

Town of Norwich | Planning Commission Agenda | June 14, 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. General Section of Land Use Regs	Gain consensus on key topics	General Section LUR Questions and Discussion Guide	6:40-7:30
4. Wastewater Study	Nominate Steering Committee representative	Memo	7:30-7:40
5. Scoping Document for Sidewalk Trails, Bike Paths Master Plan	Provide input to draft	Draft of Scoping Document for Sidewalk, Trails, Bike Paths Master Plan	7:40-7:50
6. Announcements, Reports, Directors Update, AHSC Update, and Correspondence	Comments and questions	Link to: Affordable Housing Subcommittee draft minutes	7:50-8:05
7. Approve Minutes of 4/12/22 and 5/10/22	Approve minutes. Motion req.	Minutes April 12, 2022 Minutes May 10, 2022	8:05-8:10
8. Other Business	Raise any other topics		8:10-8:15
9. Future Meeting Schedule and Agendas	Review schedule and provide input on upcoming agenda	PC Workplan Update	8:15-8:20
10. Public Comment			8:20-8:25
11. Adjourn	Motion required.		

Future Meetings:

July 12, 2022

No meeting in August

September 13, 2022

Encl:

Draft PC Minutes, April 12, 2022, and May 10, 2022

Draft LUR General Section and Discussion Topics

Draft Scoping Document for Sidewalk, Trails, Bike Paths Master Plan

Memo on Wastewater Steering Committee process

PC Workplan Update

Scope for changing Draft LUR language: General Section

SECTION ⁱⁱ	'DIAL' SETTINGS ⁱ		
	NO CHANGE	NO CHANGE	CAN CHANGE
	STATUTORY	CASE LAW	POLICY
1001 Title	●		
1002 Authority	●		
1003 Purpose Subsection A and Paragraph (1) Paragraphs (2)-(9)	●		●
1004 Applicability	●		
1005 Relationship with Other Laws or Regs		●	
1006 Effective Date	●		
1007 Amendment or Appeal	●		
1008 Severability		●	
1009 Disclaimer of Liability		●	
1101 General Exemptions (except listed below) Paragraph (5) Water/Wastewater Systems Paragraph (18) Solar energy devices Paragraph (19) Antennas Paragraph (20) Telecom equipment Paragraph (21) Utility poles Paragraph (27) Hunting, fishing, trapping Paragraph (29) Work in road ROWs Paragraph (30) Railroad Paragraph (31) Federal gov't	● ● ● ● ● ● ● ● ● ●		●
1102 Development with a CPG	●		
1103 Farming and Forestry	●		
1104 Government and Community Facilities	●		
1105 Group Homes	●		
1201 Prior Applications		●	
1202 Prior Permits and Approvals		●	
1203 Change in Ownership		●	
1204 Change of Use			●
1205 Expansion of Use			●
1206 Discontinued Uses			●
1207 Abandoned Development			●
1208 Damaged or Destroyed Structures			●
1301 Nonconforming Structures			●
1302 Nonconforming Uses			●
1303 Nonconforming Lots	●		
1304 Creation of a Nonconformity		●	

Scope for changing Draft LUR language: General Section

ⁱ STATUTORY language is set by Vermont statute or federal law = **NO CHANGE**

CASE LAW language has been established as standard zoning practice through case law = **NO CHANGE** (based on case law precedent)

POLICY language may be modified to address town policies, preferences, and needs. = **CAN CHANGE**

Scope for change can be thought of in the following terms: 1 = No change, 2 = Relax requirements 3 = Stiffen requirements. Any change must reflect existing policy commitments (see 2020 Town Plan etc.) and be defensible with reference to policy and data

ⁱⁱ This table should be read in conjunction with

Draft General Section LUR Discussion Topics

<p>Purpose Section 1003</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),

	<p>but it is less nonconforming than it was before. That would be allowed under this section and 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</p>

	<p>clarifies that Norwich does not require merger. The draft LURs include a mechanism for legal 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>
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Recent Development Activity			
Administrative Zoning Permits		Development Review Board	
New Homes	8	Subdivisions-Final Plan Review	4
Building Addtions	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 Addtions	9	Conditional Use Review	0
Accessory Dwelling	0	Boundary Line Adjustment	2
Accessory Structures	26	Site Plan Review	0
Replacements: Bldg/Home	1	Development Envelope	0
		Appeal	0

- Suggestion to update language on Group Homes to reflect State statute
- 130 Nonconformities
 - 1301, 1302, 1303 Clarify language and avoid use of double negatives.
 - Consider wisdom of 1301.G

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 screenshot displays a document review interface with two columns of text and a comment box on the right.

Document Text:

1105.A 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.](#)

(1)

1105.B 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.

Comments:

Loeb, Brian Deleted: :

Loeb, Brian Deleted: House not more than 8 people who have a handicap or disability; Be located not closer than 1,000 feet from another existing or permitted group home as measured from property line to property line; and Be operated under state licensing or registration.

Comment from Loeb, Brian: 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.

Reply

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.

100 Legal Framework**1001 TITLE**

Legal provision. No substantive change.

1002 AUTHORITY

Legal provision. No substantive change.

1003 PURPOSE

Legal provision. No substantive change.

The purpose statement of the regulations is not by itself regulatory. If a provision of the regulations is challenged in court, the judge will look to the purpose statement to determine whether the provision in question is in fact furthering a stated purpose(s) of the regulations.

1004 APPLICABILITY

Legal provision. No substantive change.

1005 RELATIONSHIP WITH OTHER LAWS OR REGULATIONS

Legal provision. No substantive change.

1006 EFFECTIVE DATE

Legal provision. No substantive change.

1007 AMENDMENT OR REPEAL

Legal provision. No substantive change.

1008 SEVERABILITY

Legal provision. No substantive change.

1009 DISCLAIMER OF LIABILITY

Legal provision. New language – it has become common practice to include a liability disclaimer in the regulations.

110 Exemptions and Limitations

1101 GENERAL EXEMPTIONS

Significant expansion to current exemption in * of adopted regulations. The reason for expanding the list is to improve the clarity of the regulations.

This is a section where the PC has considerable latitude to set policy and you should review this list closely. Consider the benefits of exempting the small projects that most landowners are not going to think need a permit any way, and that don't have any potential for substantive impacts off the property. The failure to get permits leads to a cloud on the title at time of sale or refinance, and creates potential violations that can be used by feuding neighbors. Processing minor permits also consumes staff time and town resources.

The following exemptions are mandated by state statute or rules: 5 ([Wastewater System and Potable Water Supply Rules](#)), 18 ([24 V.S.A. § 4412\(6\)](#)) and [24 V.S.A. § 4413\(g\)\(1\)](#)), 19 ([24 V.S.A. § 4412\(8\)](#)), 20 ([24 V.S.A. § 4413\(h\)\(1\)\(A\)](#)), 21 ([24 V.S.A. § 4413\(h\)\(1\)\(B\)](#)), 27 ([24 V.S.A. § 2295](#)), 29 ([24 V.S.A. § 2291\(1\)](#)). Exemptions 30 and 31 are mandated by federal law.

1102 DEVELOPMENT WITH A CERTIFICATE OF PUBLIC GOOD

Statutory requirement ([24 V.S.A. § 4412\(8\)](#) and [24 V.S.A. § 4413\(b\)](#)).

1103 FARMING AND FORESTRY

Statutory requirement ([24 V.S.A. § 4413\(d\)](#)). No substantive change. Note: cannabis cultivation is not defined as agriculture under Vermont statute.

1104 GOVERNMENT AND COMMUNITY FACILITIES

Statutory requirement ([24 V.S.A. § 4413\(a\)](#)). No substantive change.

There has not been a clear legal determination on the meaning of the term 'location' in this section of Vermont statute with regard to whether municipalities can prohibit these facilities in certain districts. It is also not clear whether statute supports requiring conditional use approval for them. Federal law also limits a municipality's ability to prohibit religious institutions from a district where any other public assembly use is allowed.

1105 GROUP HOMES

Statutory requirement ([24 V.S.A. § 4412\(1\)\(G\)](#)). Interpretation of statute is now that municipalities cannot require a zoning permit when an existing dwelling is converted to a group home.

120 Prior Applications, Approvals and Uses

1201 PRIOR APPLICATIONS

This is consistent with Vermont case law. Vermont is an “early vesting” state, giving a landowner vested rights in the law as it stood at the time of the application for a permit.

1202 PRIOR PERMITS AND APPROVALS

This is standard Vermont land use practice. One of the protections subdivision approvals provide landowners is the statutory provision ([24 V.S.A. § 4463](#)) that lawfully recorded subdivision plats approved under the subdivision review authority do not expire.

1203 CHANGE IN OWNERSHIP

This is a basic tenet of land use law.

1204 CHANGE OF USE

This is a basic tenet of land use law.

1205 EXPANSION OF USE

This is a basic tenet of land use law.

1206 DISCONTINUED USES

The PC can set the time limits for discontinuance but 12 months is typical. It is common land use practice in Vermont that residential use of a dwelling is not considered discontinued even if the dwelling is vacant for an extended period.

1207 ABANDONED DEVELOPMENT

The time period for which a zoning permit will be valid and during which the work must be substantially completed is established in the administrative procedures chapter.

1208 DAMAGED OR DESTROYED STRUCTURES

The PC can set the time limits for acting to demolish or reconstruct a damaged or destroyed structure. The terms “damaged structure” and “destroyed structure” will be included in the definitions.

130 Nonconformities

1301 NONCONFORMING STRUCTURES

This would grant the ZA more authority to approve modifications to nonconforming structures in order to meet code or accessibility requirements only.

1302 NONCONFORMING USES

This would grant the ZA more authority to approve minor expansions of nonconforming uses.

1303 NONCONFORMING LOTS

Provisions related to existing small lots are statutory ([24 V.S.A. § 4412\(2\)](#)).

‘Deemed merger’ is no longer mandated by statute. As of 2020, statute requires a revised plat be filed for any change in lot boundaries. The administrative procedures included a process for legal lot merger that would eliminate a lot line permanently.

1304 CREATION OF A NONCONFORMITY

Consistent with Vermont land use practice.

1 GENERAL

100 LEGAL FRAMEWORK

1001 TITLE

1001.A These are the Town of Norwich's Land Use and Development Regulations and constitute the town's zoning, subdivision and flood hazard regulations.

1002 AUTHORITY

1002.A The Town of Norwich adopted these regulations under the authority of *Vermont Municipal and Regional Planning and Development Act*, 24 VSA Chapter 117, and 10 VSA Chapter 32.

1003 PURPOSE

1003.A These regulations implement the goals and policies of the *Norwich Town Plan* and the *Vermont Municipal and Regional Planning and Development Act* as most recently amended. They are intended to:

- (1) Ensure that land use and development will not adversely impact public health, safety and welfare;
- (2) Provide for orderly and coordinated development;
- (3) Ensure that land use and development will not adversely impact the reasonable use and enjoyment of adjoining property;
- (4) Protect Norwich's rural character;
- (5) Protect environmental quality and important natural resources;
- (6) Facilitate the adequate and efficient provision of public services and facilities;
- (7) Ensure that there will be safe and adequate vehicular, pedestrian and emergency access to and within development sites;
- (8) Ensure that development sites, structures and infrastructure are built and maintained in a safe and adequate condition; and
- (9) Establish sound development standards that result in well-constructed projects that minimize their impacts, contribute positively to community character, and do not burden future landowners or the town with unreasonable maintenance costs.

1004 APPLICABILITY

1004.A Unless specifically exempted in Subchapter 110, all land development within the Town of Norwich requires a zoning permit or subdivision approval issued in accordance with these regulations. Land development means:

- (1) The division of a parcel into two or more parcels, or any other change in the location or elimination (to merge two or more parcels) of lot lines;
- (2) The construction, reconstruction, demolition, structural alteration, conversion, relocation or enlargement of any structure;
- (3) Mining, excavating or filling land; or
- (4) Any change in, or extension of, the use of land or a structure.

1005 RELATIONSHIP WITH OTHER LAWS OR REGULATIONS

- 1005.A If any provision of these regulations is more restrictive than any other law, regulation, rule or code, the provision of these regulations will apply and take precedence.
- 1005.B If any provision of another law, or regulation, rule or code is more restrictive than these regulations, the provision of these regulations will be superseded and the more restrictive provision will apply.
- 1005.C No provision of these regulations will be interpreted to prevent the Town of Norwich from acting to prevent or eliminate threats to public health, safety and welfare under the authority granted to the municipality by the State of Vermont.

1006 EFFECTIVE DATE

- 1006.A These regulations and any subsequent amendments will take effect 21 days after their adoption by the Norwich Selectboard in accordance with the procedures established in the *Vermont Municipal and Regional Planning and Development Act*.

1007 AMENDMENT OR REPEAL

- 1007.A The Town of Norwich may amend or repeal these regulations, in whole or part, at any time in accordance with the procedures established in the *Vermont Municipal and Regional Planning and Development Act*.

1008 SEVERABILITY

- 1008.A If a court of competent jurisdiction invalidates any provisions of these regulations, that decision will not affect the validity, application or enforcement of the remaining provisions of these regulations.

1009 DISCLAIMER OF LIABILITY

- 1009.A These regulations do not create any liability on the part of the Town of Norwich, its officials, agents, employees, or representatives for alleged damages that result from reliance on these regulations or any lawful administrative action or decision taken under these regulations.

110 Exemptions and Limitations

1101 GENERAL EXEMPTIONS

1101.A **Interpretation.** The standards of these regulations, including but not limited to setbacks and other dimensional requirements of the applicable zoning district, do not apply to land development exempted by this section unless specifically stated.

1101.B **Flood Hazard Areas.** The exemptions listed below do not apply within the flood hazard overlay district.

1101.C **Exempt Land Use and Development Activities.** Landowners do not need to obtain a zoning permit for:

- (1) **Emergency repair and stabilization** of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the damaged structure from the elements. Landowners must obtain a zoning permit for repair or reconstruction beyond the minimum necessary to stabilize and secure the structure. See Section 1208.
- (2) **Normal maintenance and repair** (see definition in [add x-ref. here]) of:
 - (a) An existing structure.
 - (b) Sidewalks and walkways, including replacement or reconstruction within the same footprint as the original.
 - (c) Essential services (see definition in [add x-ref. here]) including replacement or reconstruction within the same footprint as the original.
- (3) **Demolition** of a fence or an accessory structure with a footprint of 200 square feet or less.
- (4) **Interior alterations** that do not increase the area occupied by a non-residential use;
- (5) **Well and septic system** installation, maintenance, repair and replacement (a state Wastewater System and Potable Water Supply Permit may be required, contact the state permit specialist at the Regional Office of the Vermont Department of Environmental Conservation);
- (6) **Landscaping, grading and excavating** for noncommercial purposes that does not affect existing drainage patterns on adjacent lots or public rights-of-way and that does not result in more than 100 cubic yards of material being removed from or fill brought onto lot within any calendar year.
- (7) **Pre-development site work** consisting of the minimum amount of land clearing and improvement necessary to access undeveloped land for the purposes of completing the site design and engineering work (such as land surveying and soil testing) needed to submit an application for land development under these regulations.
- (8) **Pond construction or modification** that will:

- (a) Have a surface area of not more than 10,000 square feet or 10% of the lot area, whichever is less;
 - (b) Have a maximum depth of not more than 10 feet;
 - (c) Meet applicable setback requirements for the zoning district;
 - (d) Not involve damming or otherwise altering a natural water course or body;
 - (e) Not affect existing drainage patterns on adjacent lots or public rights-of-way; and
 - (f) Not be located within a wetland, wetland buffer, riparian buffer, or flood hazard area.
- (9) **Fences or walls** on single- or two-unit residential property to be:
- (a) Replaced or reconstructed that are in the same location and are not higher than the original.
 - (b) Constructed that:
 - (i) Are not more than 4 feet tall, if functioning as a retaining wall, or otherwise not more than 7 feet tall (see [ad x-ref. here] for measuring fence height);
 - (ii) Do not extend into or obstruct a public right-of-way;
 - (iii) Do not interfere with sight distance for vehicular traffic;
 - (iv) Do not affect existing drainage patterns on adjacent lots or public rights-of-way;
 - (v) Do not pose a safety hazard;
 - (vi) Are not designed to inflict physical harm; and
 - (vii) Are installed so that any support posts are to the inside and the “finished” or “good” side faces out (fences may be built to and along the edge of the property line).
 - (c) Temporarily installed as a snow fence or deer fence that is in place for not more than 6 months in any one calendar year.
- (10) **Fuel tanks** (above or below ground) on single- or two-unit residential property that:
- (a) Hold not more than 1,000 gallons of fuel for on-site use;
 - (b) Meet applicable setback requirements for the zoning district; and
 - (c) Are sited, installed and secured in accordance with state and federal regulations.
- (11) **Mechanical equipment** on single- or two-unit residential property (such as ground-mounted HVAC systems or back-up generators) that:
- (a) Have a footprint or are placed on a pad that does not exceed 200 square feet;
 - (b) Meet applicable setback and lot coverage requirements for the zoning district; and

- (c) Are sited, installed and secured in accordance with state and federal requirements.

(12) **Above ground swimming pools** on single- or two-unit residential property that:

- (a) Do not exceed a horizontal width or diameter of 20 feet in any dimension or a depth of 5 feet;
- (b) Meet applicable setback and lot coverage requirements for the zoning district; and
- (c) Are installed and secured to prevent unauthorized access.

(13) **Unroofed patios or decks** on single- or two-unit residential property that:

- (a) Have a footprint that does not exceed 200 square feet; and
- (b) Meet applicable setback and lot coverage requirements for the zoning district.

(14) **Accessibility structures** such as ramps, entry stairs or walkways on single- or two-unit residential property that do not:

- (a) Exceed 6 feet in width;
- (b) Extend into or obstruct a public right-of-way;
- (c) Interfere with corner visibility or sight distance for vehicular traffic; or
- (d) Affect existing drainage patterns on adjacent lots or public rights-of-way.

(15) **Accessory structures** on single- or two-unit residential property that:

- (a) Have a footprint that does not exceed 200 square feet;
- (b) Are not more than 15 feet tall;
- (c) Meet applicable setback and lot coverage requirements for the zoning district; and
- (d) Are not used as a dwelling or lodging unit.

(16) **Outdoor light fixtures** on single- or two-unit residential property that:

- (a) Have an initial output that does not exceed 2,000 lumens; and
- (b) Are downward directed and shielded as necessary to prevent glare or light trespass beyond the property line.

(17) **Holiday light displays** that are illuminated for not more than 45 consecutive days and 90 days total in any calendar year.

(18) **Solar energy devices** (not grid-tied) that:

- (a) Will be installed on and project not more than 10 feet above the surface of a roof with a slope greater than 5%; or
- (b) Will be installed on a roof with a slope of 5% or less.

- (19) **Antennas** (including television antennas, radio antennas, satellite dishes or similar devices used to provide on-site communication including business dispatch or to provide public safety dispatch) that:
- (a) Are not more than 15 square feet in area, if a dish antenna;
 - (b) Do not extend more than 12 feet above the roofline, if attached to a building;
 - (c) Do not extend more than 50 feet above the ground, if freestanding;
 - (d) Meet applicable setback requirements for the zoning district;
 - (e) Do not interfere with public safety communications; and
 - (f) Are installed in a location that minimizes visibility from public vantage points and adjoining property to the greatest extent feasible while allowing for reasonable function.
- (20) **Telecommunications equipment** and related site development (not subject to a Certificate of Public Good) that does not exceed a footprint of 300 square feet and a height of 10 feet.
- (21) **Electrical or communications distribution poles** (not subject to a Certificate of Public Good) being:
- (a) Replaced with new poles (including an increase in pole height); and
 - (b) Repaired or upgraded with new or replacement cable or wire.
- (22) **Transit shelters** that have a footprint of not more than 200 square feet and that are not more than 15 feet tall.
- (23) **Public art** that does not:
- (a) Function as a commercial sign;
 - (b) Extend into or obstruct a public right-of-way unless otherwise approved by the town or state, as applicable;
 - (c) Interfere with corner visibility or sight distance for vehicular traffic;
 - (d) Affect existing drainage patterns on adjacent lots or public rights-of-way; and
 - (e) Pose a safety hazard.
- (24) **Home occupations** that:
- (a) Are located within a dwelling unit;
 - (b) Occupy not more than 25% of the habitable floor area of that dwelling;
 - (c) Are carried out by one or more residents of that dwelling;
 - (d) Do not have any non-resident employees working from that dwelling;
 - (e) Do not generate regular customer or client traffic; and

- (f) Do not have a sign.
- (25) **Special events** (including, but not limited to, garage sales, yard sales, tent sales, auctions, festivals, fairs, mobile food service) that do not occur on a lot for longer than 4 consecutive days and for more than 16 days in any calendar year.
- (26) **Sales of used personal or business goods** such as vehicles or equipment owned by the landowner or tenant that do not occur on the lot for more than 30 days in any calendar year (calculated cumulatively if goods are offered for sale at more than one time during the year) and that are limited to not more than 3 items at any given time if displayed outside.
- (27) **Hunting, fishing, trapping or shooting** in accordance with state regulations, but not including any permanent structures associated with such use.
- (28) **Noncommercial recreational trails and activities** but not including any permanent structures (including, but not limited to, buildings and bridges) associated with such use.
- (29) **Work within public road rights-of-way** that is subject to approval from the town or state as applicable.
- (30) **Rail carrier transportation structures and uses** that are subject to federal laws and regulations.
- (31) **Federal government land and facilities.**

1102 DEVELOPMENT WITH A CERTIFICATE OF PUBLIC GOOD

1102.A In accordance with state statute, landowners do not need to obtain a zoning permit for development associated with utility, energy or telecommunications infrastructure that receives a Certificate of Public Good from the Public Utilities Commission.

1103 FARMING AND FORESTRY

1103.A **Farming and Forestry Practices.** In accordance with state statute, landowners do not need to obtain a zoning permit to conduct required agricultural practices or accepted silvicultural practices as defined by the State of Vermont Agency of Agriculture or Department of Forests, Parks and Recreation, respectively. 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.

1103.B **Farm Structures.** In accordance with state statute, landowners do not need to obtain a zoning permit to build a farm structure in accordance with state regulations and the following:

- (1) Landowners must submit a zoning permit application demonstrating that proposed development qualifies as an exempt farm structure, but they do not have to pay the associated application fee.

- (2) The Zoning Administrator may require landowners to provide a written determination from the Vermont Agency of Agriculture, Food and Markets as to whether proposed development qualifies as an exempt farm structure.
- (3) Farm structures, other than walls or fences used for farming purposes, must meet the setback requirements for the district unless the applicant provides the Zoning Administrator with a written waiver from the Vermont Agency of Agriculture, Food and Markets.
- (4) Farm structures are not required to meet bulk or height requirements for the zoning district.
- (5) Walls or fences used for farming purposes must form a continuous barrier intended to keep livestock in and/or keep wildlife out.
- (6) Upon finding that the proposed development qualifies as an exempt farm structure, the Zoning Administrator will issue a letter stating that the landowner may build and use the structure for agricultural purposes in accordance with the state's required agricultural practices without a zoning permit, but that a zoning permit is required before the structure may be used for any other purpose.

1104 GOVERNMENT AND COMMUNITY FACILITIES

1104.A In accordance with state statute, the provisions of this section apply to the following non-federal government and community facilities:

- (1) Institutions or facilities owned and operated by a state, county or municipality;
- (2) Public and private schools or other educational institutions certified by the state;
- (3) Places of worship or religious institutions owned and operated by a 501(c)(3) (tax-exempt) organization;
- (4) Public and private hospitals certified by the state; and
- (5) Waste management facilities certified by the state.

1104.B The government and community facilities listed above are allowed in any zoning district subject to conditional use approval and may be permitted in some zoning districts as specified in Chapter 2.

1104.C Landowners must obtain a zoning permit and any associated development approvals as applicable for development associated with a government or community facility unless otherwise exempted under these regulations.

1104.D Development associated with a government or community facility must meet the same standards as comparable types of private development unless the applicant demonstrates that meeting the standard(s) will interfere with the intended function or use of the government or community facility.

1105 GROUP HOMES

1105.A In accordance with state statute, landowners do not need to obtain a zoning permit to use a lawful single-unit dwelling as a group home that will:

- (1) House not more than 8 people who have a handicap or disability;
- (2) Be located not closer than 1,000 feet from another existing or permitted group home as measured from property line to property line; and
- (3) Be operated under state licensing or registration.

1105.B 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.

120 Prior Applications, Approvals and Uses

1201 PRIOR APPLICATIONS

1201.A The Zoning Administrator and Development Review Board will review applications based on the regulations in effect at the time the Zoning Administrator determined that the filed application was complete.

1202 PRIOR PERMITS AND APPROVALS

1202.A **Zoning Permits Issued Prior to Amendment or Adoption of these Regulations.** If the Zoning Administrator lawfully issued a zoning permit before the Town of Norwich adopted or amended these regulations, an applicant will not need a new or amended permit for the project. If such an applicant does not substantially complete the development or receive an extension before that permit expires, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations in effect at the time of the new application.

1202.B **Prior Zoning Permits for Phased Projects.** If an applicant received approval for a phased project before the Town of Norwich adopted or amended these regulations, the Zoning Administrator will issue permits for the development as approved irrespective of any change in the regulations. However, if such an applicant does not substantially complete the phased project as a whole within the timeframe specified in the approval, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations in effect at the time of the new application.

1202.C **Prior Development Approvals.** If an applicant does not obtain a zoning permit for proposed development (other than a subdivision) that the Development Review Board approved within 12 months of receiving that development approval, the approval will expire and the applicant will need to apply for a new approval under the regulations in effect at the time of the new application. See [add x-ref. here], which allows the applicant to request a delay in effect for a zoning permit and/or development approval.

1202.D **Lawfully Recorded Subdivision Plats.** If an applicant lawfully recorded an approved subdivision plat in the Norwich Land Records, that plat will remain valid and will not expire irrespective of any change in these regulations. For the purposes of administering these regulations, the boundaries of lot shown on a lawfully recorded subdivision plat will be as established on the plat and will supersede any property description included in a deed or other document filed in the Norwich Land Records, and the lot boundaries shown on the Norwich Property Tax Maps.

1203 CHANGE IN OWNERSHIP

1203.A Zoning permits, development approvals and lawfully filed subdivision plats remain valid irrespective of any change in ownership of the property.

1204 CHANGE OF USE

1204.A **Change from One Use Definition to Another.** A landowner must obtain a zoning permit, and any development approvals as applicable, for a change of use if the two uses do not fall under the same definition in [add x-ref to use definitions] (e.g., a personal service use such as a barber shop to a restaurant use such as a coffee shop).

1204.B **Change within a Use Definition.** A landowner will not need to obtain a zoning permit or development approval for a change of use if both uses fall under the same definition in [add cross reference to use definitions] (e.g., a retail sales use such as a bookstore to a retail sales use such as a home furnishings store). Other building modifications or site development associated with the change of use may require a permit or approval (including, but not limited to, new or modified signage, outdoor lighting or parking).

1205 EXPANSION OF USE

1205.A **Nonresidential Uses.** A landowner must obtain a zoning permit, and any development approvals as applicable, to expand a non-residential use to occupy additional space in a building or on a lot.

1205.B **Residential Uses.** A landowner does not need to obtain a zoning permit to expand a residential use to occupy existing space in the building. Creation of an accessory dwelling unit will require a zoning permit.

1206 DISCONTINUED USES

1206.A **Nonresidential Uses.** A landowner must obtain a new zoning permit, and any development approvals as applicable, to resume a lawful nonresidential use that has been discontinued for more than 12 months except if the:

- (1) Use is nonconforming, see [Section 1302](#);
- (2) Landowner has had to discontinue a nonresidential use as result of damage to the structure in which it was housed, the owner may re-establish the use once the structure has been repaired or rebuilt in accordance with [Section 1208](#); or
- (3) Landowner demonstrates that the property or business is being actively marketed for sale or lease, the Zoning Administrator may grant one extension to the period of discontinuance for a conforming use for up to 24 months.

1206.B **Residential Uses.** A landowner will not need to obtain a zoning permit to resume residential use of a lawful vacant dwelling unit. If the use is nonconforming, see [Section 1302](#).

1207 ABANDONED DEVELOPMENT

1207.A If the development authorized by a zoning permit is abandoned without being completed, a landowner must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion prior to the expiration of the zoning permit.

1208 DAMAGED OR DESTROYED STRUCTURES

- 1208.A **Stabilize and Secure.** A landowner must act promptly to stabilize and secure a structure damaged or destroyed by any cause as necessary to protect public health and safety, and to maintain it in that condition until such time as it is reconstructed or demolished.
- 1208.B **Reconstruction or Demolition.** Within 12 months of a structure being damaged or destroyed by any cause, a landowner must obtain a zoning permit for either reconstruction or demolition of the structure. The landowner will not have to pay the associated application fee if a complete application is filed within 12 months of the structure being damaged or destroyed.
- 1208.C **Extension of Period to Act.** The Zoning Administrator may grant one extension to the deadline to obtain a zoning permit for a period not to exceed 24 months in the case of a declared disaster or upon the landowner demonstrating that the deadline cannot be met due to factors beyond their control (e.g., legal or insurance processes).
- 1208.D **Failure to Act.** The failure to obtain a zoning permit for reconstruction or demolition, or to stabilize or secure a damaged or destroyed structure as required under this section will be considered a violation of these regulations subject to enforcement under [cross reference to enforcement subchapter].
- 1208.E **Nonconforming Structures.** If a nonconforming structure is damaged or destroyed, a landowner may rebuild and use the structure in accordance with Section 1301 provided that:
- (1) The structure as reconstructed is not more nonconforming than the original structure;
and
 - (2) The landowner submits a complete application for a zoning permit for reconstruction within 12 months of the structure being damaged or destroyed.

130 Nonconformities

1301 NONCONFORMING STRUCTURES

- 1301.A **General.** A nonconforming structure that lawfully existed when the Town of Norwich adopted or amended these regulations may continue to exist unchanged indefinitely.
- 1301.B **Use.** A landowner may obtain a zoning permit, and any applicable development approvals, to use a nonconforming structure for any land use allowed in the zoning district.
- 1301.C **Maintenance and Repair.** A landowner may undertake normal maintenance and repair of a nonconforming structure without a zoning permit in accordance with Section 1101.
- 1301.D **Additions.** The Zoning Administrator may issue a zoning permit for development that would authorize changes to the exterior dimensions of a nonconforming structure provided that the proposed development:
- (1) Will not result in any nonconforming expansion of the building footprint or an increase in height of any nonconforming portion of the building;
 - (2) Will not convert a nonconforming porch, deck, entryway or similar unenclosed feature to enclosed and/or conditioned building space;
 - (3) Is not subject to conditions from prior approvals or permits that would otherwise restrict the proposed development; and
 - (4) Would not otherwise require a development approval from the Development Review Board.
- 1301.E **Code or Accessibility Improvements.** The Zoning Administrator may issue a zoning permit for development that would authorize changes to the exterior dimensions of a nonconforming structure, including further encroachments beyond the existing nonconforming building line or height, to the minimum extent necessary to comply with state or federal building, energy or accessibility code requirements.
- 1301.F **Damaged or Destroyed Structures.** A landowner may obtain a zoning permit to reconstruct a nonconforming structure that has been damaged or destroyed by any cause in accordance with Section 1208 and provided that the reconstruction does not change the exterior dimensions of the structure in a manner that would result in the reconstructed structure or portion of the structure encroaching further beyond the previous nonconforming building line or height.
- 1301.G **Waiver or Variance.** A landowner may obtain a waiver or variance in accordance with [cross reference to waiver and variance sections] that would authorize further encroachments beyond the existing nonconforming building line or height.

1302 NONCONFORMING USES

- 1302.A **General.** A nonconforming use that lawfully existed when the Town of Norwich adopted or amended these regulations may continue to exist in its current location, configuration and intensity indefinitely.

- 1302.B **Relocation.** A landowner must not move a nonconforming use from one location to another where it would also be a nonconforming use.
- 1302.C **Resumption.** A landowner must not resume a nonconforming use that was abandoned, discontinued or replaced with another use for more than 12 months. If a nonconforming use is located in a structure that is damaged or destroyed by any cause, the landowner may resume the use once the structure is reconstructed in accordance with Section 1208.
- 1302.D **Minor Expansion.** The Zoning Administrator may issue a zoning permit to allow a landowner to extend or expand a nonconforming use to:
- (1) Fully occupy space within the associated structure as that structure existed as of **effective date*; or
 - (2) Occupy up to 25% more floor area than when the use became nonconforming in another structure or in a lawful addition to the existing structure.
- 1302.E **Major Expansion.** The Development Review Board may approve a greater extension or expansion of a nonconforming use as a conditional use upon the applicant demonstrating the proposed extension or expansion will not result in greater adverse impacts on the character of the area.
- 1302.F **Change of Use.** The Development Review Board may approve the change of one nonconforming use to another nonconforming use as a conditional use upon the applicant demonstrating that the proposed nonconforming use will be less intensive in nature, have fewer off-site impacts and will be more compatible with the character of the area than the existing nonconforming use.

1303 NONCONFORMING LOTS

- 1303.A **General.** A nonconforming lot may continue to exist unchanged indefinitely.
- 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.
- 1303.C **Lot Size.** In accordance with statute, a landowner may develop a lot that does not meet the minimum lot size for the zoning district in accordance with all other applicable provisions of these provided that the lot:
- (1) Is legally subdivided and able to be conveyed separate from any other lot;
 - (2) Existed as of the effective date of these regulations;
 - (3) Is at least 1/8 acre (5,445 square feet) in area; and
 - (4) Is not less than 40 feet wide or deep.
- 1303.D **Lot Frontage.** A landowner with a lot that does not meet the minimum lot frontage for the zoning district:
- (1) May develop that lot in accordance with all other applicable provisions of these regulations provided that:

- (a) The lot has access to a maintained public or private road by lot frontage, permanent easement or right-of-way at least 20 feet in width; and
 - (b) Access to the proposed development will conform to the requirements of [add cross reference to access standards].
- (2) May only subdivide the lot if:
- (a) The lot has access to a maintained public or private road by lot frontage, permanent easement or right-of-way at least 50 feet in width;
 - (b) The lots will be served by a shared driveway; and
 - (c) Access to the subdivided lots will conform to the requirements of [add cross reference to access standards].

1304 CREATION OF A NONCONFORMITY

1304.A The Town of Norwich prohibits any development that would create a nonconformity except for:

- (1) A public project that requires the transfer or taking of land (e.g., road widening); or
- (2) Development that receives a waiver or variance under [add cross reference to waiver and variance sections].

TO: Jaci Allen, Planning Commission Chair
 Craig Layne, Conservation Commission Chair
 FROM: Rod Francis, Town Manager
 RE: Wastewater Feasibility Study Steering Committee
 DATE: May 26, 2022

Background

As you know the town has commenced a wastewater feasibility study for the village and immediate environs. To assist the consultants in their work they have recommended the formation of a steering committee.

At its last meeting the selectboard approved the formation of steering committee for this purpose with a composition as follows:

Steering Committee Composition

Town board/commission	# Representatives
Selectboard	1
Conservation Commission	1
Planning Commission	1
Other Entities	
Marion Cross School	1
Norwich Fire District	1
Individuals	
Downtown Commercial Property Owner	1
Resident outside the village	1
Resident from the village	1
Total Panel	8

Process of Appointment

The Selectboard is seeking nominations for these positions on the steering committee. The conservation and planning Commissions are asked to nominate one representative each. The selectboard hope to be able to appoint people to the steering committee at the June 8 or June 22 regular meeting.

Work of the Steering Committee

It is expected that the steering committee will support the work of the consultants by offering valuable local knowledge and insights. It is expected that the group will meet four times. The steering committee will have no decision-making power or ability to direct the work of the consultants. The steering committee meetings will comply with Open Meeting Law (OML), meeting agendas and minutes of meetings will be posted, and the meetings will be open to the public.

The selectboard looks forward to receiving your nominations.

Scoping Document for Sidewalk, Trails, Bike Paths Master Plan
ROUGH DRAFT 5-17-22

Purpose of the Committee: Complete Town Plan Action Item # 6-3.b

Develop a master plan for future trails, paths, sidewalks, and bikeways. Use the master plan as a basis for pursuing grants and other funding for design, right-of-way acquisition, and construction of planned improvements.

Starts: Committee formed

Ends: Acceptance of the Master Plan by the Selectboard

Activities include: Review and summary of past Town work in these areas, inventory of existing infrastructure, research on approaches of other towns, new study from consultants, public dialogue, drafting a master plan, gaining approval from participating committees and the Selectboard

Proposed Committee representatives:

- Planning Commission member
- Selectboard member
- Conservation Commission member
- Trails Committee member
- Energy Committee member
- Historic Preservation Commission member
- Interested members of the public
- Rec department

PC Workplan 2022

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