Section LUR Discussion Topics

<p>Purpose Section 1003</p>	<p>o</p>
<p>Include reference to affordable housing, e.g. quote section 4301(c)(11) of the Vermont Planning and Development Act, "To ensure the availability of safe and affordable housing."</p>	<p>Agree, already included by reference via the citation of the Act and the Town Plan</p>
<p>(9) Discuss what constitutes 'not burdening future landowners or the town with unreasonable maintenance costs.</p>	<p>This provides foundation for robust site plan and engineering standards. For example, if the town did not require developers to build roads, driveways or parking lots to accepted standards, those facilities would likely deteriorate rapidly necessitating expensive repairs. Future property owners may end up shouldering unexpected and unreasonable expenses that should have rightly been borne by the developer. If the concern is minimizing development costs to promote housing affordability, it is important to consider not only initial construction costs but long-term operation/maintenance costs as well. Further, municipalities do not take ownership of infrastructure that is not built to accepted standards because it is a recognized liability. Poorly built or maintained private infrastructure is also a primary cause of damage to public infrastructure during storm events (undersized culverts, driveways without adequate drainage, etc.). The town has an interest in protecting current and future taxpayers from unreasonable costs associated with repairing inadequate infrastructure (whether public or private).</p>
<p>(9) Discuss what constitutes 'not burdening future landowners or the town with unreasonable maintenance costs.'</p>	<p>Purpose statement #9 (and the LURs in general) has no direct link to the property taxation question. Given the way property is assessed in Norwich (and most of Vermont), how it is zoned does not enter into the calculation of property value in any direct way. Vermont is different than other states where how a property is zoned for is a major consideration in its assessment for property taxation purposes.</p>
<p>Consider whether 1-9 should be amended or deleted altogether</p>	<p>Regulations are legally required to include a purpose statement. If a provision of the regulations is challenged in court, the judge will look to the purpose statement to see if the challenged provision is furthering a stated purpose of the regulations. It is beneficial to ensure the purpose statement provides a robust foundation for the standards of the regulations</p>

Provide background data on annual permit activity for the past few years	See table
Section 1101	
What monitoring is in place now and should it change?	We do not issue building permits, only zoning permits. Violation actions are driven by complaints. We do not issue Certificates of Compliance (confirming compliance with an issued permit). These are resource allocation decisions, and reflect prevailing attitudes
Abandoned Utility Poles etc.	A municipality has no ability to require utilities, which are state regulated, to remove unused poles or other infrastructure
Home occupation Defn.	Home occupations are a defined land use and that definition will be included in the LURs. As defined, it is clear that this is referring to business activity occurring within the residence or on the residential property of the business owner/operator. The LURs are set up to recognize three levels of business activity that may be occurring on a residential property. An example of a home occupation that would be exempt from needing a permit under this section would be a consultant who has a home office, has no employees, and does not have a sign identifying their business on the property. This business activity is essentially invisible from outside the house and has no impacts that are discernably different than what would be expected from any residence.
Hunting, fishing, shooting structures	Most deer stands should fall under the 200 sf footprint / 15 ft height standard in Exemption #15, and therefore would not need a permit. The benefit of including a reference to hunting, shooting, etc. here is that the Norwich ZA regularly receives complaints about shooting. Being able to point to a clear exemption in the regulations would be beneficial in addition to referring people to state law
Section 1103	
Monitoring of Farming and Forestry Practices	Obtaining a written determination from the state related to whether an activity meets farming and forestry has been a standard practice (recommended by the state) for many years. Generally, a ZA will only request that a property owner obtain such a determination when the activity in question is not obviously within the state's definition of farming and forestry practices. The most recent instance in Norwich where this provision was used related to a complaint about a boundary fence between neighboring properties and whether it legitimately was a fence for agricultural purposes or not.
Section 1105	

Group Homes	No issues with change. The 1,000-foot separation distance has been recently removed from statute. Rather than cite the statute here, would prefer that be done in the definitions consistently with other terms used throughout the regulations. It should be noted that the state definition of disability includes people recovering from addiction. So the group home language allows for recovery residences of varying types. This is an area of statute and state regulation that has been expanding and evolving in recent years
Section 1206	
Discontinued Uses	If a nonresidential use is discontinued for more than 12 months, then a new permit is needed to resume the use. For example: a barber shop with sole proprietor. The barber decides to go on a year-long RV trip around the country and closes the business. Upon the barber's return, a zoning permit would be required before the business could be re-opened. If the zoning changed while the barber was away and barber shops are removed as an allowed use in the district then the business would not be able to start up again upon the barber's return.
Section 1207	
Abandoned Development	There is no follow-up mechanism in place for zoning permits in Norwich at this time. The draft Administrative chapter provides for a Certificate of Compliance (CC) for some but not all approved development applications. The CC is the most certain way to follow up on whether work authorized by a permit has been completed. In Norwich, abandoned development would likely result in a complaint being made by a concerned resident to the ZA
Section 1208	
Damaged or Destroyed Structures	If a property owner with a damaged or destroyed structure who fails to act as set forth in the LURs is subject to the enforcement provisions of the regulations just the same as someone who fails to get a zoning permit before building a structure or someone who builds a structure differently than authorized by a permit, etc
Section 1301	
Nonconformities	The basic principle on building a nonconforming structure is that the owner can rebuild within the prior building footprint and envelope but they do not have to build back exactly what was there previously. For example; a nonconforming structure that was sitting 10 feet from the front lot line in a district where zoning requires a minimum 20-foot front setback. The structure burns down. The owner wants to rebuild and proposes a new building within the footprint of the former building but decides to only build back to 15 feet from the front lot line rather than 10 feet. It is still nonconforming (does not meet the 20-foot requirement for the zoning district), but it is less nonconforming than it was before. That would be allowed under this section and

	<p>the owner would not be required to either build back to 10 feet from the property line or to fully conform with the 20-foot zoning setback requirement.</p>
Variances	<p>Variances, including for nonconforming structures, are mandated by statute and therefore Norwich must allow for them. Waivers are a matter of local policy. The waiver language was laid out in the administrative section. It can be shaped to address local concerns and to allow as much or as little flexibility as seen desirable. Nonconforming structures a common issue in Norwich and providing a regulatory mechanism for dealing with minor modifications to those structures will be beneficial. Regulations need some ability to flex. Just because there is the ability to apply for a variance does not mean it will be granted. The criteria to meet are extremely high and the Norwich DRB has a record of requiring applicants to meet a high bar to get approvals of all types, including variances.</p> <p>Paragraph D(3) just references the fact that there may be conditions written into a prior approval that will need to be complied with. For example, there is a nonconforming structure in a commercial area. A new business gets approval and opens up in that building – an ice cream shop. As the business grows, the owner decides they need more space for a larger freezer. They want to make a small addition to accommodate that. The ZA needs to make sure that there were no conditions of approval placed on the business when it got its original permits and approvals to open up that would be in conflict with this application for a small addition to a nonconforming structure. If the approval specifies that the area where the addition is proposed must remain a landscaped buffer between the building and the adjoining property, then the ZA is not going to be able to issue a permit for this minor addition</p>
Section 1302	
Minor/major	<p>Paragraph E simply allows the owner of a nonconforming structure to seek a greater expansion of a nonconforming structure than the ZA can approve administratively through an application to the DRB</p>
Section 1303	
Lot mergers	<p>There was a long-standing provision of state law that mandated merger of a non-conforming lot if it came into common ownership with an adjoining property. While that has not been state law for more than 15 years, a lot of people still think merger is automatic. Some towns decided to continue this practice (mostly towns with a lot of very small waterfront lots). Paragraph B just clarifies that Norwich does not require merger. The draft LURs include a mechanism for legal</p>

	<p>merger of adjoining lots (take 2 or more lots and make them into 1) in the Administrative chapter</p> <p>The language of Paragraph C is statutory. Irregular shaped lots still have a width and depth. The way those dimensions are measured will be illustrated in the LURs.</p>
--	--

Recent Development Activity			
Administrative Zoning Permits			
		Development Review Board	
New Homes	8	Subdivisions—Final Plan Review	4
Building Additions	12	Conditional Use Review	3
Accessory Dwelling	4	Boundary Line Adjustment	5
Accessory Structures	20	Site Plan Review	1
Replacements: Bldg./Home	0	Development Envelope	1
		Appeal	1
July 1, 2019 - June 30, 2020			
Administrative Zoning Permits		Development Review Board	
New Homes	6	Subdivisions—Final Plan Review	3
Building Additions	9	Conditional Use Review	0
Accessory Dwelling	0	Boundary Line Adjustment	2
Accessory Structures	26	Site Plan Review	0
Apartment	1	Development Envelope	0
		Appeal	0

MEMORANDUM

TO: NORWICH SELECTBOARD, NORWICH PLANNING COMMISSION
FROM: NORWICH TRAILS COMMITTEE
SUBJECT: OVERVIEW OF NORWICH TRAILS COMMITTEE AND ITS VOLUNTEERS
DATE: APRIL 25, 2022
CC: TOWN MANAGER, TOWN PLANNER

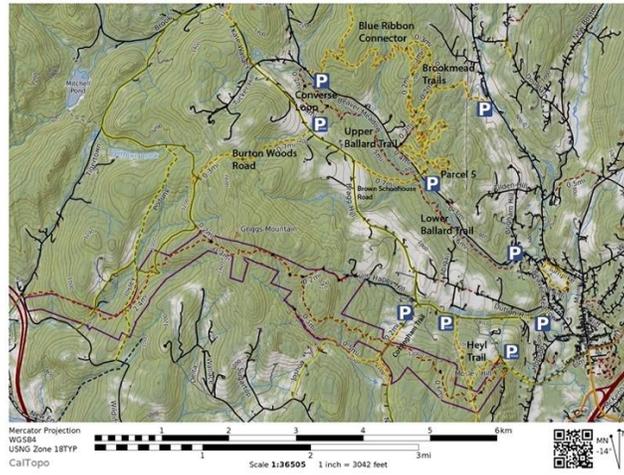
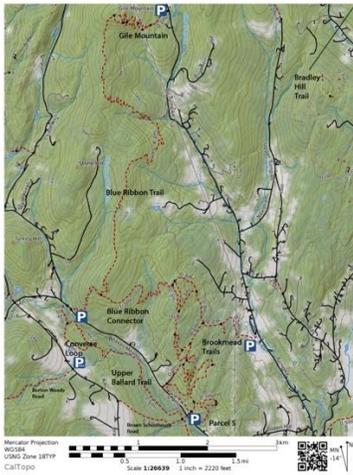
1. *Summary* – This memo summarizes the role of the Norwich Trails Committee and its volunteers and lays out the aspects of the town’s trail network that require the awareness of the selectboard to properly fund their upkeep, maintain their integrity, and provide for the public’s beneficial use. This information provides context to the annual budgetary requests of the Norwich Conservation Commission—which advocates for the town’s trail system across public and private lands.
2. *Introduction* – Norwich Trails volunteers work with landowners and cooperating organizations to maintain a network of public trails, spanning Norwich and interconnecting with neighboring communities under the direction of the Norwich Trails Committee (NTC), which meets with them on the first Wednesday of each month.

The volunteers maintain the Norwich Trails website at <https://norwichtrails.org>, which offers downloadable trail maps and news about activities, including the monthly committee meetings.

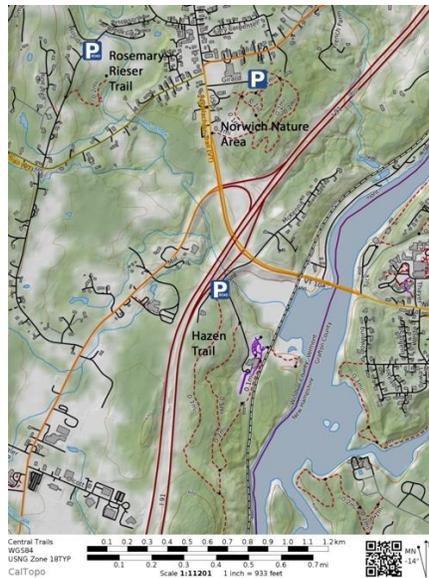


Trails volunteers after installing erosion control at the Brown Schoolhouse Bridge

3. *Trails network* – There are about 37 miles of publicly accessible trails that the Norwich Trails volunteers and their partners maintain. Two major systems are situated on either side of Beaver Meadow Road, which are served by the Parcel 5 parking lot and connected by the new bridge over the Charles Brown Brook. Principal among these are the Gile Mountain Trail, Bill Ballard Trail, Parcel 5 Trails, and the Appalachian Trail.



Norwich trail networks: north and south of Beaver Meadow Road (left and right)



Eastern trails, near downtown

The trails cross multiple jurisdictions on land owned by:

- Town of Norwich: Gile Mountain, Blue Ribbon Trail, Schmidt Bog, Norwich Nature Area, Bradley Hill, Heyl, Cossingham, Burton Woods, Woods Road Trail, Powers Trail, TH 51, and other class IV road segments
- Norwich Fire district: Ballard, Parcel 5, and Blue Ribbon Connector
- Federal government: Appalachian, and Tucker
- Private landowners: portion of Ballard and Blue Ribbon, Brookmead, Hazen, King Arthur, and Rieser

Most of these trails interconnect and are enjoyed by the public as part of the amenities that make Norwich attractive to its residents.

In addition, there are many privately held and maintained trail networks in town that are not shown on the Norwich Trails website, unless requested by the landowners.

Under discussion at times, has been the possibility of a trail that would pass across private property from Huntley Meadow to the Dresden playing fields. Such a core trail would have to be assembled piecemeal with landowner cooperation.

4. *Governance* – The Norwich Trails Committee is a three-member subcommittee of the Norwich Conservation Commission (NCC). It oversees the activities of the Norwich Trails volunteers, who maintain trails in our town. The NTC reports to the Norwich selectboard and town manager through the NCC and its chair.

The NTC coordinates town-funded and grant-funded projects through the town manager, in coordination with the Finance Department. Any NTC member may be designated to coordinate individual initiatives, according to the consensus of the committee in a warned meeting.

Norwich Trails volunteers seek reimbursement of any authorized out-of-pocket expenditures that they may have, through a designated NTC member.

The NTC coordinates prospective trail work with the Upper Valley Trails Alliance (UVTA)—to which organization the town votes funds in a separate warrant article—to provide expert advice and to oversee the efforts of cadres of volunteers from local companies and youth groups that complement the efforts of Norwich Trails volunteers.

The Norwich Trails website is privately funded, as of 2022, and not subject to town governance. The volunteers, who maintain this website, are open to closer coordination with the town.

5. *Budgeting* – Much of the input into trail maintenance and infrastructure improvement is through volunteer labor. A certain amount of the effort is unplanned, owing to downed trees or storm events. Another class of effort is planned upkeep and maintenance of trail infrastructure. The unplanned activities require a baseline annual funding line for material expenses. The planned activities are subject to funding through town and grant sources. The NTC has been successful in soliciting grants for such improvements as bridge replacement, trail signage, and treadway restoration. Nonetheless, capital expenditures on town land should be supported by taxpayer funds, when necessary.

For capital projects, the NTC has applied to the Vermont Recreational Trails Program (RTP) for matching funding. Such funding was instrumental to the infrastructure improvements on Gile Mountain. Unfortunately, it was not available for the Brown Schoolhouse Bridge project because the funding committee decided that prior-year applicants would be funded, instead. The Jack and Dorothy Byrne Foundation was a generous contributor towards the bridge project.

6. *Town-owned trail infrastructure* – Each of the trails on town-owned land or rights of way has infrastructure investments that have a finite lifetime, require annual maintenance, or are vulnerable to weather extremes. Here are trail infrastructure items that may require budgeting attention in upcoming years:

- **Gile Mountain:** The trail received a substantial improvement in drainage and treadway with stone steps that were installed with the help of RTP funding. These require annual maintenance of the drainage after the leaves are down. Segments of the treadway are supported by wooden cribbing for steps and sidewall support, which have a finite life. The wooden steps on the fire tower observation platform will require replacement, sometime. The remains of the cabin have been an attractive nuisance for vandals, at times. It may require removal at some point.

As Norwich's most-visited trail, the trailhead parking lot has had insufficient capacity at times. A scoping study was budgeted for FY 2022-3 to identify a solution to this problem.

- **Ballard Trail:** This trail runs along the Charles Brown Brook and has three trailheads—at Ballard Park, at the Brown Schoolhouse Bridge, and near the intersection of Tucker Hill Road with Beaver Meadow Road. The trail crosses many tributaries to the brook, some requiring a few stepping stones to cross, others with wooden bridges, and still others with bog bridges. As of 2022, the bridges and bog bridges will be in a new 10 to 15-year replacement cycle.

Segments of the trail are vulnerable to flooding events that have necessitated importation of fill material to restore the treadway. One segment was subject to a landslide that necessitated a trail relocation up and down a steep pitch, using stone steps. Much of the soil along the trail is clay-rich and subject to progressive erosion.

The Brown Schoolhouse Bridge was completed in 2020, thanks to a town warrant article. It's constructed with concrete abutments, galvanized steel beams, a thick wooden deck, and aluminum railings, all with long life spans. The deck may require replacement sometime after 2050.

A segment of the Ballard Trail crosses the private property of a cooperating landowner. If a permanent ROW doesn't yet exist, one should be acquired to assure the continued use of this popular trail.

- **Schmidt Bog:** This bog is a town-owned 22.5-acre natural area, accessible from Upper Loveland Road. It was acquired for preservation with the advocacy of Bill Ballard, because of its habitat for lady slippers and other bog species. It features a board walk, which is visited by school groups. As of 2022, the boardwalk was to be assessed for maintenance or replacement. Lacking also are trailhead information and interpretive signage.
- **Burton Woods Road:** This class IV road passes from Bragg Hill to Podunk Road over the ridge of Griggs Mountain. At the Bragg Hill end, a beaver pond prevents passage of motorized traffic, except in winter. The segment between the pond and the ridge has been subject to severe erosion from the passage of trucks that come to the dead end and turn around. This segment is a candidate for load restrictions that permit the passage of ATVs and snow machines, but exclude trucks and forest machinery (except with a permit) to allow water bars to be constructed and maintained. Their construction might require contracted mechanical equipment.
- **Bradley Hill Road:** The upper end of the trail has, at times, been relocated onto private property because of trees falling across the right of way (ROW). The ROW is a candidate for permanent improvement of the treadway to address drainage. The northern end of the trail at Kerwin Hill Road has been subject to severe erosion that has necessitated relocation at that point.
- **Powers Trail:** This class IV road is a wet, washed-out connection that completes a loop via Kerwin Hill and Pattrell Roads. It would benefit from improved drainage to create a treadway. This construction might require contracted mechanical equipment.
- **Heyl Trail:** This town ROW roughly parallels the Appalachian Trail from the top of Elm Street to the VELCO power line; it then turns north to Bragg Hill Road along the power line ROW. A recently installed bog bridge at the Elm Street end has approximately 10-15 years of life from its installation in 2020. The trail has insufficient and ill-defined parking at both ends.

- **Woods Road Trail:** This trail starts on the Gile Mountain Trail, goes downhill beside the VELCO transmission lines right-of-way along the eastern edge of the Woody Adams Conservation Forest and ends at Turnpike Rd. It has major drainage issues, which will require gating, water bars, grading, and two small stream crossings.

7. *Parking* –Construction and maintenance of parking areas at trailheads are the responsibility of the Department of Public Works. The town maintains off-road parking at Ballard Park, Parcel 5, upper trailhead to the Ballard Trail, Gile Mountain, and Cossingham Road. There is ill-defined parking at turn-around locations at Happy Hill, Upper Loveland, and Bradley Hill—these areas require clear delineation of where parking is permitted in all seasons. Other trailhead locations have roadside parking (Hazen, Heyl at both ends, Burton Woods, and upper Brown Schoolhouse), where winter maintenance may not push far enough onto the shoulder to facilitate parking out of the roadway and out of the possible path of maintenance and emergency vehicles. Most Norwich trails have substantial hiking and skiing traffic in winter.



“Discovery hike” to Happy Hill shelter on the Appalachian Trail, guided by Norwich volunteers

NORWICH PLANNING COMMISSION
Tuesday April 12, 2022, 6:30pm

DRAFT MINUTES

Zoom Meeting:

<p>https://us02web.zoom.us/j/89339717735 Meeting ID: 893 3971 7735</p>
--

Members Present: Jaci Allen, Brian Loeb, Ernie Ciccotelli, Jeff Lubell, Jeff Goodrich
Public Present: Andrea Day, Linda Cook, Darren Marcy, Max Villanueva, Claudette Brochu
Staff: Rod Francis

Meeting Opened: 6:33pm

1. Approve Agenda:

Allen moved and Ciccotelli seconded a motion to approve the agenda. Motion carried 5 – 0. For: Allen, Loeb, Horwitz, Ciccotelli, Lubell, Goodrich.

2. Public Comment: none

3. Wastewater Feasibility Study

Francis introduced Andrea Day representing Dufresne Group, the lead for the consultant team awarded the contract for the Wastewater Feasibility Study. Day outlined the proposed schedule and the scope of tasks which includes conducting surveys of property owners in the study area.

Loeb asked about the makeup and formation of the Advisory Committee intended to support the work of the consultants. Francis and Day confirmed that a successful Advisory Committee comprised a good cross-section of the community, interested residents, commercial property owners, and could include some Planning Commissioners.

Day explained that the Study could identify a range of possible outcomes. The geological work will be able to show any potential for wastewater management and then relate this information to the goals of the community, providing the basis for a needs assessment. Day confirmed for Lubell that the community's interest in having a wastewater solution would be established through factual information and reference to the stated goals of the community, such as the Town Plan.

Goodrich commented that he remained unclear about the purpose of the study, but that he hoped local people with knowledge can be part of the Advisory Committee. Day responded that it helps to have people with local knowledge including business operators, septic designers and installers and others. A range of perspectives better inform the work. Allen noted that local people involved in construction and real estate may have relevant experience.

4. Density Study

Francis introduced a series of maps which he described as showing a lack of strong association between the density factor tool and the settlement pattern since the time of its adoption. Although the sample size is small (unavoidable given the rate of development and the total number of parcels), there is strong evidence of land mergers (the opposite of subdivision) taking place on paved roads within 1.5 miles of the village, most likely taking advantage of distant views and other amenities. This pattern runs counter to the purpose of the density factor tool, intended to intensify development closer to the village and on paved roads. Possible factors explaining the outcome include the effect of the State of Vermont current use program (reducing taxes significantly on parcels over 25 acres) and reacting to local property assessments by formally merging parcels to avoid being assessed for owning more than one 'homestead' eligible property. Francis also noted the extremely low rate of growth in housing units and the low household size (2.2 persons), suggesting an overall increase in the presence of non-permanent resident households.

Goodrich suggested that the larger parcels in the periphery were evidence of the density factor working and that the lack of development near the village was a symptom of the challenges with wastewater.

Ciccotelli asked about the status of the parcel mergers illustrated by the data. Francis offered to confirm the data used.

Allen noted that this work would be helpful in educating people about the impact of current use.

5. Draft Land Use Regs (LUR) Administrative Procedures

Allen presented results to three key questions from the Administrative Procedures section. The questions related to:

- The distinction between minor and major renovations
- The difference between and variance and a waiver
- The waiver process and the role of the DRB

Francis explained that the distinction between a major and minor renovation was important for properties in the Special Flood Hazard Area (SFHA), language that the town had little ability to amend, and potentially commercial and institutional properties where there was also a change of use proposed. In general, for residential property in Norwich the only trigger for a zoning permit is a change to the footprint of a structure. Consequently, a residential building can have a major renovation and not need a zoning permit if there are no changes to external dimensions.

Goodrich suggested that commissioners needed to understand the existing rules and then look at the relationship between the ZA and the DRB as a set of policy issues.

6. Draft LUR General Section

Commissioners discussed the most effective way to engage with this section. Francis recommended that commissioners use the notes document included with the draft section as a guide to language that is 'locked' (set by statute), or open to amendment, suggesting that there is a policy question to be resolved.

Lubell suggested that he would like to see a commitment to affordable housing included in the purpose statement section.

After discussion commissioners agreed to submit any comments or questions to Allen by April 25, 2022.

7. Announcements, Reports, Updates, and Correspondence

Allen noted the correspondence in the packet from Amy Springer.

8. Approve Minutes of March 8, 2021:

Goodrich moved and Allen seconded a motion to approve the minutes of 02/08/2022. Motion carried 5 – 0.
For: Allen, Loeb, Ciccotelli, Lubell, Goodrich.

9. Other Business: none

10. Future Meeting Schedule

May – Density Study Follow Up

11. Comments from the Public: none

12. Meeting adjourned: 8:40pm

Future Meetings:

Tuesday May 10, Regular Meeting

Tuesday June 14, 2022 Regular Meeting

Respectfully submitted,

Rod Francis