

P. O. Box 1207
Norwich, Vermont 05055
June 3, 2017

Herbert Durfee, III, Town Manager and
On behalf of the Norwich Select Board
Phil Deschert, Planning Office and
On behalf of the Norwich Planning Commission
Residents of Norwich

Re: Town Plan and associated zoning

Dear Sirs/Mesdames:

At the suggestion of the Norwich Select Board a group of concerned residents 'red-lined' a version of the Town Plan. On May 11, 2017, Phil Deschert sent: Stuart Richards and Marcia Calloway the following three documents:

1. a version of the Town Plan titled "TP_12-14-11PlanText" and
2. a separate, duplicate section of the Town Plan regarding Land Use titled "Land Use_Final_MU_4-25-17MarkUp"
3. Land Use Tables

Although the "final" version of the Town Plan is not yet distributed, it is our understanding that the Planning Commission will soon send their recommended version of the Town Plan to the Select Board and other statutorily-required parties. Given that the statutory clock for the public hearing will then begin to run, time is of the essence. Therefore with the caveat that there may be some further changes as yet undisclosed to us, we offer the enclosed 'red-line' version of those two documents.

To be clear, the 'red-lines' are intended to do two things:

I. Emphasize what the Town Plan states on page 15:

"Those who work elsewhere choose to live in Norwich because of the town's good school and its proximity to Hanover, Dartmouth College, and the Dartmouth-Hitchcock Medical Center. They come here for the kind of life that has disappeared elsewhere and which they perceive can be found here." (Emphasis added.)

The Town Plan goes on to recommend the antithesis of that life. Norwich is not in an urban or suburban area, it is in Vermont. One area cannot be all things to all people. The strength of Norwich is the location of Vermont and all that means and brings with it. High density/mixed growth commercial development will destroy what people cherish about Norwich and Vermont.

II. Eliminate the references and recommendations for "high density" housing and "mixed use" commercial development and "hamlets" for such development.

The Planning Commission frequently assured residents attending their meetings that their intention in the Town Plan was to (a) avoid controversy, (b) omit reference to zoning changes on Route 5 South, and (c) remove references to high density and mixed use.

However there are multiple references in the Town Plan recommending high/higher density; and references to Route 5 South as the best location for such development.

“This plan envisions the Route 5 corridor in Norwich as a suitable location for higher-density or intensity uses, including commercial activities, while recognizing that a lack of wastewater disposal capacity continues to be a limiting factor to development in this area.” See Town Plan page 5.

The Planning Commission worked for some years on a rezoning proposal aimed at realizing the language on page 5. However they apparently ignored two critical facts:

- (1) no zoning regulations can be enacted unless the Town Plan provides the enabling language for the type of zoning proposed¹ and
- (2) the Norwich Town Plan expired in December 2016.

A Town Plan is NOT a mandatory document. “A municipality **may** have a plan.” 24 VSA 4384(a) (emphasis added). **However if the town chooses to have one, Vermont statutes require: “At the outset of the planning process and throughout the process, planning commissions shall solicit the participation of local citizens and organizations by holding formal working sessions that suit the needs of local people..”** Id. Furthermore, “The data in the plan, the analysis of the issues, and the plan goals, objectives, and policies must provide a clear and logical basis for regulatory steps the community will take.” Id.

Notwithstanding the statutory requirements, the Norwich Planning Commission

- did NOT solicit participation of local citizens and organizations by holding formal working sessions that suit the needs of local people and
- did NOT obtain current data.

Instead, the Planning Commission apparently took up the task of writing a new Town Plan after February 2017 and quickly worked to craft a general facsimile of the expired Town Plan which had been adopted December 14, 2011. Even if the Commission’s process met the statutory requirements, for participation, there has been no meaningful attempt to review the changes that have occurred in this area over the last 6 years.

Rather, in the rush to present a Town Plan for adoption, the Planning Commission points out the need to have a Town Plan which designates a “Village Center.” They warn that delay in approval of a Town Plan will cause the Town to lose valuable tax credits which are only available to Towns with a Plan that designates a Village Center. In fact, there are some tax credits for such a designation. But, what the Planning Commission fails to highlight is that there is also substantial benefit for developers. “The Vermont village center designation program supports local revitalization.... Once designated, the community will be eligible for... (among other things):

¹ “To adopt or amend zoning regulations, ... Vermont municipalities must have in effect a municipal plan.” Vermont Department of Housing and Community Development, Agency of Commerce and Community Development, “The Municipal Plan: State Planning Manual – Module 1,” April 2017, citing 24 V.S.A. 4401(a):

“Communities may ... (designate) Neighborhood Development Areas within ¼ mile from the designated village center. Qualified projects are:

- Exempt from Act 250 regulations and the land gains tax.
- Eligible for ... reduced Agency of Natural Resources review fees.”

See <http://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/CPR-VC-Designation-Benefits.pdf>

Based on the above, a Town Plan with the enabling language recommending “higher” densities and “mixed use” and “hamlets” for the same, within close proximity to a Designated Village Center, could not only irrevocably change the Norwich landscape but could also remove critical environmental protections afforded us under Act 250.

If the Town of Norwich is going to adopt the type of significant changes proposed in the Planning Commission’s version of the Town Plan, then the issue should be put to the residents of the Town for Australian ballot vote. We are prepared to submit a petition to that effect , with the requisite number of signatures.

Sincerely,



Marcia S. Calloway