Agenda for the Selectboard Meeting Wednesday, September 27, 2017 at 6:30 PM
(Times Are Approximate)

1) Approval of Agenda (Action Item) 2 minutes

2) Public Comments (Discussion Item) 15 minutes

3) Board to Sign Accounts Payable/Warrants (Discussion/Action Item) 5 minutes

4) Town Treasurer – Quarterly Investment Report (Discussion/Action Item) 10 minutes

5) Selectboard Vision/Goals (Discussion/Action Item) 60 minutes
   a) Sidewalks – Safe Routes to Schools
   b) Sidewalks – Proposed Acquisition of Fire District Sidewalks
   c) Trails – Status Report & Future Plans
   d) Codification of Ordinances – Adoption Pursuant to 24 VSA §1971 et seq. (Durfee, Flanders)
   e) Personnel Policies (Durfee, Cook)
   f) Financial Policies – update (Cook, Langhus)

6) Town Manager Report (Discussion/Action Item) 10 minutes

7) Correspondence (Discussion/Action Item) 5 minutes
   a) Elaine Waterman
   b) Christopher Katucki
   c) Vermont Land Trust

8) Selectboard
   a) Approval of Minutes: 9/13/2017 Selectboard meetings (Action Item) 5 minutes
   b) Review of Next Agendas (Discussion/ Action Item) 5 minutes

9) End of Meeting Debriefing (Discussion Item) 10 minutes

Next Meeting – October 11, 2017 at 6:30 PM

To receive email notices of Selectboard meetings and hearings, agendas, minutes and other notices, send an email to manager-assistant@norwich.vt.us requesting to be placed on the Town Email List.

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
ADVANCE	ADVANCE AUTO PARTS	09/20/17	HWY/B&G--AUTO PARTS JUL 17	01-5-704403.00 PARTS & SUPPLIES	41.60	--------	--/--/--
ADVANCE	ADVANCE AUTO PARTS	09/20/17	HWY/B&G--AUTO PARTS JUL 17	01-5-703405.00 PETROLEUM PRODUCTS	371.74	--------	--/--/--
ADVANCE	ADVANCE AUTO PARTS	09/20/17	HWY/B&G--AUTO PARTS JUL 17	01-5-703403.00 PARTS & SUPPLIES	238.99	--------	--/--/--
BAYSTATE	BAY STATE ELEVATOR CO.	09/01/17	TH--ELEVATOR MAINT. 454061	01-5-706107.00 ELEVATOR MAINTENANCE	244.93	--------	--/--/--
BCBS	BLUE CROSS/BLUE SHIELD OF	09/01/17	OCTOBER HEALTH INSURANCE OCT 17	01-5-500123.00 HEALTH INS	1271.91	4990	09/27/17
BCBS	BLUE CROSS/BLUE SHIELD OF	09/01/17	OCTOBER HEALTH INSURANCE OCT 17	01-5-703123.00 HEALTH INSUR	9786.16	4990	09/27/17
BCBS	BLUE CROSS/BLUE SHIELD OF	09/01/17	OCTOBER HEALTH INSURANCE OCT 17	01-5-425123.00 HEALTH INS	553.14	4990	09/27/17
BCBS	BLUE CROSS/BLUE SHIELD OF	09/01/17	OCTOBER HEALTH INSURANCE OCT 17	01-5-704123.00 HEALTH INSURANCE	2019.51	4990	09/27/17
BCBS	BLUE CROSS/BLUE SHIELD OF	09/01/17	OCTOBER HEALTH INSURANCE OCT 17	01-5-350123.00 HEALTH INS	1373.52	4990	09/27/17
BCBS	BLUE CROSS/BLUE SHIELD OF	09/01/17	OCTOBER HEALTH INSURANCE OCT 17	01-5-300123.00 HEALTH INS	373.32	4990	09/27/17
BCBS	BLUE CROSS/BLUE SHIELD OF	09/01/17	OCTOBER HEALTH INSURANCE OCT 17	01-5-100123.00 HEALTH INS	2173.84	4990	09/27/17
BCBS	BLUE CROSS/BLUE SHIELD OF	09/01/17	OCTOBER HEALTH INSURANCE OCT 17	01-5-200123.00 HEALTH INS	622.19	4990	09/27/17
BCBS	BLUE CROSS/BLUE SHIELD OF	09/01/17	OCTOBER HEALTH INSURANCE OCT 17	01-5-005123.00 HEALTH INSUR	3859.60	4990	09/27/17
BOGIE	BOGIE FARMS	08/08/17	FEMA-364.75T ST GODDELL 8/8/17	01-5-703703.00 FEMA GRANT	2685.67	4991	09/27/17
BUSINESS	BUSINESS CARD	09/07/17	BCA--ADDRESS LOOK-UP 9/7/17	01-5-010610.00 OFFICE SUPPLIES	20.00	4993	09/27/17
CASELLA	CASELLA WASTE SERVICES	09/01/17	SW--AUG 17 RECYCLING FEE 0355523	01-5-705305.00 RECYCLING	3707.56	--------	--/--/--
CASELLA	CASELLA WASTE SERVICES	09/01/17	SW--AUG 17 TRASH FEES 0355524	01-5-705306.00 C & D WASTE DISPOSAL	1334.02	--------	--/--/--
CASELLA	CASELLA WASTE SERVICES	09/01/17	SW--AUG 17 TRASH FEES 0355524	01-5-705303.00 MUNICIPAL SOLID WASTE	4611.81	--------	--/--/--
CASELLA	CASELLA WASTE SERVICES	09/01/17	SW--CFC RECOVERY 0355591	01-5-705305.00 RECYCLING	370.00	--------	--/--/--
CHILDSUPP	OFFICE OF CHILD SUPPORT	09/25/17	CHILD SUPP PPEND 9-23-17 PEND9-23-17	01-2-001115.00 CHILD SUPPORT PAYABLE	244.92	4994	09/27/17
CINTAS	CINTAS CORPORATION	09/07/17	HWY--MED CABINET SUPPS 5008712790	01-5-703515.00 ADMINISTRATION	17.88	4995	09/27/17
COMCAST	COMCAST	09/06/17	TH--FIXED IP 9/6/17	01-5-275632.00 SERVER MAINTENANCE	19.95	4996	09/27/17
COMCAST	COMCAST	09/06/17	FD--FIXED IP & INTERNET 9/6/17 #2	01-5-550235.00 TELEPHONE & INTERNET	34.90	4996	09/27/17
COTT	COTT SYSTEMS INC	10/01/17	TC--OCT 17 HOSTING 118120	01-5-100613.00 SOFTWARE	241.00	--------	--/--/--
D&W	DAN & WHIT'S GENERAL STOR	08/02/17	REC--CAMP SNACKS 5188709	01-5-425220.00 SPECIAL EVENTS /SUPPLIES	7.99	4997	09/27/17

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
D&W	DAN & WHIT'S GENERAL STOR	08/03/17	REC--CAMP SUPPLIES 5189755	01-5-425220.00 SPECIAL EVENTS /SUPPLIES	23.79	4997	09/27/17
D&W	DAN & WHIT'S GENERAL STOR	08/03/17	REC--CIT THANK-YOUS 5189845	01-5-425220.00 SPECIAL EVENTS /SUPPLIES	20.28	4997	09/27/17
D&W	DAN & WHIT'S GENERAL STOR	08/08/17	ENCOM--SOLAR EVENT SNACKS 5195436	01-5-005701.20 ENERGY COMMITTEE	17.44	4997	09/27/17
D&W	DAN & WHIT'S GENERAL STOR	08/08/17	REC--COUNCIL SNACKS 5195529	01-5-425220.00 SPECIAL EVENTS /SUPPLIES	9.98	4997	09/27/17
D&W	DAN & WHIT'S GENERAL STOR	08/10/17	REC--CAMP POPSICLES 5197179	01-5-425220.00 SPECIAL EVENTS /SUPPLIES	10.50	4997	09/27/17
D&W	DAN & WHIT'S GENERAL STOR	08/13/17	REC--TRAIL VOLUNTEER LNCH 5200283	01-5-425220.00 SPECIAL EVENTS /SUPPLIES	106.44	4997	09/27/17
D&W	DAN & WHIT'S GENERAL STOR	08/16/17	ENCOM--DISPLAY STRING 5203598	01-5-005701.20 ENERGY COMMITTEE	4.99	4997	09/27/17
D&W	DAN & WHIT'S GENERAL STOR	08/24/17	CEMCOM--GAS 5211416	01-5-675430.00 REPAIRS & MAINT.	13.00	4997	09/27/17
DECATUR	DECATUR ELECTRONICS INC	09/12/17	PD--RADAR IN00017022	01-5-500423.17 FY17 OP/DUI EQUIPMENT GRA	1160.00	--------	--/--/--
DECATUR	DECATUR ELECTRONICS INC	09/12/17	PD--RADAR IN00017047	01-5-500423.17 FY17 OP/DUI EQUIPMENT GRA	1160.00	--------	--/--/--
DELTA DEN	DELTA DENTAL	09/12/17	OCTOBER DENTAL INSURANCE OCTOBER 2017	01-5-500125.00 DELTA DENTAL	232.36	4998	09/27/17
DELTA DEN	DELTA DENTAL	09/12/17	OCTOBER DENTAL INSURANCE OCTOBER 2017	01-5-704125.00 DENTAL INSURANCE	69.92	4998	09/27/17
DELTA DEN	DELTA DENTAL	09/12/17	OCTOBER DENTAL INSURANCE OCTOBER 2017	01-5-555126.00 DENTAL INSURANCE	34.96	4998	09/27/17
DELTA DEN	DELTA DENTAL	09/12/17	OCTOBER DENTAL INSURANCE OCTOBER 2017	01-5-703125.00 DENTAL INSURANCE	414.48	4998	09/27/17
DELTA DEN	DELTA DENTAL	09/12/17	OCTOBER DENTAL INSURANCE OCTOBER 2017	01-5-350125.00 DENTAL INSURANCE	65.80	4998	09/27/17
DELTA DEN	DELTA DENTAL	09/12/17	OCTOBER DENTAL INSURANCE OCTOBER 2017	01-5-100125.00 DENTAL INSURANCE	131.60	4998	09/27/17
DELTA DEN	DELTA DENTAL	09/12/17	OCTOBER DENTAL INSURANCE OCTOBER 2017	01-5-005125.00 DENTAL INSURANCE	116.32	4998	09/27/17
DELTA DEN	DELTA DENTAL	09/12/17	OCTOBER DENTAL INSURANCE OCTOBER 2017	01-5-200125.00 DENTAL INSURANCE	147.22	4998	09/27/17
DELTA DEN	DELTA DENTAL	09/12/17	OCTOBER DENTAL INSURANCE OCTOBER 2017	01-5-300125.00 DENTAL INSURANCE	34.90	4998	09/27/17
DELTA DEN	DELTA DENTAL	09/12/17	OCTOBER DENTAL INSURANCE OCTOBER 2017	01-5-425125.00 DENTAL INSURANCE	34.96	4998	09/27/17
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-475238.00 ADMIN TELEPHONE	0.00	4999	09/27/17
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-550235.00 TELEPHONE & INTERNET	50.86	4999	09/27/17
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-425127.00 TELEPHONE	38.31	4999	09/27/17
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-705505.00 TELEPHONE	35.01	4999	09/27/17
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-703505.00 TELEPHONE	55.17	4999	09/27/17

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-100531.00 TELEPHONE	38.31	4999	09/27/17
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-200531.00 TELEPHONE	48.76	4999	09/27/17
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-005531.00 ADMIN TELEPHONE	38.32	4999	09/27/17
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-275531.00 TELEPHONE	62.30	4999	09/27/17
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-300531.00 TELEPHONE	38.31	4999	09/27/17
EARTHLINK	EARTHLINK BUSINESS	09/01/17	AUG 2017 PHONE 9/1/17	01-5-350531.00 TELEPHONE	38.31	4999	09/27/17
EASTERN	EASTERN SALES, INC.	09/15/17	FIN--CHECKS 00156743	01-5-200610.00 OFFICE SUPPLIES	107.11	5000	09/27/17
ECONO	ECONO SIGNS, LLC	08/29/17	HWY--STREET SIGN 10-939660	01-5-703217.00 SIGNS	99.32	5001	09/27/17
EVANSMOTO	EVANS GROUP, INC.	09/01/17	HWY--410.0 GAL BIODIESEL 619578	01-5-703405.00 PETROLEUM PRODUCTS	833.25	--------	--/--/--
EVANSMOTO	EVANS GROUP, INC.	09/12/17	HWY--350.0 GAL BIODIESEL 620143	01-5-703405.00 PETROLEUM PRODUCTS	705.19	--------	--/--/--
EVANSMOTO	EVANS GROUP, INC.	09/14/17	1000.0 GALLONS PLUS GAS 620310	01-1-004102.00 PREPAID EXPENSES	2765.70	--------	--/--/--
FERGUSON	FERGUSON WATERWORKS	08/04/17	FEMA-CULVERTS NEW BOST 0763191-2	01-5-703703.00 FEMA GRANT	1937.60	--------	--/--/--
FERGUSON	FERGUSON WATERWORKS	08/31/17	HWY--CULVERTS BEAV MDW 0775798	01-5-703209.00 CULVERTS & ROAD SUPPLIES	306.60	--------	--/--/--
FIRESTORE	THE FIRE STORE	09/08/17	FD--BATTERIES E1632683	01-5-555424.00 EMS TOOLS/ EQUIP	52.97	--------	--/--/--
FOGGS	FOGG'S HARDWARE AND BUILD	08/03/17	SW--TAPE 805593	01-5-705403.00 PARTS & SUPPLIES	9.99	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/03/17	TH--WINDOW REPAIR 805668	01-5-706113.00 REPAIRS & MAINTENANCE	38.94	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/04/17	REC--HUNTLEY LUMBER 805715	01-5-425330.00 REPAIRS & MAINT	38.93	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/10/17	FD--HARDWARE 806334	01-5-555528.00 FIRE TRK R & M	2.12	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/17/17	FD--CLEANING SUPPLIES 806871	01-5-550301.00 SUPPLIES	27.47	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/18/17	TH--FLAG POLE BULBS 807053	01-5-706113.00 REPAIRS & MAINTENANCE	5.90	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/22/17	HWY--REPAIR HARDWARE 807249	01-5-703403.00 PARTS & SUPPLIES	6.09	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/22/17	TH--FLAGPOLE LIGHT REPAIR 807287	01-5-706113.00 REPAIRS & MAINTENANCE	14.99	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/24/17	TH--SASH REPAIR CORD 807574	01-5-706113.00 REPAIRS & MAINTENANCE	16.99	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/28/17	REC--NAILS 807746	01-5-425330.00 REPAIRS & MAINT	2.74	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/28/17	SW--STAIR RAILING 807747	01-5-705411.00 REPAIRS & MAINTENANCE	68.80	5002	09/27/17

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FOGGS	FOGG'S HARDWARE AND BUILD	08/29/17	HWY--REPAIR SUPPLIES 807954	01-5-703403.00 PARTS & SUPPLIES	34.88	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/30/17	REC--ROPE 807981	01-5-425330.00 REPAIRS & MAINT	12.98	5002	09/27/17
FOGGS	FOGG'S HARDWARE AND BUILD	08/30/17	B&G--BLADE BALANCER 807982	01-5-704403.00 PARTS & SUPPLIES	4.99	5002	09/27/17
GMPC	GREEN MOUNTAIN POWER CORP	09/05/17	SW--TRANS ST ELECTRICITY 14695AUG17	01-5-705501.00 ELECTRICITY	78.81	5004	09/27/17
GMPC	GREEN MOUNTAIN POWER CORP	09/05/17	PD--BEAVER MEADOW SIGN 24966AUG17	01-5-500204.00 SPEED SIGNS	22.03	5004	09/27/17
GMPC	GREEN MOUNTAIN POWER CORP	09/05/17	PD--CHURCH ST TAGLET 55726AUG17	01-5-500204.00 SPEED SIGNS	22.66	5004	09/27/17
GMPC	GREEN MOUNTAIN POWER CORP	09/05/17	PD--RTE10A SPEED SIGN 65726AUG17	01-5-500204.00 SPEED SIGNS	23.91	5004	09/27/17
GMPC	GREEN MOUNTAIN POWER CORP	09/05/17	FD--STN ELECTRICITY 70966AUG17	01-5-550233.00 ELECTRICITY	266.97	5004	09/27/17
GMPC	GREEN MOUNTAIN POWER CORP	09/05/17	PD--TURNPIKE RD SIGN 75726AUG17	01-5-500204.00 SPEED SIGNS	22.19	5004	09/27/17
GMPC	GREEN MOUNTAIN POWER CORP	08/25/17	PD--TEMP HQ ELECTRICITY 79766AUG17	01-5-475233.00 ELECTRICITY	135.65	5004	09/27/17
GMPC	GREEN MOUNTAIN POWER CORP	09/05/17	PD--UNION VILL RD SIGN 85726AUG17	01-5-500204.00 SPEED SIGNS	22.81	5004	09/27/17
GMPC	GREEN MOUNTAIN POWER CORP	09/05/17	TH--BANDSTAND 95726AUG17	01-5-706115.00 BANDSTAND & SIGN ELECTRIC	21.88	5004	09/27/17
GOODWIN	AIMEE J GOODWIN	09/21/17	REC-FITNESS BOOTCAMP 9/21/17	01-5-425200.00 INSTRUCTOR FEE	280.00	5005	09/27/17
GRANGLASS	GRANITE STATE GLASS	08/28/17	PD--WINDSHIELD REPLACE E0018848	01-5-500306.00 CRUISER MAINT	310.00	5006	09/27/17
GRAYLIN	LINDA GRAY	09/21/17	ENERGY COMM-SUPPLIES 9/21/17	01-5-005701.20 ENERGY COMMITTEE	13.62	--------	--/--/--
HARTFORD	TOWN OF HARTFORD	09/15/17	PD--DISPATCH OCT-DEC 17 8617	01-5-500536.00 DISPATCH SERVICES	12608.50	--------	--/--/--
HAUN	HAUN WELDING SUPPLY, INC.	09/01/17	HWY--AUG CYLINDER RENTAL 0887286	01-5-703401.00 OUTSIDE REPAIRS	17.33	--------	--/--/--
HOMEDEPOT	HOME DEPOT CREDIT SERVICE	09/06/17	REC--HANDRAIL BRACKETS 4021967	01-5-425330.00 REPAIRS & MAINT	5.96	5007	09/27/17
HOMEDEPOT	HOME DEPOT CREDIT SERVICE	09/15/17	REC--STAIR WATERPROOFING 5023480	01-5-425330.00 REPAIRS & MAINT	14.97	5007	09/27/17
HOMEDEPOT	HOME DEPOT CREDIT SERVICE	09/01/17	SW--MAGNET SWEEPER 9571701	01-5-705413.00 SMALL EQUIPMENT	24.97	5007	09/27/17
JOESEQUIP	JOE'S EQUIPMENT SEV. INC.	09/13/17	CEMCOM--MAIN SHAFT 4-100277	01-5-675430.00 REPAIRS & MAINT.	18.95	--------	--/--/--
JORDAN	JORDAN EQUIPMENT CO.	08/30/17	HWY--SCARIFIER TEETH P26212	01-5-703403.00 PARTS & SUPPLIES	69.63	5008	09/27/17
K&R	K & R PORTABLE RESTROOM S	09/21/17	REC-HUNTLEY PORT A POT 9776	01-5-425326.00 PORTABLE TOILET	75.00	5009	09/27/17
KIBBY	KIBBY EQUIPMENT	08/07/17	HWY--MISC SUPPLIES 279894	01-5-703403.00 PARTS & SUPPLIES	669.95	--------	--/--/--
KIBBY	KIBBY EQUIPMENT	08/30/17	HWY--MISC SUPPLIES 280971	01-5-703403.00 PARTS & SUPPLIES	205.63	--------	--/--/--

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LEBANON	CITY OF LEBANON	09/06/17	REC-ENTRY FEES SOCCER ENTRY FEES	01-5-425216.00 ENTRY FEE	300.00	5010	09/27/17
LEINOFF	STEPHEN LEINOFF	09/12/17	FD--PUMP REIMBURSE 9/12/17	01-5-555530.00 EQUIPMENT MAINTENANCE	52.60	--------	--/--/--
LEMASURIE	JANE LEMASURIER	09/21/17	REC-MOUNTAIN BIKING 9/21/2017	01-5-425200.00 INSTRUCTOR FEE	2121.00	5011	09/27/17
LINCOLN	LINCOLN FINANCIAL GROUP	09/08/17	DISABILITY,LIFE INSURANCE OCTOBER 2017	01-5-425124.00 DISABILITY/LIFE INSUR	71.81	--------	--/--/--
LINCOLN	LINCOLN FINANCIAL GROUP	09/08/17	DISABILITY,LIFE INSURANCE OCTOBER 2017	01-5-555124.00 DISABILITY/LIFE INSURANCE	68.91	--------	--/--/--
LINCOLN	LINCOLN FINANCIAL GROUP	09/08/17	DISABILITY,LIFE INSURANCE OCTOBER 2017	01-5-500124.00 DISABILITY/LIFE INS	310.28	--------	--/--/--
LINCOLN	LINCOLN FINANCIAL GROUP	09/08/17	DISABILITY,LIFE INSURANCE OCTOBER 2017	01-5-703124.00 DISABILITY/LIFE	322.12	--------	--/--/--
LINCOLN	LINCOLN FINANCIAL GROUP	09/08/17	DISABILITY,LIFE INSURANCE OCTOBER 2017	01-5-704124.00 DISABILITY/LIFE	187.35	--------	--/--/--
LINCOLN	LINCOLN FINANCIAL GROUP	09/08/17	DISABILITY,LIFE INSURANCE OCTOBER 2017	01-5-005124.00 DISABILITY/LIFE INSUR	140.21	--------	--/--/--
LINCOLN	LINCOLN FINANCIAL GROUP	09/08/17	DISABILITY,LIFE INSURANCE OCTOBER 2017	01-5-350124.00 DISABILITY/LIFE INS	62.58	--------	--/--/--
LINCOLN	LINCOLN FINANCIAL GROUP	09/08/17	DISABILITY,LIFE INSURANCE OCTOBER 2017	01-5-100124.00 DISABILITY/LIFE INS	114.26	--------	--/--/--
LINCOLN	LINCOLN FINANCIAL GROUP	09/08/17	DISABILITY,LIFE INSURANCE OCTOBER 2017	01-5-300124.00 DISABILITY/LIFE INSURANCE	19.62	--------	--/--/--
LINCOLN	LINCOLN FINANCIAL GROUP	09/08/17	DISABILITY,LIFE INSURANCE OCTOBER 2017	01-5-200124.00 DISABILITY/LIFE INS	97.77	--------	--/--/--
MIS1	DURGIN & CROWELL LUMBER C	08/30/17	REC-PLAYGROUND CHIPS 2017-5409	01-5-425322.00 REC FIELD CARE	225.00	5013	09/27/17
MIS2	CHRISTOPHER DANILEK	09/18/17	TAX OVERPAYMENT 9/18/17	01-2-001148.00 TAX OVERPAYMENTS	430.59	5014	09/27/17
MIS3	CAROL A JOHNSON TRUST	09/18/17	TAX OVERPAYMENT 9/18/17	01-2-001148.00 TAX OVERPAYMENTS	1522.41	5015	09/27/17
MIS4	SUSAN HARDY	09/13/17	ENCOM--EVENT FOOD REIMB 9/13/17	01-5-005701.20 ENERGY COMMITTEE	71.29	5016	09/27/17
MIS5	EBBEN WHITEHAIR	09/13/17	FD--CPR CARDS REIMBURSE 9/6/17	01-5-555340.00 EMS EDUC/TRNG	40.00	5017	09/27/17
NORFIREDI	NORWICH FIRE DISTRICT	09/11/17	FD--HYDRANT RENTAL 9/11/17	01-5-555634.00 HYDRANT RENTAL	5850.00	5018	09/27/17
PIKE	PIKE INDUSTRIES INC	09/06/17	HWY--10.99T 3" DGBM 944000	01-5-703207.00 GRAVEL & STONE	120.89	--------	--/--/--
REYNOLDS	REYNOLDS & SON INC	08/23/17	FD--FREIGHT 3308945	01-5-550330.00 REPAIR & MAINTENANCE EXPN	6.52	--------	--/--/--
ROGERSFAB	ROGER'S FABRICARE, LLC	09/01/17	PD/FD-UNIFORM CLEANING AUG 17	01-5-500583.00 UNIFORMS CLEANING	48.00	--------	--/--/--
ROGERSFAB	ROGER'S FABRICARE, LLC	09/01/17	PD/FD-UNIFORM CLEANING AUG 17	01-5-555633.00 UNIFORM	3.00	--------	--/--/--
SABIL	SABIL & SONS INC	09/01/17	HWY--TRK #1 REPAIR 79185	01-5-703401.00 OUTSIDE REPAIRS	547.64	5019	09/27/17
SANTANDER	SANTANDER LEASING LLC	08/28/17	TOWER LEASE PURCHASE 2030840	01-5-575100.00 DEBT SERVICE TOWER PRINCI	13088.75	5020	09/27/17

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
SANTANDER	SANTANDER LEASING LLC	08/28/17	TOWER LEASE PURCHASE 2030840	01-5-575105.00 DEBT SERVICE TOWER INTERE	354.46	5020	09/27/17
SOLAFLECT	SOLAFLECT SOLAR PARK I, L	09/20/17	TH-DPW-SOLAR MONTHLY SEP 17	01-5-706101.00 ELECTRICITY	783.60	--------	--/--/--
SOLAFLECT	SOLAFLECT SOLAR PARK I, L	09/20/17	TH-DPW-SOLAR MONTHLY SEP 17	01-5-703501.00 ELECTRICITY	64.53	--------	--/--/--
STATELINE	STATELINE SPORTS, LLC	09/06/17	REC-SOCCER SUPPLIES 4022	01-5-425211.00 EQUIPMENT	350.00	5021	09/27/17
TOTALTREE	TOTALLY TREES	09/12/17	HWY--TREE CUTTING 9/12/17	01-5-703309.00 TREE CUTTING & REMOVAL	1620.00	--------	--/--/--
TRUSSELL	BEN TRUSSELL	09/20/17	PD--MILEAGE 9/20/17	01-5-500580.00 MILEAGE REIMB	14.71	5022	09/27/17
TRUSSELL	BEN TRUSSELL	09/06/17	B&G--MILEAGE 9/6/17	01-5-704405.00 PETROLEUM PRODUCTS	37.66	5022	09/27/17
TSSAND	TWIN STATE SAND & GRAVEL	08/31/17	REC-TWIN PACK STAIRS HUNT 81401	01-5-425330.00 REPAIRS & MAINT	96.31	5023	09/27/17
TWORIVERS	TWO RIVERS - OTTAUQUECHEE	09/13/17	HWY--BETTER ROADS GRANT 18-24	01-5-703709.00 TWO RIVERS-BETR BACK ROAD	3738.35	5024	09/27/17
ULINE	ULINE	08/31/17	PD--CONES & SUPPLIES 90055627	01-5-500423.17 FY17 OP/DUI EQUIPMENT GRA	1805.64	5025	09/27/17
UNIFIRST	UNIFIRST CORPORATION	08/21/17	DPW-UNIFORMS 035 4169171	01-5-703515.00 ADMINISTRATION	12.50	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	08/21/17	DPW-UNIFORMS 035 4169171	01-5-704311.00 UNIFORMS	16.27	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	08/21/17	DPW-UNIFORMS 035 4169171	01-5-703507.00 SUPPLIES	2.25	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	08/21/17	DPW-UNIFORMS 035 4169171	01-5-703311.00 UNIFORMS	162.99	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	08/28/17	DPW-UNIFORMS 035 4171393	01-5-704311.00 UNIFORMS	16.27	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	08/28/17	DPW-UNIFORMS 035 4171393	01-5-703507.00 SUPPLIES	12.00	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	08/28/17	DPW-UNIFORMS 035 4171393	01-5-703515.00 ADMINISTRATION	16.30	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	08/28/17	DPW-UNIFORMS 035 4171393	01-5-703311.00 UNIFORMS	151.58	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	09/04/17	DPW-UNIFORMS 035 4173592	01-5-704311.00 UNIFORMS	16.27	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	09/04/17	DPW-UNIFORMS 035 4173592	01-5-703311.00 UNIFORMS	228.97	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	09/04/17	DPW-UNIFORMS 035 4173592	01-5-703515.00 ADMINISTRATION	16.30	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	09/04/17	DPW-UNIFORMS 035 4173592	01-5-703507.00 SUPPLIES	2.25	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	09/11/17	DPW-UNIFORMS 035 4175820	01-5-704311.00 UNIFORMS	16.27	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	09/11/17	DPW-UNIFORMS 035 4175820	01-5-703311.00 UNIFORMS	151.38	--------	--/--/--
UNIFIRST	UNIFIRST CORPORATION	09/11/17	DPW-UNIFORMS 035 4175820	01-5-703515.00 ADMINISTRATION	16.30	--------	--/--/--

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
UNIFIRST	UNIFIRST CORPORATION	09/11/17	DPW-UNIFORMS 035 4175820	01-5-703507.00 SUPPLIES	2.25	--------	--/--/--
VALLEYNEW	VALLEY NEWS	08/16/17	HWY--CLASSIFIED 01267524	01-5-703515.00 ADMINISTRATION	69.19	5026	09/27/17
VALLEYNEW	VALLEY NEWS	08/16/17	HWY--CLASSIFIED 01267525	01-5-703515.00 ADMINISTRATION	69.19	5026	09/27/17
VALLEYNEW	VALLEY NEWS	09/03/17	PD--CLASSIFIED 01268541	01-5-500501.00 ADMINISTRATION	277.92	5026	09/27/17
VERIZWIRE	VERIZON WIRELESS	09/04/17	TM-DPW-FD-PD-CELL PHONES 9792168384	01-5-703505.00 TELEPHONE	148.84	--------	--/--/--
VERIZWIRE	VERIZON WIRELESS	09/04/17	TM-DPW-FD-PD-CELL PHONES 9792168384	01-5-550235.00 TELEPHONE & INTERNET	66.28	--------	--/--/--
VERIZWIRE	VERIZON WIRELESS	09/04/17	TM-DPW-FD-PD-CELL PHONES 9792168384	01-5-475238.00 ADMIN TELEPHONE	56.26	--------	--/--/--
VERIZWIRE	VERIZON WIRELESS	09/04/17	TM-DPW-FD-PD-CELL PHONES 9792168384	01-5-005532.00 T MNGR CELL PHONE	56.26	--------	--/--/--
VIANOR	VIANOR INC	08/31/17	SW--CART TIRE 566	01-5-705403.00 PARTS & SUPPLIES	33.00	5027	09/27/17
VILLAGE	VILLAGE GREEN PUBLISHING	03/21/17	CONCOM--ADVERTISING NT17-123	01-5-650615.00 DUES/MTGS/EDUC	250.00	5028	09/27/17
VILLAGE	VILLAGE GREEN PUBLISHING	06/02/17	CONCOM--ADVERTISING NY17-240	01-5-650615.00 DUES/MTGS/EDUC	250.00	5028	09/27/17
VLCTERB	VLCT EMPLOYMENT RESOURCE	11/08/16	UNEMPLOYMENT 4TH QTR 2017 22077-Q4	01-5-800517.00 UNEMP INS RATE ASSMT	605.00	5029	09/27/17
VOWP	VERMONT OFFENDER WORK PRO	08/31/17	CEMCOM--AUG 17 WORKDAYS WC1754	01-5-675500.00 PURCHASED SERVICE	345.00	5030	09/27/17
VRPA	VRPA	09/08/17	REC-CONFERENCE REGISTRATI 00176	01-5-425160.00 DUES/MTGS/EDUC	170.00	5031	09/27/17
VTTREASUR	VERMONT STATE TREASURER	09/11/17	MAY-AUG 17 ANIMAL LICS MAY-AUG17	01-2-001121.00 VT ANIMAL RETURN	296.00	5032	09/27/17
WBMASON	W.B. MASON CO., INC.	09/15/17	TH/GAD/TC--SUPPLIES I47786262	01-5-706109.00 BUILDING SUPPLIES	136.93	--------	--/--/--
WBMASON	W.B. MASON CO., INC.	09/15/17	TH/GAD/TC--SUPPLIES I47786262	01-5-275610.00 OFFICE SUPPLIES	107.56	--------	--/--/--
WBMASON	W.B. MASON CO., INC.	09/15/17	TH/GAD/TC--SUPPLIES I47786262	01-5-100610.00 OFFICE SUPPLIES	37.60	--------	--/--/--

Vendor	Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
Report Total				101006.76		

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating $ ***101,006.76
Let this be your order for the payments of these amounts.

FINANCE DIRECTOR Roberta Robinson
Roberta Robinson

TOWN MANAGER: _____
Herb Durfee III, Town Manager

SELECTBOARD:

John Langhus | Linda Cook | Stephen Flanders | John Pepper | Mary Layton, Chair

(3)

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
ACADIA	ACADIA INSURANCE COMPANY	09/22/17	PUBLIC SAFETY BLDG. INSUR ACCT40002889	47-5-575622.00 CONSTRUCTION COSTS	2098.00	5034	09/27/17
BOWER	SALLY C BOWER	09/20/17	PD--OCT 17 RENT OCT 17	47-5-575622.00 CONSTRUCTION COSTS	1800.00	4992	09/27/17
COMCAST	COMCAST	09/10/17	PD-TEMP LOCATION INTERNET 9/10/17	47-5-575622.00 CONSTRUCTION COSTS	105.75	4996	09/27/17
LUCKYS	LUCKY'S LEASE, INC.	08/31/17	PD--CONTAINER RENTAL RB28678	47-5-575622.00 CONSTRUCTION COSTS	110.00	5012	09/27/17
WRIGHTCON	WRIGHT CONSTRUCTION CO.,	09/06/17	TREE/SHRUB REMOVAL 2017043-04A	47-5-575622.00 CONSTRUCTION COSTS	3530.00	5033	09/27/17
	Report Total				7643.75		

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating $ *****7,643.75
Let this be your order for the payments of these amounts.

FINANCE DIRECTOR Roberta Robinson
Roberta Robinson

TOWN MANAGER: _____
Herb Durfee III, Town Manager

SELECTBOARD:

John Langhus _____ Linda Cook _____ Stephen Flanders _____ John Pepper _____ Mary Layton, Chair

5a

Herb Durfee

From: Rita Seto <rseto@trorc.org>
Sent: Tuesday, September 19, 2017 1:33 PM
To: Herb Durfee; Phil Dechert
Subject: Church Street sidewalk update

TRORC has reached out to abutters to set up meetings to discuss the project update and designs from the last meeting with Corey Mack, RSG. Meeting with 2 abutters the week of Sept. 25. Continuing to reach out to others to set up meeting times.

Thanks!
Rita

Rita Seto, AICP | Senior Planner

Two Rivers-Ottauquechee Regional Commission
128 King Farm Rd, Woodstock, VT 05091
Tel: 802.457.3188 | Cell: 802.281.2927 | Fax: 802.457.4728
rseto@trorc.org | www.trorc.org | TRORC Facebook

5b

MEMORANDUM

TO: NORWICH SELECTBOARD
FROM: STEPHEN N. FLANDERS, MARY LAYTON
SUBJECT: ACQUISITION AND CAPITALIZATION OF TOWN SIDEWALKS
DATE: SEPTEMBER 20, 2017
CC: TOWN MANAGER

1. **Summary** – Norwich's sidewalks are currently owned by two separate municipalities, the Town (10,529 feet) and the Fire District (5,318 feet). Of these 3,333 feet are concrete—all owned by the town—and the rest are asphalt. Tables 1 and 2 detail the locations of these sidewalks. We recommend acquiring the Fire District's sidewalks and budgeting for their upkeep. We recommend that they be kept at a modest standard that retains functionality for users and ease of maintenance by DPW.

2. **History** – The Town maintains a sidewalk reserve fund, which had a balance of $46,704 on June 30, 2016 and a contribution for FY2018 of $10,000. The Fire District depleted its sidewalk reserve fund in FY2010. An overture was made ca. 2012 for the Town to acquire the Fire District's sidewalks. The Fire District was willing to do so, provided that it incur no further expense, whereas the Town asked for the sidewalks to be transferred in good condition.

3. **Life expectancy** – According to the FHWA, a rule of thumb is for concrete sidewalks to have a life span of 25 years.[1] Fannie Mae offers an Estimated Useful Life table for a variety of capital assets, which suggests a 50-year Estimated Useful Life (EUL) of 50 years for concrete and 25 years for asphalt.[2]

4. **Condition rating systems** – The Wisconsin Transportation Information Center has developed a "Pavement Surface Evaluation and Rating Asphalt Roads" (PASER) manual, which can also be applied to sidewalks.[3] In this system, pavement with cracks that can be repaired with crack filling and seal coating qualify as "good". "Poor" paving "Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of overlay."

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[1] https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa13037/chap6.cfm
[2] Instructions for performing a multifamily property condition assessment, Appendix F: Estimated Useful Life Tables. https://www.fanniemae.com/content/guide_form/4099f.pdf
[3] Wisconsin Transportation Information Center has developed a "Pavement Surface Evaluation and Rating Asphalt Roads" http://epdfiles.engr.wisc.edu/pdf_web_files/tic/manuals/Asphalt-PASER_02_rev13.pdf

The FHWA offers a system of sidewalk assessment for urban environments that stresses such qualities as grade, cross-slope and changes in levels, and such features as curb ramps, medians, and driveway crossings.[4] Few of Norwich's sidewalks conform to the quality of sidewalks illustrated.

More pertinent to rating Norwich's sidewalks are whether they can be plowed and be maintained free of icy puddles, whether the irregularities in surface are a danger to those who use them—notably the elderly or disabled—and whether they accommodate the users, e.g. students bicycling to school, mixed with pedestrians.

5. **Condition** – A 2012 assessment of the Town's (mixed concrete and asphalt) sidewalks showed 2,721 feet to be in good-excellent condition and 7,808 to be in fair-poor condition, with a median EUL remaining in 2017 of 17 years (minimum -22 and maximum 42). The assessment of the Fire District's (all asphalt) sidewalks was 3,767 feet in good-excellent condition and 1,551 in fair-poor condition, with a median EUL remaining in 2017 of 10 years (minimum 1 and maximum 15).

   A windshield tour of the sidewalks that were listed in the 2012 assessment as "poor" appeared to be at worst "fair" by the PASER index—the stresses being primarily transverse cracks and some surface irregularities.

6. **Budgeting** – Based on the 2012 cost structure for constructing sidewalks and allowing for a 50-year EUL for concrete and 25-year EUL for asphalt sidewalks, an appropriate annual allowance for sidewalk maintenance would be $7,612 for the Town sidewalks and $6,438 for the Fire District Sidewalks.

7. **Recommendation** – We recommend that the Town acquire the Fire District's sidewalks, as they are, and plan on budgeting at least $14,000 per year into the sidewalk fund—an increase of $4,000 over the FY2018 allotment. We observe that the Fire District has made no provisions in its budget since FY2010, that their sidewalks are in acceptable condition, and they constitute an asset that is of value to the entire community—as much as the Town's sidewalks do.

   Thereafter, we recommend that the town's sidewalks be maintained in a manner consistent with their existing character as their condition warrants.

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[4]FHWA, Chapter 11, "Sidewalk Assessment"
https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalk2/pdf/12chapter11.pdf

Table 1. Sidewalks owned by the Town.

Street	From	To	Length
Main Street	Montshire Drive	Ledyard Bridge	1,302
Main Street	Under Ledyard Bridge	Foley Park	805
Main Street	Ledyard Bridge	Gateway Condos	3,626
Main Street	Gateway Condos	Church Street	909
Church Street	Main Street	Marion Cross	277
Main Street	Koch Road	Turnpike Road	530
Turnpike Road	Main Street	Huntley Entrance	2,100
Turnpike Road	Huntley Street	Moore Lane	740
Elm Street	Holland	Holland	200
Main Street	Library Bus Stop	Library Bus Stop	40
Beaver Meadow Road	Vitt Offices	Crosswalk	225
Beaver Meadow Road	Bridge	Huntley Street	90
Hazen Street	Main Street	Library entrance	100
		Total	**10,529**

Table 2. Sidewalks owned by the Fire District.

Street	From	To	Length
Main Street	Gateway Project	Elm Street	750
Main Street	Elm Street	Dan & Whit's	480
Main Street	Norwich Inn	Beaver Meadow Road	150
Beaver Meadow Road	Norwich Inn	Inn Service Driveway	121
Beaver Meadow Road	Inn Service Driveway	Crosswalk	212
Beaver Meadow Road	Cemetery	Bridge	800
Church Street	Main Street	Congregational Church	150
Main Street	Tracy Hall	Tracy Hall	150
Main Street	Tracy Hall	Carpenter Street	300
Main Street	Carpenter Street	Stone Planter	180
Main Street	Stone Planter	Hazen Street South	550
Main Street	Hazen Street South	Hazen Street North	725
Main Street	Hazen Street North	Koch Road	750
		Total	**5,318**

5c

MEMORANDUM

TO: NORWICH SELECTBOARD
FROM: STEPHEN N. FLANDERS, JOHN PEPPER
SUBJECT: NORWICH TRAILS
DATE: SEPTEMER 19, 2017
CC: TOWN MANAGER

1. **Summary** – We recommend increasing the connectivity of the Town's trails network to encourage recreational walking for the benefit of its residents. We recommend that signage and adequate parking at trailheads support the trail system. We further recommend that a legal framework be developed for existing and potential new trails. We encourage identifying appropriate mountain bike routes, as well. We advocate the substantial use of volunteer input for implementation.

2. **Current situation** – We find the following factors to pertain to the Norwich system of trails:
   - Norwich has an active volunteer trails organization that can maintain its current, trail system and make modest improvements to that system. This capacity is augmented by work performed by the Upper Valley Trails Alliance, as supported by warrant article under outside agency appropriations.
   - Norwich's trails have limited signage, requiring users to become familiar with them through trial and error, supported by a map, sold locally.
   - Norwich's trail system includes Fourth Class Roads, purpose-built trails for hikers, bikers and skiers, and informal trails across private property. Some trails are designed to accommodate mountain bikes or cross-country skiers.
   - Some trailheads lack sufficient parking.

3. **Goals** – We recommend that the Town pursue the following goals:
   - Increase the *connectivity* of the town's trail system to allow recreational walking throughout.
   - Identify and classify trails that are appropriate for different uses, including walking, running, mountain bike routes, and horseback riding for recreation and transportation.
   - Develop trail etiquette and guidelines that assures that users will respect landowners, wildlife and ecosystems.
   - Institute a *signage system*, tied into downloadable maps that aids users and helps first responders reach incident scenes.
   - Provide sufficient *parking at trailheads*.

- Develop a *legal framework* for all trails in town to secure the status of existing trails and to encourage landowners to allow rights of way on their properties.

4. **Implementation** – In addition to the extensive use of volunteer labor, we recommend that the above goals be implemented as follows:
   - C*onnectivity* – Contributions of rights of way from landowners, application of voter-approved funds to the Upper Valley Trails Alliance to direct volunteer efforts and provide supplies.
   - *Trail classification*– Combine input from trail users, landowners, and conservation groups to reach a consensus on the appropriate uses for specific trails.
   - *Trail etiquette*– Combine input from trail users, landowners, and conservation groups to reach a consensus on the appropriate etiquette for each classification of trails. Budget town funds to provide signage that informs users of the appropriate etiquette.
   - *Signage system* – Identification and proposal for content and location of signage from the Trails Committee. Budgeting of sign acquisition through the Recreation Department Budget. Installation of signs coordinated by the Trails Committee.
   - *Parking at trailheads* – Identification and proposal for additional parking capacity from the Trails Committee. Budgeting of work through the Department of Public Works. Implementation by DPW.
   - *Legal framework* – *Pro bono* contribution by resident attorney(s) to identify the legal status of currently established trails. *Pro bono* contribution by resident attorney(s) to develop a legal framework for rights of way. Use of the town attorney to implement specific agreements on rights of way with property owners.

*included in packet per Linda Cook- request

5c

Minutes of the Norwich Trails Committee for September 6, 2017

Present: Doug Brown, George Clark, Gered Dunne, Jim Faughnan, Bob Fisken, Pete Griggs, Byron Haynes, Sean Ogle, Gerry Plummer, Cathie Redpath, Liz Russell, Brie Swenson

The subcommittee on signage has already held one meeting. Gerry Plummer is to be chairing the group. Other members are Gered Dunne, Jim Faughnan, Pete Griggs, Doug Hardy, Byron Haynes, David Hubbard, Nick Krembs, and Brie Swenson.

The committee agreed that the upper part of the Ballard Trail should be maintained so that users do not brush against vegetation alongside the trail. Fallen trees constituting "step overs" should be removed at least by winter to facilitate cross country skiing.

State approval has been received for installation of very large stepping stones across Blood Brook as a part of the prospective trail from Main Street to the Dresden playing fields. It is planned to obtain and place these stepping stones this fall. Eventually a 50 foot long, community assembled, rolling barge bridge is planned for that crossing. Federal and state permits will be required before the bridge can be installed.

Jim Faughnan and Doug Hardy have volunteered to do upcoming trail maintenance in the Milton Frye Nature Area.

Four dates were set for upcoming work sessions. On Saturday September 16, participants are to meet in the parking area of the former town pool at 8:00 AM for work on the lower Ballard Trail. On Saturday September 30, a work session is to be held starting at 8:00 AM for maintenance of the Gile Mountain bike trail. Please note that the Gile Mountain Trails continue to be closed for public use, but the Trails Committee is occasionally to be doing work to maintain those trails for whenever they can be reopened. On Saturday October 14 (Oct. 15 is a rain date), the committee is to meet at 8:00 AM in the Turnpike Road parking lot for work in Brookmead with the guidance of Doug Brown and Eric Dole. For Saturday November 4, a work session is planned for the Blue Ribbon Trail. For all work sessions, participants should bring work gloves and drinking water.

Brie Swenson has prepared a Google Doc spread sheet for keeping track of volunteer work hours. Emails with data for inclusion on the spread sheet should be sent to her.

Recent discussions about a supporting organization for a Norwich trails group were reviewed.
Either a new 501(c)3 might be formed, or such activities might be conducted under a larger umbrella group. Advantages of a larger group would include availability of accountants, longevity of efforts with turnover of the local population, and availability of insurance for participating landowners and trail workers. A larger group would likely need to receive a portion of funds received through grants or donations. Compilation of a list of needs is underway to facilitate consideration of possible arrangements.

It was suggested that three replacement maps would be good for Parcel 5. Possible modifications of the Parcel 5 trail for skiing were discussed.

The fine work of Gered Dunne and others on the Huntley bike loop was acknowledged.

The committee also expressed gratitude to Byron Haynes for enabling committee members to purchase new Trails Committee t-shirts.

Respectfully submitted,
George Clark

5d

MEMORANDUM

TO: NORWICH SELECTBOARD
FROM: STEPHEN N. FLANDERS
SUBJECT: SUMMARY OF CHANGES TO DRAFT CODIFICATION
DATE: SEPTEMBER 3, 2017
CC: TOWN MANAGER

The codification document in the Selectboard packet for the 13 September meeting includes the following updates to the original individual ordinances, compared with the version last seen by the Selectboard:

General changes:

- Ordinance citations are in the form of 24 V.S.A. § 1971 (for example), unless a whole chapter is cited.
- Selectmen => Selectboard.
- References to the Town Manager are substituted for Selectboard, where appropriate.
- Highway administrator => Director of Public Works
- Dates of previous versions [in brackets] have been deleted.
- Histories [in brackets] of previous versions have been deleted.
- Vermont Highway Department => Vermont Agency of Transportation
- Formatting of tables.
- Cleaned up extra spaces.

Streets, Trails and Sidewalks

- References for design have been updated.
- Streets have been renamed, since the original code was adopted, and some speed limits changed.
- Scenic roads remains unchanged.

Vehicles and Traffic

- Speed limit zones are updated.
- Designated throughways have been trimmed to reflect state statute. They are now Beaver Meadow Road, Main Street, New Boston Road, Turnpike Road, and Union

Village Road. Gone are Elm Street, Meadowbrook Road, and Willey Hill Road. Throughways may have an expedited process for receiving stop signs.

- Stop Intersections, now include Elm Street.
- Yield intersections includes only Bradley Hill Road. Gone are Huntley, Mechanic, and Turnpike intersections.

Land Use Regulations

- Unchanged.

Zoning

- Unchanged.

5d

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PART I

ADMINISTRATION AND GENERAL LEGISLATION

Chapter 5

ALARM SYSTEMS

§ 5-1. Authority.

This ordinance is adopted under the provisions of 24 V.S.A. § 1971 and § 2291(14), (15).

§ 5-2. Civil ordinance.

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974a and § 1977 et seq. Any law enforcement officer of the Town of Norwich shall be authorized to issue municipal complaints pursuant to this ordinance.

§ 5-3. Purpose.

A. Human error and mechanical malfunctions or alarms result in false alarms that emergency services respond to. This requires the unnecessary deployment of personnel and vehicles to nonemergency situations and causes unnecessary expenditure of public funds and risks to emergency responders.

B. This ordinance is to encourage responsible use of alarms, including proper maintenance of alarm equipment. The intent of this ordinance is to reduce the number of false alarms, conserve public resources, abate a public nuisance, and enhance the public health, safety and welfare of the residents of the Town of Norwich.

§ 5-4. Definitions.

For the purpose of this ordinance, the following definitions will be applicable:

ALARM ANSWERING SERVICE — A telephone answering service which provides the service of receiving emergency signals from alarm systems and thereafter immediately notifying, by live voice or otherwise, the Dispatch Centers that dispatch the Police and Fire Departments.

ALARM INSTALLATION — The design, positioning, repair, alteration, maintenance, and operation of alarm systems causing a signal to be sounded in the event of a hazard, intrusion, or the occurrence of an event to which police or fire are expected to respond.

ALARM SYSTEM — Any combination or assembly of equipment and/or electronic devices which, with or without human involvement, is reasonably calculated to notify police or fire officials and lead them to believe that there is a situation requiring their immediate attention and response.

ALARM SYSTEM USER — Any person who owns and/or operates an alarm system within the Town of Norwich, except for alarm systems on motor vehicles.

FALSE ALARM — An activation of an alarm system (business or residential) to which police or fire respond and find no indication of a situation requiring their immediate attention (robbery, burglary, attempted robbery or burglary, hazard, intrusion, smoke or heat detection, sprinkler system operation, or trouble alarms).

KEY LOCK BOX — A small, wall-mounted safe that holds building keys to allow entrance to the building by emergency response personnel.

LOCAL ALARM — Any alarm system not connected to an answering service that is designed to activate an audible and/or visual signaling device at the premises or location where the alarm system is installed.

MANUAL ALARM — Any alarm system in which activation of the alarm is initiated by the direct action of the alarm user, his agents, or employees and which is installed with the purpose of eliciting a police response to a robbery, burglary, or an attempted robbery or burglary, or fire department response for known fir or smoke investigations.

§ 5-5. Alarm system standards.

A. Any alarm system required by the Vermont Fire and Building Safety Code shall meet the requirements of the code and operated, maintained and inspected as required by the code.

B. Alarm systems emitting an audible signal shall be manually or automatically shut off within 30 minutes after being activated. Failure to shut off an audible signal within 30 minutes after being activated shall result in the imposition of an audible alarm signal penalty.

§ 5-6. Key lock boxes.

A. All buildings in the Town of Norwich having a fire alarm system installed after July 1, 2015, shall be equipped with a key lock box containing a current set of keys capable of opening the building where the alarm system is located. (This requirement may be waived by the Town Manager upon consultation with the Fire Chief or the Police Chief.) No such requirement exists for premises protected by a burglar alarm.

B. No key lock box system shall be used, operated, or maintained in the Town of Norwich that is not a KNOX BOX Rapid Entry System manufactured by the Knox company.

C. All key lock boxes shall be installed by the building owner in a location approved by the Norwich Fire Chief or his/her designee.

D. Failure to install and maintain a key lock box system as required above shall result in the imposition of a key lock box violation penalty.

§ 5-7. False alarms.

Upon written notice following any false alarm, the Fire Chief or the Police Chief may order that an alarm system user file a written report within seven days indicating that the alarm system has been inspected and repaired by a technically qualified person. Failure to obtain the necessary inspection or to file said written report within the prescribed time shall result in the imposition of a failure to report penalty.

§ 5-8. Penalties.

A. False alarms. No penalty shall be imposed against an alarm system user for the first false alarm within a twelve-month period. No penalty shall be imposed against an alarm system

user for the second false alarm within a twelve-month period if, following a first false alarm, the alarm system user has submitted a written report in conformance with § 5-7. if such a report has not been submitted, the following shall apply:

(1) The penalty for the second and subsequent offenses for a false alarm, from a registered alarm system, requiring response by the Norwich Fire Department within a twelve-month period shall be $600. The waiver fee shall be established at $400 for the second offense and $500 for the third and subsequent offenses during a twelve-month period.

(2) The penalty for the second and subsequent offenses for a false alarm requiring response by the Norwich Police Department within a twelve-month period shall be $250. The waiver fee shall be established at $150 for the second offense and $200 for the third and subsequent offenses during a twelve-month period.

B. Audible alarm signals. The penalty for the first offense for any audible alarm signal that sounds for more than 30 minutes after activation within a twelve-month period shall be $200 and the penalty for the second and subsequent offenses shall be $300 for each offense. The waiver fee shall be established at $100 for the first offense and $150 for the second and subsequent offenses.

C. Key lock box violation. The penalty for the first offense for a key lock box violation shall be $200 and the penalty for the second and subsequent offenses shall be $300 for each offense. The waiver fee shall be established at $100 for the first offense and $200 for the second and subsequent offenses.

§ 5-9. Permissible false emergency alarm activation calls.

The owner of any premises served by an alarm system will not be penalized for an emergency alarm call that occurs for the following reasons:

A. Natural disaster/act of nature (lightning, hurricane, flood, tornado, etc.).

B. Power outage.

C. An actual situation which determines that the alarm was set off by some type of criminal activity or actual fire.

D. Testing purposes in which the alarm is activated by the alarm holder and/or maintenance company, as long as the holder or company has previously notified the Police or Fire Department that the system is being tested; notification of the test after activation will be considered a false alarm under the definition of this ordinance and will be charged accordingly.

§ 5-10. Town buildings.

All Town-owned or -maintained buildings will be exempt from the service charges.

§ 5-11. Administration.

A. It will be the responsibility of the Police Chief or his/her designee to research, document,

maintain and recommend to the Town Manager billing for false alarms in conformance with this ordinance that elicits a police response.

B. It will be the responsibility of the Fire Chief or his/her designee to research, document, maintain, and recommend to the Town Manager billing for false alarms in conformance with this ordinance that elicits a fire, including emergency medical services, response.

§ 5-12. Waiver.

The Town Manager may waive the imposition of any fine outlined within this ordinance for good and sufficient reason.

§ 5-13. Liability.

The Town's regulation of alarm systems and key bock boxes shall not constitute acceptance by the Town of Norwich for any liability to maintain any equipment, to answer alarms, or to take any action in connection therewith.

Chapter 7

ALCOHOLIC BEVERAGES

§ 7-1. Authority.

This ordinance is adopted pursuant to authority granted in 24 V.S.A. § 2291 to the Selectboard of the Town of Norwich.

§ 7-2. Civil ordinance.

Any infraction of this ordinance will be considered a civil matter.

§ 7-3. Purpose.

The purpose of this ordinance is to regulate the possession and consumption of alcohol in or on Town owned buildings and properties.

§ 7-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALCOHOL — The product of distillation of spirits or any fermented malt or vinous beverage, including ethyl alcohol and non-potable alcohol.

CATERER'S PERMIT — A permit issued by the Vermont Liquor Control Board authorizing the holder of a first class license or first and third class licenses for a cabaret, restaurant or hotel premises to serve malt or vinous beverages or spirituous liquors at a function located on premises other than those occupied by a first, first and third, or second class licensee to sell alcoholic beverages.

MALT BEVERAGES — All fermented beverages of any name or description manufactured for sale from malt, wholly or in part, or from any substitute therefor, known as beer, porter, ale, and stout, containing not less than 1% nor more than 16% of alcohol by volume at 60° F. However, if such a beverage has an alcohol content of more than 6% and has a terminal specific gravity of less than 1.009, it shall be deemed to be a spirit and not a malt beverage.

VINOUS BEVERAGES — All fermented beverages of any name or description manufactured or obtained for sale from the natural sugar content of fruits, or other agricultural product, containing sugar, the alcoholic content of which is not less than 1% nor more than 16% by volume at 60° F.

§ 7-5. Prohibition.

A. It shall be unlawful for any person to have possession of any alcoholic beverage on, under or above any land, premise or building owned or leased by the Town of Norwich. This includes the portion of the Town Green owned by the Town of Norwich adjacent to the Marion Cross School property.

B. It shall be unlawful for any person to consume any quantity of an alcoholic beverage on, under or above any land, premise or building owned or leased by the Town of Norwich including in a motor vehicle.

§ 7-6. Waiver.

The Selectboard may grant a written waiver of the provisions of this ordinance for the possession and consumption of "malt beverages" and "vinous beverages" in Tracy Hall subject to the following conditions:

A. That the request for the waiver be submitted to the Town Manager's office not less than 45 days before the planned event and include the "Request to Cater Malt and Vinous Beverages and Spirituous Liquors" that will be submitted to the Vermont Liquor Control Board.

B. That the sponsoring organization requesting the waiver is a nonprofit Norwich organization that provides a direct and measurable benefit to Norwich.

C. That the caterer has a caterer's permit from the Vermont Liquor Control Board.

D. That the caterer has a current insurance policy covering catered events at which alcohol is served and that the Town of Norwich is named as an additional insured.

E. That the caterer uses trained servers.

F. That the waiver be for not more than 12 hours in a two-day period.

G. That a maximum of two waivers be granted in any twelve-month period to the same sponsoring organization.

§ 7-7. Penalty.

Any person who violates any provision of this ordinance shall be subject to the following fines and waiver penalties:

	Fine	**Waiver Penalty**
1st offense	$25	$15
2nd offense	$50	$35
3rd and subsequent offenses	$100	$70

§ 7-8. Enforcement.

The Norwich Police Department shall be the designated enforcement officers. They shall issue complaints and may be the appearing officer at any hearing held pursuant to a complaint.

Chapter 12

ANIMAL CONTROL

§ 12-1. Authority.

This ordinance is adopted under the provisions of 20 V.S.A. § 3549.

§ 12-2. Civil ordinance.

Any infraction of this ordinance will be considered a civil matter.

§ 12-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANIMALS — Includes dogs and wolf-hybrids.

AT LARGE — Off the premises of the owner, and not under the control of the owner, a member of his immediate family or an agent of the owner either by leash, cord, chain or otherwise within the control of such person, so that at all times the animal can be prevented from causing any damage, disturbance, or annoyance.

CONFINEMENT — Being kept in a closed space from which the animal shall not be allowed to leave. The inside of a house or closed garage or kennel is such a place. Note that an outdoor wire pen is not sufficient to confine a bitch in heat.

IMPOUNDMENT — The taking of an animal into physical custody by the Animal Control Officer and transport to the nearest available animal shelter. The owner will be required to pay all expenses incurred during the period that an animal is impounded.

REPEATEDLY — More than twice within a seven-day period.

RESTRAINT — Physical restriction of the animal by chaining, leashing, use of electronic fencing, placing in a fenced or enclosed area, or other similar action.

SUSTAINED PERIOD — A period of 20 minutes or longer of continuous or frequent occurrence.

§ 12-4. General provisions.

A. Each person owning and/or keeping an animal or animals within the Town of Norwich shall bear sole responsibility for the actions of his or her animal(s). The owner or keeper shall be held responsible for preventing his or her animal(s) from becoming a nuisance, as defined below, and shall be responsible for payment of all damages and expenses caused by his or her animal(s), including impoundment fees.

B. Under this section, an animal is causing a nuisance, or is a menace to persons or property, under any of the following conditions:

(1) If it runs at large off the premises of the owner on any public or private property.

(2) If it barks or howls continuously for sustained periods of time, causing annoyance to persons.

(3) If the dog damages or destroys property, spreads garbage, defecates on private property or maintained public areas and the person responsible refuses to remove fecal matter, or if it chases vehicles, game, domestic animals, or humans.

(4) While it runs at large, it bites, attacks or otherwise menaces persons using the streets or sidewalks.

(5) If a bitch is unconfined while in heat.

C. Any person who considers an animal to be a menace, or in any way to be a threat to persons or property may complain to the Norwich Police Department, who will cause the complaint to be investigated promptly.

§ 12-5. Licensing of animals.

Note: This section refers only to dogs, and wolf hybrids.

A. All dogs and wolf hybrids kept within the Town of Norwich must be licensed by the Town Clerk, in accordance with the provisions and fee schedule described in 20 V.S.A. § 3581. All animals will be licensed by April 1 each year. A penalty of 50% of the license fee will be added after April 1.

(1) New dogs and wolf hybrids, not yet six months old on April 1, and dogs and wolf hybrids that have moved into Norwich with their owners are exempt from the 50% penalty.

(2) All animals when they reach the age of six months must be licensed within 30 days. Newly acquired animals older than six months must be licensed immediately.

(3) When an animal has been registered for the current year (4/1 to 3/31) in another Town in Vermont, and the owner then moves to Norwich, a current Norwich tag will be issued for $1 on presentation of the other Town's license (20 V.S.A. § 3591). No reciprocity is provided with any other State's license.

B. By April 15, the Town Clerk will prepare a list of licenses issued during the current year and a list of those animals licensed in the previous year that have not yet been licensed in the current year (20 V.S.A. § 3590). The Town Clerk will notify each owner of an animal thus identified that the animal is unlicensed and will explain the penalties involved. This notice may be in writing or by telephone.

C. When a designated animal control officer or Norwich Police find an animal that is unlicensed for the current period, they will inform the owner of the need to license and the penalties that will be collected.

§ 12-6. Animal bites (protection from rabies).

Note: These regulations are based on the recommendations of the Vermont Department of Health.

A. When a complaint is received that an animal has bitten a human, the Animal Control Officer, or Police Officer shall identify the animal, if it has a license tag, and will order the owner to confine the animal for 10 days. If no facilities exist for confining the animal at the owner's home, the animal will be placed in the care of a Veterinarian for 10 days and all expenses thus incurred will be the responsibility of the owner.

   (1) If the animal has a current tag, but the owner cannot be found, the animal will be delivered to a veterinarian for the ten-day observation period.

   (2) In the event the animal has no identification and the owner cannot be found, the animal will be delivered to a veterinarian for observation.

   (3) If any animal appears ill during the ten-day confinement this animal must be evaluated by a Veterinarian. No animal may be destroyed during the ten-day observation period, except on the order of a Veterinarian and after an attempt has been made to contact the owner.

B. The Norwich Health Officer or Deputy will be informed of the bite and he will ensure that the person bitten received medical attention.

   (1) The Health Officer will determine that the period of confinement is carried out. At the end of 10 days the Health Officer will contact the animal owner and determine if the animal is healthy. The Health Officer may decide that a veterinarian should examine the animal and issue a certificate of freedom from rabies; the cost of such an examination will be paid by the animal's owner.

   (2) If there is any doubt about the animal's health at the end of the confinement the animal will remain confined and advice will be obtained from the Department of Health.

   (3) The Health Officer will file an Animal Bite Report Form with the Vermont Department of Health.

C. Should rabies be confirmed in the confined animal the matter shall be handled as directed by the Board of Health with the advice of the Department of Health and after an attempt has been made to contact the owner.

§ 12-7. Dogs causing injury or death of domestic/farm animals.

When the animal control officer or Norwich Police Officer receives a complaint that animal(s) have harassed, injured or killed any domestic/farm animals, the officer shall investigate the complaint and submit a copy of the report to the Chief of Police. The Chief of Police will provide the Town Manager with the investigative report describing the incident and extent of injury inflicted, along with an estimated dollar value. The Town Manager will consider the facts, information and circumstances surrounding the incident and may request that the owner(s) of the animals causing the injury or death pay fair compensation to the owner of the injured or killed domestic/farm animals. The Town Manager may also initiate additional actions as may be provided by statute to

prevent the reoccurrence of a similar incident.

§ 12-8. Enforcement of this ordinance.

A. The Town Manager may appoint an Animal Control Officer to carry out and enforce the provisions of this ordinance. The appointment will detail the duties of the officer. The Animal Control Officer will be paid an agreed hourly rate. In the event that the position of Animal Control Officer is vacant, all complaints will be handled by the Norwich Police Department who are authorized to employ temporary qualified staff to catch or restrain animals, to transport and/or impound animals or to cause animals to be destroyed, which actions shall be in compliance with the provisions of this ordinance. References to the Animal Control Officer shall include the Police Officers when they are acting as Animal Control Officers.

B. The Animal Control Officer or the Norwich Police shall have one or more of the following administrative alternatives at their disposal:

(1) A verbal warning.

(2) Written warnings.

(a) A written warning, to alert an owner that his/her animal is in violation of a provision(s) of this ordinance.

(b) After written warning. A citation for violation shall be $50. A second violation and subsequent citations up to a $100 fine. (See appendix A for guidelines for the Police.)

(3) An order to restrain the animal. Such order shall be in writing and a copy shall be delivered to the Town Manager.

(4) Temporary impoundment of the animal, until such time as its owner can be located. This will result in a $50 charge if the Animal Control Officer or Norwich Police Officer goes out to collect the animal.

(5) An Order of Confinement for biting animals or bitches in heat.

(6) Such other action as the Town Manager shall determine.

§ 12-9. Appeals.

A. Any person receiving a citation (and fine), an order to restrain or an order to confine an animal may appeal that action in writing to the Town Manager, within 21 days of receipt of the notice of violation. Upon receiving such an appeal, the Town Manager will schedule a hearing for the appeal within 14 days. The owner of the animal, the Animal Control Officer/Norwich Police Officer and the person making the complaint about the animal will be notified to attend the hearing. The Town Manager will hear the merits of the case and shall affirm, reduce or eliminate the penalty as justice may require. The decision may be delivered to the respondent immediately following the hearing or shall be delivered no later than five days following the hearing.

B. If the person making the original complaint about an animal declines to attend the hearing and the Animal Control Officer or Norwich Police Officer affirms the action taken by him was solely upon the information of the complainant and not corroborated by his personal observation, the fine or order shall be dismissed by the Town Manager.

§ 12-10. Payment of fines, waiver for non-contested violations and collection by the traffic and municipal court.

All fines must be paid within 35 days of issuing of a citation. A waiver of 1/2 of the fine will be made if the fine is paid to the Treasurer, Town of Norwich within 21 days from mailing or receipt of the citation. If the fine has not been paid after 35 days, a Traffic and Municipal Court Citation will be issued for collection of the full fine

Town of Norwich

Appendix A
Guidelines for the Police
or Animal Control Officer

1. When an animal is running at large but causing no other nuisance, the owner should receive a warning for the first offense and a $50 fine for a second offense and fines up to $100 for subsequent violations. This procedure will apply to these situations:

   - The animal is brought to the police station.

   - The police find and pick up the wandering animal; for example: an animal wandering in traffic.

   - The police find a dog running at large and take the animal to a shelter.

2. When a first citation is issued for an animal biting, attacking or being a physical threat, the owner should consider appropriate restraint of the animal both to protect the public from injury and the owner from civil action.

   A second citation for the same reason must result in restraint of the animal, which may be verified by the police.

3. A restraining order shall remain in effect for one year. After this period the owner may relax the restraint if he/she is convinced the animal no longer poses a threat. However, a further citation will result in a full fine and re-imposition of the restraining order.

Town of Norwich

Appendix B
Additional Provisions

Norwich residents should be aware of the following additional restraining provisions. The owner or keeper of an animal shall be held responsible for restraining his or her dog(s) in the following situations.

1. All dogs kept within the Norwich Fire District must be restrained to the confines of their owner's or keeper's property lines, or under the direct control of their owners or keepers when away from that property. Dogs found running at large in the Fire District will be subject to impoundment and a fine of $50. The fine will increase up to $100 for subsequent violations.

Chapter 20

BOARDS AND COMMISSIONS

ARTICLE I
Historic Preservation Commission

§ 20-1. Statutory provisions.

The Town of Norwich has agreed to enforce, within its jurisdiction, the provisions of the Vermont Municipal and Regional Planning and Development Act (24 V.S.A. Chapter 117), the Vermont Historic Preservation Act (22 V.S.A. Chapter 14), and any other State or local legislation which may be enacted for the designation and protection of historic properties.

§ 20-2. Establishment.

The Town of Norwich hereby establishes a Historic Preservation Commission of not less than three nor more than seven members appointed by the Selectboard. The structure and responsibilities of the Commission shall be as follows.

§ 20-3. Membership.

A. The Commission shall be composed of professional and lay members, a majority of whom reside within the jurisdiction of the Town of Norwich.

B. All members of the Commission shall have a demonstrated interest, competence or knowledge in historic preservation.

C. To the extent available within the jurisdiction of the Town of Norwich, at least a majority of the members shall be professionals from the disciplines of history, archaeology, architectural history, architecture and historical architecture who meet the requirements outlined in Appendix A of the Regulations for the Vermont Certified Local Government Program. Members representing other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, and lay members are encouraged. When a discipline is not represented on the Commission, the Commission shall seek the assistance of the Vermont Division for Historic Preservation (Division) in obtaining the necessary expertise when considering National Register nominations and other actions that will impact properties which are normally evaluated by a professional in such discipline.

§ 20-4. Open meetings rules; public participation.

All activities of the Commission shall be in accord with the terms of the Vermont Open Meeting Law (1 V.S.A. Chapter 5, Subchapter 3), and the Commission shall take additional steps as it deems appropriate to stimulate public participation in Commission activities, such as, publishing its minutes, publishing the procedures by which assessments of potential National Register nominations will be carried out or using public service announcements to publicize Commission activities.

§ 20-5. Meetings and attendance.

The Commission shall meet no less than four times each year, and maintain an attendance rule for Commission members.

§ 20-6. Rules of procedure.

The Commission shall have written rules of procedure, including conflict of interest provisions in compliance with the Historic Preservation Fund Grants Manual.

§ 20-7. Responsibilities.

The Commission shall have the following responsibilities, to be carried out in coordination with and in accord with format and standards established by the Division:

A. Creation and maintenance of a system for the survey and inventory of historic properties within its jurisdiction that is coordinated with the Vermont Historic Sites and Structures Survey and the Vermont Archaeological Inventory.

B. Preparation, for submission to the Division by the Selectboard, of a report concerning properties within its jurisdiction that are under consideration for nomination to the National Register of Historic Places. The report shall be prepared in cooperation with the Division and shall be prepared in a manner consistent with the requirements of the National Historic Preservation Act as described in the Regulations for the Vermont Certified Local Government Program.

C. When determined to be appropriate in the discretion of the Commission, preparation and submission for approval by the Selectboard of grant applications to the Division for funds from the Certified Local Government (CLG) share of the State's annual Historic Preservation Fund (HPF) grant award.

D. Advising and assisting the Selectboard, Planning Commission, and other appropriate persons on matters related to historic preservation, but not to participate in the review by the Development Review Board of specific proposed development.

E. Performance of additional responsibilities in accordance with a mutual written agreement between the Division and the Selectboard.

Chapter 31

FIREARMS

§ 31-1. Introduction.

The Selectboard is regulating the discharge of firearms in the densely populated and built-up areas within and close to the Norwich Fire District, to protect the residents.

§ 31-2. Authority.

The Selectboard of the Town of Norwich, in the County of Windsor, in the State of Vermont, acting under the authority of Title 24 V.S.A., Section 2291 (8) hereby establish a zone in which discharge of firearms is prohibited.

§ 31-3. Civil ordinance.

Any infraction of this ordinance will be considered a civil matter.

§ 31-4. Land affected by prohibition.

The land area is that known as the Norwich Fire District, excluding that part of the district located along US Route 5 north. Also included is residential subdivision of Hawk Pine Hills. A map delineating the area is attached to this ordinance. Copies are available from the Town Clerk's office.

§ 31-5. Exceptions.

A. For ceremonial salutes, on occasions such as Memorial Day, Veterans Day, and Independence Day, discharge of firearms, using only blank cartridges, will be permitted. This also includes salutes at funerals. The persons discharging the firearms must be authentic uniformed representatives of the event being held.

B. All law enforcement officers are exempt from this prohibition while they are performing their official duties.

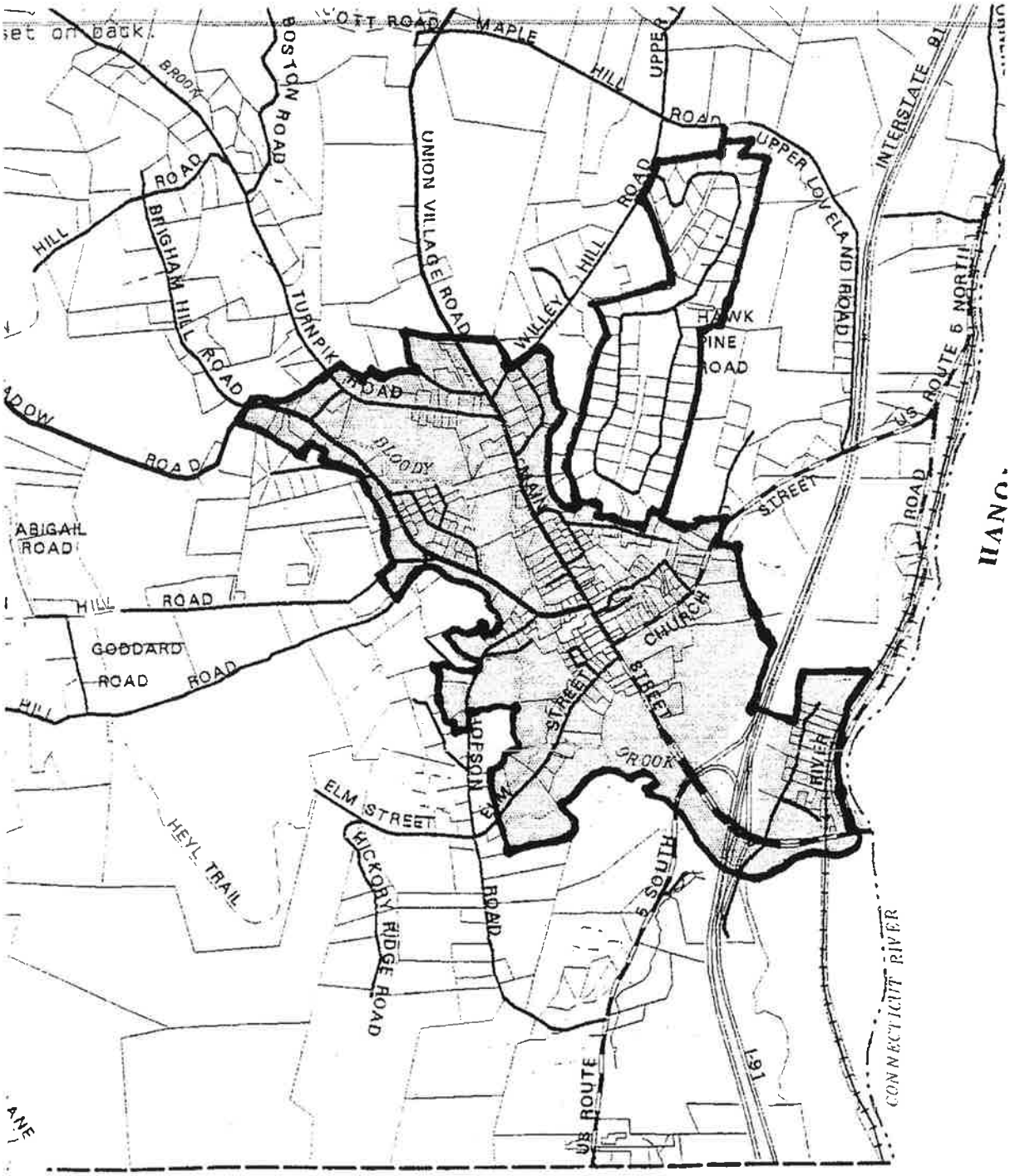
§ 31-6. Penalty.

Any person discharging a firearm in the prohibited area shall be issued a Municipal and Traffic Court ticket and a fine of $100 will be assessed.

§ 31-7. Waiver fine for non-contested tickets.

If the person who is issued a ticket does not contest the fine, then he/she may mail the ticket to the Traffic/Municipal Court with a check or money order for the waiver fine. The waiver fine will be 50% of the assessed fine $50.

Town of Norwich



NO DISCHARGE OF FIREARMS ZONE November 10, 1997
Including: Village Residential and Business Zoning Districts, and Hawk Pine Development Land

Chapter 75

SOLID WASTE

ARTICLE I
Prohibition on Disposal of Human Biosolid Waste and Septage

§ 75-1. Purpose of ordinance.

The purpose of this Ordinance is to prohibit the disposal and treatment of human bio-solid waste and septage within the Town of Norwich unless such disposal and treatment shall be conducted at a facility owned and operated by the State of Vermont or a governmental subdivision thereof.

§ 75-2. Authority.

This Ordinance is adopted pursuant to 24 V.S.A. § 2291(12) in accordance with the procedures set forth in V.S.A. § 1971 et seq.

§ 75-3. Prohibition.

The acceptance, storage, treatment, disposal or dispersal of human bio-solid waste, septage or sludge from any sewage treatment plant shall be prohibited within the Town of Norwich, unless any such activities shall be conducted at a location and facility owned and operated by the State of Vermont or a governmental subdivision thereof.

§ 75-4. Greater upper valley solid waste district.

No provision of this Ordinance shall be deemed to contravene or supercede the rights and obligations of the Town of Norwich as a Member of the Greater Upper Valley Solid Waste Management District (the "District") pursuant to Article I, Sections 7 and 8 of the District Charter approved by the General Assembly of the State of Vermont on June 22, 1990, by the Joint Municipal Survey Committee on January 4, 1990, and subsequently approved by the voters of the Town of Norwich and other District member municipalities.

§ 75-5. Enforcement.

Any person, firm, corporation, partnership or other entity violating the provisions of this Ordinance shall be fined not more than $100 for each violation. Each day the violation occurs shall constitute a separate violation. This Ordinance is designated a civil ordinance pursuant to 24 V.S.A. § 1971(b).

§ 75-6. Retroactive effect.

Under the provisions of 24 V.S.A. § 1971; et seq., the Town of Norwich, by its Selectboard, adopts this Ordinance this 14th day of October, 1996. This Ordinance is to be effective retroactively, beginning the 1st day of August 1996, unless a Petition is filed in accordance with the provisions of 24 V.S.A. § 1973.

Chapter 81

STREETS, TRAILS AND SIDEWALKS

ARTICLE I
Road Specifications

§ 81-1. Compliance required for acceptance by Town.

Before acceptance by Town Selectboard, a Highway (road) to be added to the Town Highway system shall be designed, laid out, and built by the owner or developer in conformance with the following standards and requirements.

§ 81-2. Design and Construction.

Highway design shall comply with the Vermont Agency of Transportation Town Road and Bridge Standards, Vermont Agency of Transportation Standard Sheet Drawing A76 and traffic control devices shall comply with The Manual on Uniform Traffic Control Devices (MUTCD) and these specifications. Highway design shall be based on projected maximum average daily travel including future extensions and through travel and usage. The minimum roadway width shall be 20 feet. The current edition of the AASHTO reference, "A Policy on Geometric Design of Highways and Streets" (the "Green Book"), shall be used as a reference for geometric design.

Construction shall be done in compliance with the applicable sections of the Vermont Agency of Transportation's current version of its "Standard Specifications for Construction Book".

§ 81-3. Inspection.

Highway designs, cut and fill plans, gravel pit plans, surveys, layouts, right-of-way, road construction site, preparation and construction shall be inspected by the Town Manager or his designee. Professional engineering, surveying, and legal competence may be employed by the Town to provide inspection and counseling services to the Town as considered necessary in authorizing inspecting and accepting the construction or altering of highways.

§ 81-4. Right-of-way.

The right-of-way shall be three rods in width, with additional slope rights where necessary. The highway shall be built in the center of the right-of-way and shall be cleared to permit and facilitate snow removal and proper maintenance of drainage ditches, culverts, slopes and banks, accesses, turnouts and turnarounds, and other features of the highway. Dead and diseased trees, brush and stumps shall be removed. Clear cutting of all trees and other vegetation from the right-of-way shall be accomplished in consideration of erosion potential and the development of reasonable and good esthetic qualities of the highway. Road design and drawings shall reflect general clearing plan.

§ 81-5. Shoulders.

Shoulders shall extend at least two feet on each side of the highway and shall be pitched to pre-

vent excessive erosion or unsafe conditions. Shoulders may be of dirt or gravel. Shoulders shall be shaped to prevent damage by erosion at turnoffs, approaches, bridges, culverts, and intersections, as well as along the highway. There shall be a distance of six feet from the toe of shoulder to toe of slope.

§ 81-6. Highway subgrade and surface preparation.

Road widths shall be a minimum of 20 feet and shall conform to Vermont Agency of Transportation Standard Drawing A76, the Vermont Agency of Transportation Town Road and Bridge Standards and/or as specified in particular locations by the Town Manager in consideration of subsurface conditions, banks and slopes, grades, turnouts, accessways, and other highway features. Sharp rises or other obstructions to snow removal equipment operations shall be eliminated during highway construction and prior to acceptance. The highway shall have a minimum of 12 inches of thick processed gravel sub-base and an additional 3 inches (minimum) top course of crushed gravel. Paved roads shall have a minimum of 3 inches of ¾" Type II base mix with 1 ½ inches of ½' Type III surface mix.

§ 81-7. Drainage ditches.

Drainage ditches shall be provided where necessary and shall be constructed to prevent infiltration of water into the gravel subbase and to conduct storm drainage to waterways and absorption areas. Accordingly, drainage ditches adjacent to roads are normally to be at least six inches below the gravel subbase or 18 inches below finished grade to minimize spring break-up conditions. Ditches shall be shaped to prevent excessive erosion on both shoulder and right-of-way or bank sides of the ditch cross section and shall conform to Vermont Agency of Transportation Town Road and Bridge Standards.

§ 81-8. Culverts.

Culverts shall be installed during the construction of the highway and prior to highway subbase and surface preparation and placement. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surface, shoulders or slopes. Culverts shall be of adequate size to handle drainage areas and volumes involved. Culverts shall be at least 18 inches in diameter or sized for a rainfall event that has a 2% chance of being exceeded in any one year (50 year return frequency) whichever is greater. Driveway culverts shall be at least 15 inches in diameter. Culvert sections shall be proper joined and shall extend at least two feet beyond highway surface and shoulder width. Culverts shall be of corrugated or helical coated steel or aluminum. Inlet and outlet ditches, boxes, and other protection necessary shall be provided to minimize erosion damage at culvert inlet or outlet areas, and to banks, slopes or ditches. Culverts on accessways, approaches, or driveways entering upon the highway, shall conform to these requirements and standards and shall be of adequate length to permit easy turning on or off the highway. Culvert elevations shall be kept as low as possible. Culverts over three feet in diameter shall conform to State of Vermont Highway Department standards, specifications, designs and guidance on a case-by-case basis.

§ 81-9. Grades.

Highway grades shall not exceed 10%. Finished grades (transverse and longitudinal) shall be

smoothed to eliminate sharp dips in traveled surface and, as may be necessary, to permit efficient snow removal and proper drainage.

§ 81-10. Alignment and curves.

Highways shall be aligned and constructed to provide visibility, curves and accesses required for safe travel and maintenance under both summer and winter conditions. Proper drainage shall be maintained on curves and bridge approaches.

§ 81-11. Bridges.

Bridge design and construction shall conform to State of Vermont Agency of Transporation standards, specifications, designs and guidance on a case-by-case basis.

§ 81-12. Turnarounds.

Turnarounds on dead end highways shall have a radius to accommodate properly emergency vehicles, equipment and vehicles using or servicing the road and area. Drainage should be provided to prevent impounding of water. Roadside features shall permit proper snow removal on turnarounds.

§ 81-13. Turnoffs.

Turnoffs with adequate elevation, surface, drainage ditches and culverts will be provided to permit safe passing under summer and winter conditions, and shall be dimensioned and constructed to enable effective and efficient snow removal.

§ 81-14. Driveways and approaches.

Driveways and approach roads entering upon a public highway shall be constructed at a 90° angle to such highway, or shall be provided with a surfaced area of sufficient size to permit a vehicle entering the highway to enter at a 90° angle. Driveways shall be constructed with a dip or depression where the grade of the highway meets the grade of the shoulder of the approach road. Guidance provided by State of Vermont Standard Sheet A-76 and B-71 should be followed. Culverts shall be installed if necessary and shall conform to standards for culverts stated above. Vegetation and trees shall be removed only as necessary to provide for visibility and safety. In general there shall be only one access point (driveway) per parcel unless waived by the Town Manager.

§ 81-15. Slopes and banks.

Vertical or sharp cut faces, excepting ledge, shall not be permitted. Slopes and banks shall be not greater than 1-on- 1 ½. Soil stability of bank shall be a design consideration, and slope or bank shall be designed and constructed to prevent instability, slides, washes, or other disturbance to the slope or bank surface or sub-surface. Banks shall not interfere with snow removal. After construction and final grading of banks, banks will be seeded to minimize surface erosion. Cribbing or rip rap shall be provided where necessary.

§ 81-16. Guard rails and posts.

Guardrails will be provided to meet essential traffic control and safety needs, and shall not inter-

fere with snow removal. Normally, any highway with a slope or bank falling away on a steep slope (4:1 or steeper) from the road surface, and which is 10 feet or higher in elevation, shall be protected with a guardrail unless such requirement is waived by the Town Manager in approving the road plan and application. Guardrails shall also be provided to warn and protect traffic from ledge or other obstruction where necessary in consideration of traffic volume, road width, and safety. Guardrails types, installation and end caps shall comply with the State of Vermont Standard specifications. W Beam guard rail is preferred.

§ 81-18. Application.

Application and accompanying technical data, designs and drawings shall be submitted to the Town Manager before road construction is started and before the road may be accepted. The Selectboard shall set a time for final inspection and shall hold public hearings before finally accepting any new road constructed in accordance with these standards and requirements in accordance with 12 V.S.A Chapter 7.

§ 81-19. Deed to Town.

If a road is accepted by the Town, the owner(s) of the property where it is built shall deed to the Town a three rod right-of-way, 1 and ½ rod each side of the center line, including slope rights if necessary; such deed to be a Vermont warranty deed free and clear of all encumbrances and properly supported by a survey showing roadway and right-of-way center lanes, driveways, utility lines (surface or sub-surface), and major road features, alignment and curves.

§ 81-20. Completion date.

Highways are to be completed by November 15 so that inspections and acceptance can be completed before winter. Any highway completed after November 15 will not be accepted until after June 1 the following year.

§ 81-21. Trial period.

If a highway is accepted and deeded to the Town it will be conditionally added to the Town's highway system. For a period of 12 months the grantors shall provide summer maintenance on the road and correct deficiencies which develop during this twelve-month period.

§ 81-22. Statutory authority.

This regulation is in furtherance and support of the proper accomplishment of responsibilities and the discharge of authority prescribed by 19 V.S.A. Chapter 7, "Laying Out, Discontinuing and Reclassifying Highways", and 24 V.S.A. Chapter 117, "Municipal and Regional Planning and Development."

ARTICLE II
Scenic Roads

§ 81-23. Advertising in publications; Town reporting.

No road in Norwich which has been designated as a scenic road may be described as a "Scenic Road" (or similar description) in any State or local publication available for sale or free distribution to the general public, nor indicated on any published map. The Town, however, will comply with any State statutory requirements for reporting.

§ 81-24. Maintenance.

Maintenance of scenic roads is allowed, and the following specific routine maintenance activities are permitted:

A. Winter maintenance:

(1) Plowing.

(2) Sanding.

(3) Salt/de-icing material application.

(4) Winging back snow banks.

(5) Ditch clearing.

(6) Culvert thawing.

(7) Ice removal by mechanical means.

B. Road surface maintenance:

(1) Grading as necessary.

(2) Application of gravel and stone to meet the requirements of the Town highway ordinance.

(3) Application of dust control materials.

(4) Resurfacing of paved portions.

C. Drainage.

(1) Maintaining existing culverts and bridges and add new culverts.

(2) Maintaining ditches.

(a) Maintaining ditches to a depth of 18 inches to 24 inches below the road surface or as required.

(b) Clearing vegetation and regrading shoulder and backslope as needed to the limits of the right-of-way.

(c) Installation of stone or other materials to control erosion consistent with the Vermont Agency of Transportation Town Road and Bridge Standards

D. Road signs. Regulatory traffic control signs as authorized by the Selectboard shall be in accordance with the Manual of Uniform Traffic Control Devices.

E. Right-of-way.

(1) Removal of dead trees.

(2) Clearing of brush and vegetation.

(3) Removal of trees and brush which infringe on the ability to maintain the road or that significantly blocks the line of sight on curves or intersections.

§ 81-25. Identification; nominations.

Each road or section of a road designated as a scenic road will be identified by its starting and finishing points. Each road will be separately nominated by an action of the Selectboard of Norwich.

§ 81-26. Hearing required prior to disturbance.

Any disturbance of a scenic road by construction or cutting trees or any other means, apart from those allowed by this ordinance shall be performed only after a duly warned public hearing.

ARTICLE III
Trails

§ 81-27. Authority.

This is a civil ordinance adopted under authority of 24 V.S.A. § 1971, 24 V.S.A. § 2291(14), 19 V.S.A. § 304(a)(5) and 19 V.S.A. § 1105 by the Selectboard of the Town of Norwich.

§ 81-28. Civil ordinance.

Any infraction of this ordinance will be considered a civil matter.

§ 81-29. Purpose.

The purpose of this ordinance is to assist in the implementation of long range plans and objectives of the Town of Norwich, as set forth in the Norwich Town Plan, including the protection and preservation of scenic roads, trails, walkways, and natural areas and to prevent environmental damage and pollution caused by vehicular traffic on designated trails in Norwich. Such damage and pollution are hereby deemed to be a public nuisance. This ordinance regulates the place and manner of potentially destructive means of vehicle access over trail rights-of-way and others uses and maintenance of trail rights-of-way within the Town of Norwich. Information concerning the location of trail rights-of-way shall be available at the Norwich Clerk's Office.

§ 81-30. Definitions.

For purposes of this ordinance, the following definitions shall apply:

MOTOR VEHICLE — Includes all vehicles propelled or drawn by power other than muscular power, except tractors used entirely for work on the farm, snowmobiles, or implements of husbandry used entirely for work on the farm.

OPERATE, OPERATING, OR OPERATED — As applied to motor vehicles, shall include drive, driving and driven and shall also include an attempt to operate, and shall be construed to cover all matters and things connected with the presence and use of motor vehicles, whether they be in motion or at rest.

TRAIL — A legal Trail extending as designated by the Norwich Selectboard under 19 V.S.A. § 775.

§ 81-31. Use of trail rights-of-way.

A. Trail rights-of-way may be used for hiking, walking, bicycling, cross-country skiing, snowmobiling, horseback riding and other similar activities all at the risk of the user.

B. The operation of a motor vehicle is prohibited on any Trail, as defined herein, unless the operator of the motor vehicle has a valid permit issued by the Town Manager.

C. No person may alter or injure the right-of-way of any Trail by obstructing or diverting a stream, watercourse or sluice, or by dragging logs or timber or any other objects within the right-of-way or cutting brush or trees, or altering drainage or grades and slopes, or any other modifications within the Trail right-of-way without first having received a permit from

the Town Manager.

D. The Town Manager may impose conditions and limitations upon any permit issued pursuant to this ordinance, including that the permit may be of temporary duration, that the applicant post a cash bond or equivalent for the benefit of the Town to secure the applicant's obligations as set forth pursuant to any portion of this ordinance and further that the frequency or intensity of the permitted use may be subject to a daily limitation or cap, in the discretion of the Town Manager.

E. The Town Manager may grant permission for the construction of a driveway, consistent with adopted standards, for access to property abutting a trail where a lot existed that met the requirements of the zoning ordinance on the date that the Selectboard made a decision to classify the right-of-way as a trail as defined in this ordinance and where there is no other reasonable access. [Amended 10-9-2001]

§ 81-32. Permits.

A. Permits for motor vehicle travel shall be only issued to residents of or persons owning property on the Trail for use by the resident, property owner or visitors to the resident or property owner or to persons who, in the judgment of the Town Manager, have been found to have a legitimate need to operate a motor vehicle on the Trail.

(1) The Town Manager shall solicit the opinions of abutters to the trail and the Norwich Conservation Commission, who shall have 30 days to respond, prior to approving any permit application to operate a motor vehicle on a Trail.

(2) Before issuing a permit to operate a motor vehicle on a Trail the Town Manager shall make findings that issuance of the permit will be in the public good, necessity and convenience of the inhabitants of Norwich.

B. Permits for repair, maintenance, improvement or restoration of any Trail right-of-way may be issued as needed when, in the judgment of the Selectboard, issuance of the permit will be in the public good, necessity and convenience of the inhabitants of Norwich.

C. General Permits may be issued consistent with the provisions of this ordinance.

D. Permits shall be valid for a term specified by the Selectboard.

§ 81-33. Penalty.

A. A person who places or causes to be placed an obstruction or encroachment in a public trail, so as to hinder or prevent public travel, or to injure or impede a person traveling on the trail, shall be fined not more than $1,000 plus the actual costs of repairing the damage and a reasonable attorney's fee, to be recovered in a civil action in the name of the Town.

B. The penalty for any other violation of this ordinance shall be a fine of $50 for each offense. However, the police may, at their discretion, issue a written warning for a first offense.

§ 81-34. Enforcement.

A. Payment of fines, waiver for non-contested offenses, and collection before the Traffic and Municipal Ordinance Bureau. Any fine assessed pursuant to § 81-33B of this article shall be paid within 10 days of the issuance of a ticket. For a non-contested violation, a waiver of 1/2 the assessed fine will be made if the fine is paid to the Treasurer, Town of Norwich, within 10 working days. Any fine not paid after this period may result in collection action through the Traffic and Municipal Ordinance Bureau, in respect of the full fine.

B. Injunctive relief and civil penalty collection in Superior Court. Whenever the Selectboard believes that any person is in violation of the provisions of this ordinance, the Selectboard may bring an action in the name of the Town in a court of competent jurisdiction against the person to collect civil penalties as provided in § 81-33 of this article and to restrain by temporary or permanent injunction the occurrence, continuation or repetition of the violation. The court may issue temporary or permanent injunctions without bond, and any other relief as may be necessary and appropriate for abatement of any violation.

§ 81-35. Enforcement officers.

Enforcement shall be performed by any officer of the Norwich Police Department, or by any other Vermont law enforcement officer.

ARTICLE IV
Private Road Specifications
[Adopted 2-11-2003]

§ 81-36. Purpose.

The purpose of this specification is to provide for the public safety, good, necessity and convenience of the residents of Norwich and users of private highways in Norwich and to assist in the implementation of long range plans and objectives of the Town of Norwich as set forth in the Norwich Town Plan and the Subdivision and Zoning Ordinances.

§ 81-37. Introduction and application.

A. The following specifications for construction of highways must be met for any highway serving two or more, but less than 11 lots or serving any lot with more than two dwelling units.

B. Any highway serving 11 or more lots or units shall meet the Specifications for Town Highways. Any highway to be transferred to Town ownership and maintenance shall meet the Specifications for Town Highways. Any highway serving a subdivision which, considered as a whole, involves 11 or more lots or units shall meet the Specifications for Town Highways.

C. A Norwich Highway Access Permit is required for Private Highways accessed from a Town highway.

§ 81-38. Design, layout and construction standards.

A. Right-of-way. The right-of-way shall be 50 feet in width, with additional easement areas for maintaining slopes, drainage, and sight lines where necessary. The highway shall be built in the center of the right-of-way and shall be sufficiently cleared to permit and facilitate snow removal and proper maintenance of drainage ditches, culverts, slopes and banks, turnoffs and turnarounds.

B. Highway subgrade and surface preparation. The highway shall have at least a 12-inches thick processed gravel sub-base, with an additional 3 inches (minimum) top course of crushed gravel.

C. Drainage ditches. Drainage ditches shall be provided where necessary and shall be constructed to reduce erosion, prevent infiltration of water into the gravel subbase and to divert water to vegetated areas, provide velocity controls and energy dissipaters. Accordingly, drainage ditches adjacent to highways are normally to be at least six inches below the gravel subbase or 18 inches below finished grade to minimize spring break-up. There should be 50 feet of natural vegetation between roads and streams. Drainage ditches shall be parabolic (wide "U" shaped) ditches when constructing new or substantially reconstructing ditches wherever lateral space allows. Ditches with gradual side slopes (maximum of 1:2, vertical to horizontal ratio) and a wide bottom (at least 2 feet) are preferred. All ditches shall be turned out to avoid direct outlet into surface waters. There shall be adequate outlet protection at the end of the turnout, either a structural (rock) or vegetative filtering area.

D. Culverts.

(1) Culverts shall be installed during the construction of the highway and prior to highway subbase and surface preparation and placement. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surface, shoulders or slopes. Culverts shall be of adequate size to handle drainage areas and volumes involved. Culverts shall be at least 18 inches in diameter or sized for a rainfall event that has a 2% chance of being exceeded in any one year (50 year return frequency) whichever is greater. Culvert sections shall be properly joined and shall extend at least two feet beyond highway surface and shoulder width.

(2) Culverts shall be of PVC or similar strength non-corrosive material. Inlet and outlet ditches, boxes and other protection necessary shall be provided to minimize erosion damage at culvert inlet and outlet areas, and to banks, slopes, or ditches. Culverts on access ways, approaches, or driveways entering upon the highway, shall conform to these requirements and standards and shall be of adequate length to permit easy turning on or off the highway. Culvert elevations shall be kept as low as possible.

E. Grades and widths.

(1) Highway grades and widths shall meet the following standards:

Number of Lots to be Accessed	Minimum Width of Travel Portion (feet)	Minimum Width of Shoulder, Each Side (feet)	Permitted Road Grades	Maximum Distance Between Turnoffs (feet)	Minimum Horizontal Road Curve C.L. Radius (feet)
2 - 3	14	1	12%	500	50
4 - 6	16	2	12%	500	50
7 - 10	18	2	10%	500	50
11 +	Town Highway Specifications				

(2) The Planning Commission may consider granting a waiver permitting portions of the highway to be narrower or steeper than the above standards. In granting the waiver, the Planning Commission shall be required to:

(a) Find that due to special circumstances of a particular site, a wider or less steep road will adversely affect significant natural or scenic resources, or the rural character, and

(b) Find that provisions can be made for a narrower or steeper road to provide access for vehicles using or servicing the highway or area and with the concurrence of the fire and Police Chiefs including emergency equipment.

(3) The Commission may require reasonable conditions similar to those described in the

following paragraph that will, in its judgment, and with the concurrence of the police and Fire Chiefs as it relates to emergency vehicles, provide access substantially the same as with the wider or less steep road. Examples of conditions for improving access on Private Highways include but are not limited to:

(a) Additional turn-offs.

(b) Greater width on corners.

(c) Paving steep grades.

(d) Fire protection.

[1] Residential sprinkler system.

[2] On-site water supply.

[3] Pre-planning with Norwich Fire Department.

(e) Provisions to assure long term maintenance.

(4) Road grades. Applications for roads where any portion of a finished grade exceeds the permitted grade shall include a road profile and site plans with two feet contours, erosion control measures, and sight distances for the entire length of the proposed road unless determined by the Planning Commission that this information is only required for a specific portion. A recorded maintenance agreement among lot owners and emergency off road parking may also be required.

F. Turnarounds. Turnarounds on dead end highways shall accommodate equipment and vehicles using or servicing the highway and area including emergency equipment. Drainage should be provided to prevent impounding of water.

G. Turnoffs. Turnoffs with adequate grade, surface, drainage ditches and culverts shall be provided to permit safe passing under summer and winter conditions, and shall be dimensioned and constructed to enable effective and efficient snow removal.

H. Driveways and approaches. Driveways and approach roads entering upon a private highway shall be constructed to the same specifications as a driveway entering upon a Town highway (see Norwich Driveway Access Specifications Ordinance).

I. Slopes and banks. Vertical or sharp cut faces, excepting ledge, shall not be permitted. Slopes and banks shall not be greater than 1 1/2: 1 (length to height). When the slope or bank exceeds four feet in vertical height then the slopes and banks shall not be greater than 2:1. Soil stability of a bank shall be a design consideration, and slope or bank shall be designed and constructed to prevent instability, slides, washes, or other disturbances to the slope or bank surface or sub-surface. Banks shall not interfere with snow removal. After construction and final grading banks will be seeded to minimize surface erosion. Cribbing or riprap shall be provided where needed.

J. Alignment and curves. Highways shall be aligned and constructed to provide visibility,

curves and accesses required for safe travel and maintenance under both summer and winter conditions. The minimum horizontal curve, measured at the center line radius, shall be 50 feet.

K. Erosion control. The applicant may be required to prepare and implement stormwater management and/or sedimentation and erosion control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, will not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer, be based upon Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources, the U.S. Department of Agriculture Natural Resource Conservation Service, and shall include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities.

81 Attachment 1

Town of Norwich

Designation of Scenic Roads

The following roads in the Town of Norwich have been designated as scenic roads in accordance with Chapter 81, Article II, of the Town Code:

Name of Road	Nomination Date	Location
Bragg Hill Road (TH 52)	9-19-1989	From its point of origin at the intersection with Beaver Meadow Road (TH 2) to the point where it ends by intersecting with TH 35
Bragg Hill Road (TH 35)	9-19-1989	From the point where it joins the end of TH 52 to the point where it intersects with Tucker Hill Road (TH 34)
Goodrich Four Corners Road (TH 24)	8-13-1990	From a point 300 feet north of the intersection of Town Farm Road (TH 22) to the point where Blood Hill Road (TH 25) joins Goodrich Four Corners Road
Jericho Street (TH 56)	7-29-1991	From the Hartford Town line to the point where the road ends at its intersection with Newton Lane. (This designation includes both the Class 3 and Class 4 sections of this road.)
Tucker Hill Road (TH 34)	9-19-1989	From its point of origin at the intersection with Beaver Meadow Road (TH 2) to its end

Chapter 86

STREET VENDORS AND DOOR-TO-DOOR SOLICITORS

§ 86-1. Authority.

This ordinance is adopted under the provisions of Vermont Statutes Annotated 24 V.S.A. § 1971 and § 2291(9).

§ 86-2. Civil ordinance.

Any infraction of this ordinance will be considered a civil violation.

§ 86-3. General provisions.

A. No person shall, in person or by his/her employees or agents, sell, peddle, or solicit orders for any goods, wares, merchandise or services within the sidewalks or public streets of the Town of Norwich (Town), or by traveling from door-to-door within the Town without first securing a permit from the Chief of Police or his/her designee.

(1) A permit shall be obtained seven days in advance of the start date of solicitation.

(2) The permit fee(s) shall be set by the Selectboard.

(3) The permit shall be valid for up to seven days. The permit may be extended for additional seven day periods by requesting such extensions from the Chief of Police or his/her designee.

B. No person shall, in person or by his/her employees or agents, sell, peddle, or solicit orders for any goods, wares, merchandise or services within the sidewalks or public streets of the Town, or by traveling from door-to-door within the Town between the hours of 7:00 p.m. on one day and 9:00 a.m. the next day.

C. Authorized representatives of religious, charitable, educational, or service organizations desiring to solicit or raise money through the sale of goods or through the sponsoring of an activity in a public place, municipal property, buildings, sidewalks or rights-of-way shall be exempt from paying any fees required by any section of this ordinance. All such organizations shall be required to submit in writing to the Chief of Police the name and purpose of the cause for which such sale of goods or activity is being conducted, the name and address of the immediate director of such activity, and the period during which such activity is to be carried out in the Town of Norwich and the time, place and location of such activity. If the Chief of Police investigation, shall find that the organization is a bona-fide charitable, religious, educational or service organization, and that the activity will not jeopardize public health, safety and welfare, he shall issue, free of charge, a permit to carry on such sale of goods or activity at a specified time and place and upon such other conditions as the Town Manager shall require. Such permit shall cover all persons engaged in the activity for which the permit was issued.

D. Minors, independent of an organization, may have a lemonade stand or similar stand and not trigger this ordinance.

§ 86-4. Denial of permit.

The Police Chief shall deny a permit if:

A. The applicant for a permit has been convicted within the last five years of any felony or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.

B. A permit previously issued to the applicant has been revoked.

C. The applicant has made any material misrepresentation in the application for a permit.

§ 86-5. Application information.

A. The applicant's full legal name.

B. A copy of a picture ID.

C. Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.

D. A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).

E. Full address of applicant's permanent residence.

F. Telephone number of applicant's permanent residence.

G. Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.

H. Full address of applicant's regular place of business, if any exists.

I. Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.

J. The type of business for which the applicant is applying for a license.

K. The dates during which the applicant intends to conduct business.

L. Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the Town, including the location where a transient merchant intends to set up his or her business.

M. A statement as to whether or not the applicant has been convicted within the last five years of any felony or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.

N. A list of the three most recent locations where the applicant has conducted business as a peddler or transient merchant.

O. Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.

P. A general description of the items to be sold or services to be provided.

Q. Any and all additional information as may be deemed necessary by the Police Chief.

R. The applicant's driver's license number or other acceptable form of identification.

S. The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.

§ 86-6. Prohibited activities.

No peddler, solicitor, transient merchant, noncommercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manner:

A. Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

B. Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

C. Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

D. Conducting business before 9:00 a.m. or after 7:00 p.m.

E. Failing to provide proof of license, or registration, and identification when requested.

F. Using the license or registration of another person.

G. Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the Town solely based on the Town having issued a license or certificate of registration to that person.

H. Remaining on the property of another when requested to leave.

I. Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

§ 86-7. Exclusion by placard.

A. Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, noncommercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, noncommercial door-to-door advocate, or similar activity when the property is marked with a sign or placard mounted on a post at the entrance to the driveway or at the main entrance to the building:

(1) At least 14 inches long.

(2) At least four inches high.

(3) With text of a contrasting color at least 1 1/2 inches high.

(4) Stating "No Solicitation".

B. No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

§ 86-8. No solicitors list.

A. The "Do Not Solicit" list shall be maintained by the Police Department.

(1) An owner or lawful occupant of any residence within the Town who wishes to prohibit solicitation at his or her residence may register the address of the residence with the Police Department by completing a form prepared by the Police Chief. The registration shall take effect seven days after the form is submitted to the Police Department and be valid for two years.

(2) The "Do Not Solicit" list shall consist solely of property addresses, and shall include no further identifying information concerning the ownership of each property.

(3) The Police Department shall remove from the "Do Not Solicit" list any property which has changed ownership.

B. The Chief of Police or, in his absence, the officer in charge of the Police Department, shall provide a copy of the "Do Not Solicit" list to each and every applicant to whom a permit is issued pursuant to this ordinance. Upon request, the Chief of Police or his/her designee shall provide a copy of the "Do Not Solicit" list to any individual or entity otherwise exempt from the provisions of this ordinance which intends to engage in door-to-door canvassing, solicitation, campaigning, advocacy, education, proselytizing, or handbill distribution.

C. Solicitation at any address identified on the "Do Not Solicit" list shall constitute a violation of this ordinance. Each and every solicitation at an address identified on the "Do Not Solicit" list shall constitute a separate violation of the ordinance.

§ 86-9. Enforcement.

This is a civil ordinance and shall be enforced by Police Department in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq.

§ 86-10. Penalties and costs.

A. First offense: $100 full penalty; $50 waiver penalty.

B. Second offense: $200 full penalty; $100 waiver penalty and revocation of permit.

§ 86-11. Other laws.

This ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont.

Chapter 103

VEHICLES AND TRAFFIC

ARTICLE I
Speed Limits

§ 103-1. Authority and purpose.

The Selectmen of Norwich, in the County of Windsor and the State of Vermont, acting under the authority of 24 V.S.A. §2291(4) hereby establish a maximum speed limit on the following listed roads in the Town of Norwich. These speed limits have been adopted to promote public safety and welfare and to reduce the accident potential related to excessive speed. Each road or group of roads has been given a maximum speed limit for travel by a motor vehicle over that road.

§ 103-2. Fines.

Fines for violation of this ordinance shall be as provided in 23 V.S.A., Chapters 13 and 24.

§ 103-3. Speed limits established (in miles per hour).

Street	Speed Limit	Locales
Academy Road [Added 5-27-2015]	25	Beginning at the VT Route 132 intersection extending northerly 0.38 mile to the Norwich-Thetford town line
Beaver Meadow Road	25	From its start at Main Street to a point 1,185 feet west of the intersection of Brigham Hill Road with Beaver Meadow Road
Beaver Meadow Road	40	From a point 1,185 feet west of the intersection of Brigham Hill Road with Beaver Meadow Road to the Sharon Line
Bragg Hill Road	25	From its beginning at the junction with Beaver Meadow Road for 2.04 miles
Bragg Hill Road	35	From the point where the 25 mile per hour limit ends (2.04 miles from its beginning at Beaver Meadow Road) to the junction with Tucker Hill Road
Brookside Road	25	Entire length
Carpenter Street	25	Entire length
Chapel Hill Road [Added 7-19-1999]	35	Starting at its intersection with Mitchell Brook Road and ending at its intersection with Beaver Meadow Road
Cliff Street	25	Entire length
Elm Street	25	Entire length

Street	Speed Limit	Locales
Goodrich Four Corners Road	40	From its start at the intersection with US Route 5 to the point where Blood Hill Road starts
Goodrich Four Corners Road	35	From the point where Blood Hill Road starts to its termination at Union Village Road
Hawk Pine Road [Added 7-	30	Entire length
Hazen Street	25	Entire length
Hickory Ridge Road	25	From its starts at the intersection with Elm Street to the point where it terminates in a private road
Hopson Road	25	Entire length
Huntley Street	25	Entire length
Jones Circle	25	Entire length
Koch Road	25	Entire length
Larry Lane	25	Entire length
Main Street and Union Village Road	25	From the junction with US Route 5 to a point on Union Village Road, 500 feet north of the junction of Union Village Road and Turnpike Road
Maple Hill Road	30	From Union Village Road to Willey Hill
McKenna Road	25	Entire length
New Boston Road	25	From the junction with Turnpike Road to the junction with Olcott Road (TR #38).
New Boston Road	40	From the junction of New Boston Road and Olcott Road (TR #38) to its intersection with Norford Lake Road
New Boston Road	35	From the point where Norford Lake Road intersects with New Boston Road to its termination at the Thetford Town line
Norford Lake Road	25	From the junction with New Boston Road to the Thetford Town Line
Partridge Hill Road	25	Entire length
Pattrell Road	25	From its start at the intersection with Union Village Road to the point where it intersects with Kerwin Hill Road
Pine Tree Road	25	Entire length
River Road	40	Beginning at the junction with VT Route 10-A and extending northerly 0.59 mile
River Road	35	From the 40 mph zone extending northerly 0.56 mile to the junction with US Route 5

Street	Speed Limit	Locales
VT Route 132	40	Beginning at the Route 5 intersection extending westerly 0.50 mile to a point 800 feet west of Campbell Flats Road
VT Route 132	35	From the 40 mph zone extending westerly 1.25 miles to a point 200 feet west of Union Village Road
VT Route 132	40	From the 35 mph zone extending westerly 0.83 mile to the Norwich-Thetford town line
Sargent Street	25	Entire length
Trumbull Lane	25	Entire length
Turnpike Road	25	From its junction with Union Village Road to 0.29 miles west of Brigham Hill Road
Turnpike Road	35	From the point where the 25 mile per hour limit ends at 0.29 miles west of Brigham Hill Road to the junction with Upper Turnpike Road
Union Village Road	40	From the point at which the 25 miles per hour speed limit ends (500 feet north of the junction of Turnpike Road and Union Village Road) to the junction of Union Village Road and VT Route 132.
US Route 5 [Added 5-13-2015]	35	Beginning at the Hartford-Norwich town line and extending northerly .020 mile to a point 0.17 mile south of TH-58 (Hopson Road)
US Route 5 [Added 5-13-2015]	40	From the 35 mph zone extending northerly 0.73 mile to a point 0.09 mile south of VT 10A
US Route 5 [Added 5-13-2015]	25	From the 40 mph zone extending northerly 1.12 miles to a point 0.12 mile south of TH-40 (Upper Loveland Road)
US Route 5 [Added 5-13-2015]	40	From the 25 mph zone extending northerly 0.60 mile to a point 0.20 mile north of Norwich State Highway "River Road"
US Route 5 [Added 5-13-2015]	50	From the 40 mph zone extending north to the Norwich-Thetford town line
VT Route 10-A [Added 5-13-2015]	30	Beginning at the intersection of US Route 5 and extending easterly 0.52 mile to the New Hampshire state line at the west end of the so-called "Ledyard Bridge" which spans the Connecticut River

Street	Speed Limit	Locales
Willey Hill Road [Added 4-26-1993; amended 8-22-2000; 1-12-2005]	30	From its start at the intersection with Union Village Road to the point where it terminates at the four-way junction of Maple Hill Road and Upper Pasture Road

ARTICLE II
Through Streets; Stop and Yield Intersections

§ 103-4. Title.

This Ordinance shall be known and may be cited as "Highway Intersection Ordinance of Norwich, Vermont."

§ 103-5. Purpose.

This Ordinance, adopted in accordance with 23 V.S.A. Ch 13 and 19 V.S.A. Ch 1, as amended, is designed to promote the safety of persons operating motor vehicles in the Town of Norwich and for pedestrians making proper use of public highways.

§ 103-6. Designation of throughways.

A. The following highways in the Town of Norwich, which are within the control and jurisdiction of the Town, are hereby designated throughway, pursuant to 19 V.S.A. § 27:

Street	Locale
Beaver Meadow Road	From its intersection with Main Street to the Norwich-Sharon Town line
Main Street	From its intersection with US Route 5 North to that point where the Northerly sideline of the Partridge Hill Road intersects Main Street
New Boston Road	From to the town
Turnpike Road	From its intersection with Main Street to its termination
Union Village Road	From the intersection with the Partridge Hill Road to VT Route 132

B. Designation of additional through ways. Other highways may be designated as through ways, as provided by law, as deemed necessary by the Board of Selectmen, by recording the designation in the Town Clerk's Office. Such designation shall become effective upon compliance with 19 V.S.A. 27 and 28, as amended, or such other applicable law in effect at that time.

§ 103-7. Establishment of "stop intersections".

The following intersections of Town highways are hereby designated as "Stop Intersections" pursuant to 23 V.S.A. § 1008.

Streets	Intersections
Brigham Hill Road	Beaver Meadow Road
Bragg Hill Road	Beaver Meadow Road [Added 3-13-2001]
Carpenter Street	Main Street

Streets	Intersections
Dutton Hill Road	Beaver Meadow Road [Added 3-13-2001]
Elm Street	Hopson Road (both sides) and Main Street
Hazen Street	North and South ends of Main Street
Hopson Road	Elm Street on both the North and South intersections
Huntley Road Street East	Each end of Beaver Meadow Road [Added 3-13-2001]
Jones Circle Road	Elm Street
Koch Road at	Main Street and Willey Hill Road
Beaver Meadow Road	Main Street
Partridge Hill Road	Union Village Road
Turnpike Road	Main Street
Willey Hill Road	Union Village Road
Turnpike Road	New Boston Road

§ 103-8. Establishment of "yield right-of-way intersections".

The following intersections are hereby established as "Yield Right-of-Way" intersections:

Streets	Intersections
Bradley Hill Road	Union Village Road
Huntley Street	West end of Beaver Meadow Road

§ 103-9. Establishment of additional "Stop" or "Yield" intersections.

The Selectboard may establish other "Stop" or "Yield" Intersections on designated throughways as it deems necessary by the recording of a description of the intersection and its designation in the Town Clerk's Office. The designation shall become effective upon compliance with 19 V.S.A. Section 27 and 28, as amended, or such other applicable law in effect at that time.

§ 103-10. Traffic regulation. [Amended 3-13-2001]

Except when directed to proceed by an enforcement officer every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

§ 103-11. Penalty.

A violation of any provision of this Ordinance shall constitute a traffic offence and a penalty shall be imposed, as provided by 23 V.S.A. § 2302(a) (4).

ARTICLE III
Vehicle Weight Limits
[Adopted 6-28-2006]

§ 103-12. Definitions.

As used in this article, the following terms shall have the meanings indicated:

Director of Public Works — Appointed by the Town Manager.

OFFICER — Any Norwich Police Officer.

TOWN HIGHWAY — Any Class 2, 3 or 4 highway, road, street or other public way, as defined in 19 V.S.A. § 302.

TRUCK — Any motor truck (as defined by 23 V.S.A. § 4(20)), tractor trailer or other motor vehicle that desires to operate on Town Highways with weights exceeding base limits as defined by 23 V.S.A. § 1392(1)-(2).

TRUCK OPERATOR — Either the owner or lessee of the vehicle or the person who moves or operates a Truck.

WEIGHT LIMITS — Weight limits as defined in 23 V.S.A. §1391, 1392 and 1400.

§ 103-13. Requirements.

A. With the adoption of this ordinance, a Truck Operator will be required to be in compliance with State of Vermont requirements and registration for operation of an excess weight vehicle.

B. The Truck Operator shall be required to maintain the following information:

   (1) Proof of compliance with current State requirements [e.g., a copy of necessary state permit(s) and/or registration]

   (2) Copy of current insurance coverage including general liability coverage.

C. When in compliance as required in this provision, a Truck Operator may operate a Truck on Norwich Class 2 and Class 3 roads; and with specific, prior written approval of the Highway Administrator, on Class 4 roads.

§ 103-14. Mud season requirements.

During mud season when roads are posted, a resident of Norwich may receive permission for their truck to make trips from and to the owner's home IF it is determined by the Director of Public Works for the Town of Norwich that the trips will not cause undue damage to the posted roads. All Truck Operators seeking to utilize Class 4 roads during mud season must establish a travel pattern that is acceptable to the Highway Administrator to assure that such trips do not cause undue damage to such roads. Permission granted by the Highway Administrator may be rescinded if road conditions warrant it.

§ 103-15. Enforcement.

A. A Truck which is in compliance with State of Vermont requirements for its weight by authority granted in 23 V.S.A. § 1391, 1392(4)-(21) and 1400 is in compliance with this Ordinance.

B. If a Truck is not in compliance with State of Vermont requirements, the Town may assess the penalties provided in 23 V.S.A. § 1391a.

ARTICLE IV
Parking
[Adopted as last amended 12-10-2008]

§ 103-16. Authority.

This ordinance is adopted by authority of 24 V.S.A. § 1971-1973 and 2291. The ordinance is further regulated by reference to 23 V.S.A. , § 1101, 1102, 1104 and 1105.

§ 103-17. Civil ordinance.

Any infraction of this ordinance will be considered a civil matter.

§ 103-18. Purpose.

The purpose of this ordinance is to provide a lawful, fair and well defined parking ordinance which is enforceable at the municipal level with the ultimate goal of improving public safety. The ordinance lists the areas where parking is not permitted, and areas where parking is allowed to a limited degree.

§ 103-19. Definitions, composition, rules and procedures.

To the extent statutory sections define terms or conditions intended to be applied by this ordinance then they are incorporated by reference.

§ 103-20. No Town police court.

This Ordinance does not establish a Town Police Court under 23 V.S.A. § 1742.

§ 103-21. No parking zones (designated streets).

A. Parking, stopping, or standing is prohibited at all times at or in the following locations:

Beaver Meadow Road

Area	Locale
1	From the beginning of Beaver Meadow Road at the intersection with Main Street, westerly along the south side of Beaver Meadow Road to the point where Hopson Road starts
2	North side of Beaver Meadow Road: westerly from a point 300 feet from Main Street to the south end of Bridge #39 (over Blood Brook and near St Francis' Church.)

Carpenter Street

Area	Locale
1	North and south sides of Carpenter Street: from the intersection with Main Street easterly on the north side of Carpenter Street to the easterly boundary of the 1820 House property
2	From the intersection of Main Street and Carpenter Street easterly on the south side of Carpenter Street to the intersection of Carpenter Street and Lary Lane

Firehouse Lane

Area	Locale
1	Both sides of Firehouse Lane are restricted to parking for fire department use. The area between the East side of the Grange building and the front of the Fire Station is restricted to parking for fire department use and Grange members

Main Street

Area	Locale
1	West side of Main Street: from the intersection of Beaver Meadow Road and Main Street, in a southerly direction along the west side of Main Street to the southern boundary of the Norwich Inn property
2	West side of Main Street: from the intersection of Beaver Meadow Road and Main Street, in a northerly direction along the west side of Main Street for a distance of 40 feet measured from the edge of the traveled way on the north side of Beaver Meadow Road
3	Opposite the entrance to Norwich Square: on the east side of Main Street at triangle at the intersection of Main Street and US Route 5.
4	East side of Main Street northerly from the corner of Carpenter Street to the pedestrian crossing located in front of the Norwich Inn
5	On the east side of Main Street southerly to the driveway on the south side of the Ledyard Bank
6	On the West side beginning at 100+ feet south of TH No. 60 (Elm Street, MP 1.37+) and extending northerly to 121+ feet north of TH No. 60 (MP 1.41+).
7	On the East side beginning across from TH No. 60 (Elm Street, MP 1.39+) and extending northerly to 200+ feet north of TH No. 60 (MP 1.43+)
8	On the East side of Main Street immediately south of the intersection of Hazen Street and Main Street near the library there shall be no parking from point of sign to corner of Hazen Street (in front of the library)

Turnpike Road

Area	Locale
1	Both sides of Turnpike Road: from the east edge of the Huntley Meadow land, westerly along both the north and south sides of Turnpike Road to the intersection of Turnpike Road and Moore Lane

US Route 5 North

Area	Locale
1	On the West side at (MP 4.48+) and extending northerly to (MP 4.67+) for a distance of 1,000 feet. Locale 713 US Route 5 North

US Route 5 South

Area	Locale
1	On both sides beginning 200 feet south of the drive to the Co-op Farmer's Market (MP 0.12+) extending northerly to 200 feet north of the drive to the Co-op Farmer's Market (MP 0.20+) for a total distance of 400+ feet

B. Marked turnaround areas/or turning circles:

Bradley Hill Road
Four Wheel Drive Road
Happy Hill Road
Upper Loveland Road

(1) Vehicles shall not park in a turnaround area, so as to block entrance or egress to trail, obstruct snow removal, prevent free flow of traffic, or prevent vehicles from turning around at these locations.

(2) In addition, winter parking regulations shall apply to all turnaround areas.

§ 103-22. Loading zones.

The following areas are designated as loading zones for the temporary use of delivery vehicles. All other parking, stopping, or standing is prohibited.

Loading Zones

Area	Locale
1	The south side of Beaver Meadow Road starting at 75 feet from Main Street and continuing for a distance of 25 feet
2	The west side of Main Street in front of the Norwich Inn
3	Any area designated as public transportation access points
4	The north side of Elm Street starting 25 feet from Main Street and continuing westerly 50 feet on Elm Street

§ 103-23. Limited-time parking zones.

Between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday parking is limited to four hours on the south side of Tracy Hall.

§ 103-24. Daylight parking areas.

Parking is permitted in these areas only during daylight hours. These are defined as one half-hour before sunrise to 1/2 hour after sunset. Overnight parking is not permitted.

Daylight Parking Areas

Area	Locale
1	Huntley Meadow recreation area
2	Gile Mountain recreation area trail head
3	Former Norwich pool site, recreation area and Ballard Trail trailhead

§ 103-25. Winter parking regulations.

Parking is prohibited on all roads and streets in the Town of Norwich between 11:00 p.m. and 7:00 a.m. during the period of November 1 to April 30. This prohibition is designed to facilitate snow removal. Violators of this section shall be ticketed and may have their vehicles towed. Vehicle owners shall be responsible for the costs of such towing and vehicle storage.

§ 103-26. Obstructing crosswalks.

Parking, stopping or standing is prohibited in the following designated crosswalks:

Designated Crosswalks

Area	Locale
1	Main Street Pedestrian Crossings: In front of Tracy Hall; In front of the Norwich Inn; Koch Road; Elm Street; Church Street at Marion Cross School
2	On the east side of Main Street (traveling north) between the junction of Church Street and the pedestrian crossing
3	On the west side of Main Street (traveling south) between the bank driveway and the pedestrian crossing
4	Beaver Meadow Pedestrian Crossing at Main Street
5	Beaver Meadow Pedestrian Crossing at Fairview Cemetery

§ 103-27. Reserved handicapped parking.

Any posted and properly marked handicapped parking space located on a public highway or public parking area which is open to the general flow of vehicular and pedestrian traffic within the Town of Norwich is for use by handicapped persons only. All other parking, standing and stopping are prohibited. The operator/owner of a vehicle using a handicapped parking space must display a valid handicapped registration plate or a valid placard.

§ 103-28. Obstructing emergency service access for fire/police vehicles.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of an enforcement officer or official traffic control device, no person may stop, stand or park a vehicle in the following areas:

Emergency Service Access Points

Area	Locale
1	In front of a fire hydrant or within 6 feet on either side of a fire hydrant measured along the curb or street edge from the center line of the hydrant projected to the curb or street edge.
2	Parking within 20 feet of the intersection of Firehouse Lane and Main Street on the east side of Main Street
3	Parking within 75 feet of the fire station driveway on the west side of Main Street except for vehicles that are parked so that all tires are off of the paved portion of the road

(A fire hydrant is any upright pipe installed for the purpose of obtaining water from a water main, pond, cistern or river and includes what are commonly referred to as wet and dry hydrants.)

§ 103-29. Vehicles parked for sale.

No person or entity shall park or cause to be placed on any public highway (or on public property in the Town of Norwich) any motorized vehicle, trailer, boat, snowmobile, farm equipment or other property; registered or un-registered, for the purpose of selling said vehicle, trailer, boat, snowmobile, farm equipment or other property. Registered and operating vehicles bearing "For Sale" signs, or the like, that are otherwise properly parked in the Town for a bona-fide non-sale purpose must be moved from any public parking area between the hours of 10:00 p.m. and 8:00 a.m. every evening.

§ 103-30. Additional regulation of parking.

The Selectboard may regulate parking in addition to or otherwise as provided in this ordinance, by notice of the designation and description of such parking areas recorded in the office of the Town Clerk and posted in three conspicuous places in the Town of Norwich, together with a publication in the local area paper within 14 days of the adoption of such changes or additional parking areas and the erection of suitable signs.

§ 103-31. Penalty.

A. The fine for a first violation of any provision of this Ordinance is $5, and a second or subsequent violation committed within 30 days shall be $15. An exception hereto is number 18 below. A violation of the provision for handicapped parking is penalized under 23 V.S.A. section 304a(e) and shall be $25 for each offense, plus the cost of towing and storage costs.

(1) Overtime or overnight prohibited parking.

(2) Parked facing wrong direction.

(3) Obstructing a crosswalk.

(4) Obstructing a sidewalk.

(5) Parking within a bus stop.

(6) Obstructing a driveway.

(7) Parking within 20 feet of intersecting way.

(8) Double parking.

(9) Restricted place or prohibited area or prohibited time.

(10) Parking within six feet of hydrant.

(11) Snow removal (obstructing).

(12) Fire lane violation.

(13) Obstructing travel lane.

(14) Where signs prohibit.

(15) Obstructing loading zone.

(16) Winter parking ban.

(17) Vehicle parked for sale.

(18) Handicapped parking violation (including failure to display valid plate or placard.

(19) Violation of Town Ordinance.

B. In addition to the fines contained in this ordinance the police may arrange for the vehicle violating this ordinance to be towed away and the operator/owner shall be responsible for any towing and storage charges that may be incurred.

§ 103-32. Payment of fines, waiver for non-contested violations and collection.

All fines must be paid within 20 working days of the issuance of the ticket. If the fine has not been paid within this period, the ticket may be sent to the District Court for collection of the fine. Additional fees may be applied for the collection of all fines. Such fees may include but not limited to administrative processing fee(s) and/or postage (certified mail).

§ 103-33. Grievance procedure.

If a person believes that s/he has unfairly received a parking violation ticket, s/he may appeal in writing to the Norwich Parking Enforcement Officer, by filling out a grievance form (forms available at the Norwich Police Department). Return form by mailing or in person to the Norwich Police Department, 10 Hazen Drive, Norwich, VT 05055. Requests for appeals must be submitted within three working days of the issue date on the ticket. If the person is not satisfied with the disposition rendered by the Parking Enforcement Officer, s/he may appeal in writing to the Police Chief. The decision of the Police Chief shall be final. A person must maintain possession of his/her parking ticket until notified of its disposition by the parking enforcement officer.

PART II

LAND USE

REGULATION

Chapter 215

SUBDIVISION OF LAND

ARTICLE I
Authority and Purpose

§ 215-1.1. Enactment and authority.

A. In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117, § 4401 and § 4413 through § 4421], hereinafter referred to as "the Act," as most recently amended, there are hereby established subdivision regulations for the Town of Norwich, Vermont. These regulations shall be known and cited as the "Norwich Subdivision Regulations."

B. It is the policy of the Town of Norwich to regulate all subdivision of land, and subsequent development of the subdivided plat, in accordance with these regulations, to ensure the orderly planned, efficient and economical development of the Town. No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred or leased until a final plat prepared in accordance with these regulations has been approved by the Development Review Board.

§ 215-1.2. Purpose.

Subdivision: Division of any lot or parcel of land into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale. Any transfer, conveyance or sale of land held in one ownership, but already divided into lots by an existing public right-of-way, shall not be considered a subdivision for the purposes of these regulations

These regulations are adopted to further the following objectives:

A. To guide future development in accordance with the Norwich Town Plan, Norwich Zoning Regulations, capital budget and program, and all other bylaws and regulations enacted to implement the Plan, in a manner which maintains and strengthens the traditional settlement pattern of compact villages surrounded by an open, rural landscape.

B. To encourage development of affordable housing and promote economic diversity in Norwich.

C. To ensure that land to be subdivided is of such character that it can be used safely for its intended purposes.

D. To establish criteria for determining development capacity of land and to regulate the density and location of development in a manner that reflects traditional settlement patterns.

E. To protect and provide for the public health, safety, and general welfare of the Town of Norwich.

F. To promote conservation of energy and permit utilization of renewable energy resources.

G. To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that those public facilities and services are available and will have sufficient capacity to serve any proposed subdivision.

H. To preserve natural areas, critical habitat, scenic and historic resources and productive farmland through proper configuration of parcel boundaries and arrangement and location of development on parcels.

I. To provide the most efficient relationship between land use and circulation of traffic throughout the Town; and to avoid undue traffic congestion and overburdening of roads, highways and intersections.

J. To prevent pollution of air, streams and ponds; to ensure the adequacy of drainage facilities; to safeguard ground and surface waters; and to encourage wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and value of the land.

K. To minimize fragmentation of productive resource lands, including farm and forest land, to ensure its continued use and availability for agriculture, forestry and wildlife habitat.

L. To further the purposes contained in the Act, and in particular those purposes set forth in Section 4302.

§ 215-1.3. Adoption and amendment.

A. These regulations shall take effect 21 days after being adopted by a majority of the members of the Norwich Selectboard at a meeting which is held after the final public hearing, in accordance with the procedures set forth in the Act [§ 4404].

B. Amendments to these regulations shall be enacted in accordance with the provisions of the Act [§§ 4403, 4404].

§ 215-1.4. Severability.

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.

ARTICLE II
Subdivision Application Procedures

§ 215-2.1. Applicability.

A. Subdivision approval required. Whenever any subdivision of land or boundary line adjustment is proposed, the landowner or authorized agent (applicant) shall apply for and secure approval of such proposed subdivision or boundary line adjustment in accordance with the procedures set forth in these regulations prior to:

(1) Commencing any construction, land development or land clearing (excluding forestry or agricultural activities);

(2) The sale or lease of any subdivided portion of a property, excluding:

(a) Parcels leased for agricultural purposes, where all resulting parcels are at least five acres in size, and no new roads are created for uses other than accepted agricultural practices; and

(b) Parcels leased for utilities, cell towers, or municipal use, where the lease will end when the use ceases; and

(3) Filing a subdivision plat with the Town Clerk.

B. Coordination with other regulations.

(1) Determination of allowable density. The maximum allowable development density shall be determined for all proposed subdivisions of land located in the Rural Residential District in accordance with the standards set forth in the Norwich Zoning Regulations and the standards and procedures set forth in Section 3.2(B) of these regulations.

(2) Planned unit development review. Subdivision applications for Planned Unit Developments (PUDs) shall be reviewed as a subdivision under this article. PUDs shall meet the standards set forth in the Norwich Zoning Regulations, as well as subdivision standards included in Article 3 of these regulations, unless otherwise waived by the Development Review Board.

C. Waiver authority. In accordance with the Act [§ 4413(b)], the Development Review Board may waive, subject to appropriate conditions: either (i) application requirements set out in Table 2.2, preliminary plat review and associated public hearing requirements; or (ii) development review standards set forth in Article III.

(1) In the case of (i), the applicant shall identify the specific requirements for which the waiver is requested and state those that are not applicable and why they are not applicable and the basis for the requested waiver.

(2) In the case of (ii), the applicant shall be required to establish that due to the special circumstances of a particular site, the requirements of the development review standards for which waiver is sought will create an unreasonable hardship or adversely affect valuable natural resources, rural character, or aesthetics and that granting the waiver will be consistent with the purposes of these regulations as set forth in Article 1.

(3) The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Development Review Board to make the findings cited below and make a decision. The Board may grant or deny waivers, in whole or in part. In granting waivers, the Board shall require such conditions as will in its judgment secure substantially the objectives of the provisions that are the subject of the waiver. Before granting a waiver to the development review standards set forth in Article III, the Board shall make the following findings, including the rationale for each finding:

(a) That the development review standards for which the waiver is sought will create an unreasonable hardship or adversely affect valuable natural resources, rural character, or aesthetics, and

(b) That granting the waiver will be consistent with the purposes of these regulations, and

(c) That, in consultation with the fire and Police Chiefs, granting the waiver will not adversely affect public safety, and

(d) That granting the waiver will not adversely affect the character of the neighborhood.

D. Boundary line adjustment reviews. (Also known as annexations).

Boundary Line Adjustment: Adjustments of boundary lines in which there is a sale, conveyance or exchange of land from adjacent lots which does not increase the number of parcels of land. (Also known as an Annexation)

(1) Boundary line adjustments shall be reviewed under the same criteria and process as a subdivision unless, after review of the boundary line adjustment plan, the Development Review Board determines that the proposed boundary line adjustment:

(a) Is a minor realignment in that:

[1] Area of the land to be transferred is less than the half of the area of the original parcel to be reduced in size, or

[2] Both parcels are already developed.

(b) Does not change substantially the nature of any previously approved subdivision;

(c) Does not result in the creation of any new lots;

(d) Will not impair access to any parcel;

(e) Will not impact adversely any valuable natural resource or result in fragmentation of agricultural or conservation lands; and

(f) Will not create a nonconforming lot or nonconforming structure, or increase the degree of nonconformity of a preexisting nonconforming lot or structure.

(2) A public hearing is not required in connection with a review of a proposed boundary line adjustment plan. If the Development Review Board, at a regular meeting, determines that the proposed boundary line adjustment meets the criteria in Subsection D(1), it shall authorize the Zoning Administrator to approve the filing with the Town of a final plat for recording in substantially the same manner as final plats for approved subdivisions under § 215-2.7E. In those instances where the Development Review Board determines that the proposed boundary line adjustment does not meet the above criteria, it may also issue, if requested by the applicant, the findings supporting the determination.

Table 2.1

Norwich Subdivision Regulations

Subdivision Review Process Outline

Action	Responsible Party; Timeline
Pre-Application Meeting(s):	Planning Department Staff: reviews completeness of proposed application and determines maximum density based on Tables 3.1 and 3.2
Preliminary Plan Review and Density Determination:	
(1) Submission of preliminary plan application — See Table 2.2 submission requirements	Applicant; at least 30 days prior to public hearing scheduled before Development Review Board
(2) Development Review Board hearing	Applicant (or agent): attendance required
(3) Review of compliance with criteria in Sections 3.2 to 3.10	Development Review Board; issues a Preliminary Plan Review determination within 45 days of close of preliminary plan review hearing
Intermediate Plan Review: Optional - May be requested by either Applicant or Board	
(1) Submission of intermediate subdivision plan including: • Any waiver requests • Compliance with design changes recommended in preliminary plan approval; and • Documentation requested in preliminary plan approval	Applicant; within 12 months of the date of preliminary plan determination, at least 30 days prior to scheduled hearing before Development Review Board
(2) Development Review Board public hearing	Development Review Board; issues an Intermediate Plan Review determination within 45 days of close of intermediate plan review hearing
Final Plan Review	
(1) Submission of final subdivision plan, including: • Any waiver requests	Applicant; within 12 months of date of preliminary plan approval or intermediate plan review, unless waived, and at least 30 days prior to scheduled hearing before Development Review Board

	• Compliance with design changes set forth in preliminary or intermediate plan approval; and • Proposed final plat and supporting documentation requested in the preliminary or intermediate plan review	
(2)	Final Plan Review Decision	Development Review Board; issues a Final Plan Review Decision within 45 days of the hearing adjournment date
(3)	Final plat recording in the Town records	Applicant; within 120 days of date of subdivision approval. Zoning Administrator may extend date for recording by an additional 90 days, if final local or state permits or approvals are still pending
(4)	Certificate of Compliance (if required)	Zoning Administrator; upon completion of improvements

§ 215-2.2. Preapplication meeting.

A. Applicability. Any person contemplating submitting an application for subdivision in accordance with these regulations is required to meet with Town planning and zoning staff prior to submitting an application for subdivision approval (preliminary plan, intermediate plan or final plan) to receive guidance regarding the application and review process and the subdivision standards in effect. Any person may also meet with the Development Review Board to discuss conceptual plans, the subdivision review process, and to review the standards set forth in Article 3. The pre-application meeting is intended to be an informal, preliminary discussion. Accordingly, a person seeking a pre-application meeting will be placed on a duly posted agenda of the first available regularly scheduled Board meeting.

B. Information. The applicant may present any information that he or she deems appropriate at the preapplication meeting, including site information and/or conceptual subdivision design.

C. Action of the development review board. The Development Review Board will not take formal action of any kind at the pre-application meeting. Board members may provide guidance as to the application and review process, and/or comment on the intent of specific planning and design standards relative to the potential subdivision of the applicant's parcel(s). No comments made at the pre-application meeting will be binding upon any future review of a subdivision application.

D. Notification of abutters. All applicants for subdivision review are encouraged to notify abutting landowners and other potentially interested persons prior to submitting an application to ensure that legitimate concerns of neighbors are addressed early in the subdivision design process. Notification of abutters will be required as part of the formal review process.

§ 215-2.3. Preliminary plan review.

[Applying to all applications for subdivision]

A. Applicability. All applicants for subdivision approval or boundary line adjustment review are required to submit a preliminary plan for Development Review Board review, unless total density of the proposed subdivision does not exceed one dwelling unit per every 20 acres. These applicants are encouraged to schedule a pre-application meeting in accordance with Section 2.2, and may submit an application for final plan review in accordance with Section 2.5.

B. Application requirements. The applicant shall submit to the Zoning Administrator, at least 30 days prior to a regularly scheduled Development Review Board hearing, a subdivision application and associated fee. The application shall include a proposed sketch and associated materials plan that include the information for Preliminary Plan Review and Density Determination specified in Table 2.2.

C. Preliminary plan review hearing. The applicant and/or an authorized representative shall attend a Preliminary Plan Review Hearing with the Development Review Board to review the subdivision application and proposed preliminary plan. Prior to the Preliminary Plan Review Hearing, Norwich planning and zoning staff shall notify the owners of contiguous properties in accordance with Section 4.3. The Board may request any additional information as needed to act on the preliminary plan and/or density determination.

D. Action on preliminary plan. Within 45 days of closing the Preliminary Plan Review Hearing, the Development Review Board, based on the information provided, shall issue in writing:

(1) A preliminary determination of the maximum allowable density in accordance with the standards and procedures set forth in Section 3.2;

(2) The granting or denial of requested waiver provisions;

(3) A preliminary determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 3, and with other municipal regulations currently in effect;

(4) Recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation; and

(5) Conditions proposed to be included in the final decision.

E. Effect of preliminary plan review determinations. Preliminary Plan Review Determinations shall remain in effect for 12 months from the date of approval, unless otherwise extended by the approval of a waiver request to extend the effective date by not more than an additional 12 months. Waiver requests shall be submitted by the applicant prior to the end of the initial twelve-month period. Waivers may be granted at the discretion of the Board where there is evidence of an ongoing effort by the applicant to meet recommendations in the Preliminary Plan Determination or to obtain additional permits from other jurisdictions. Prior to the expiration of the 12 months or extended period, the applicant shall submit a completed application for an Intermediate Plan Review, if required by the Board or requested by the applicant or an application for a

Final Plan Review. Otherwise, the Preliminary Plan Review Determination shall expire and a new Preliminary Plan Review application will be required, based on the subdivision and zoning regulations in effect at the time of the new application.

§ 215-2.4. Intermediate plan review.

[Optional - May be requested by either Applicant or Board]

A. Application requirements. In accordance with Section 2.3(E), within 12 months of the Preliminary Plan Review Determination by the Development Review Board, the applicant may apply to the Board for Final Plan Review under Section 2.5, unless the applicant either elects, or is required by the Board in the Preliminary Plan Review Determination, to apply for an Intermediate Plan Review under Section 2.4. The information required for intermediate plan review is specified in Table 2.2.

B. Public hearing. The Development Review Board shall hold a public hearing on the intermediate plan. The hearing shall be warned in accordance with Section 4.3.

C. Intermediate plan review determination. Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall issue an Intermediate Plan Review Determination including:

(1) A determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 3, and with other municipal regulations currently in effect based on modifications to the preliminary plan;

(2) Recommendations for proposed changes in the Final Plan Review submission, including any requests for additional studies or supporting documentation;

(3) Granting or denial of additional requested waivers; and

(4) Conditions proposed to be included in the final decision.

D. Phasing. At the time that the Development Review Board issues an Intermediate Plan Review Determination, it may require the plat to be divided into two or more phases to ensure project conformity with the Town Plan and Capital Improvement Program currently in effect. Such conditions as the Board deems necessary to ensure the orderly development of the plat and avoid overburdening Town facilities and services may be imposed upon the filing of application for final plat approval for each phase.

E. Effect of intermediate plan review determination. An Intermediate Plan Review Determination shall remain in effect for 12 months from the date of approval, unless otherwise extended by the approval of a waiver request. A waiver request may be submitted to extend the effective date by not more than an additional 12 months. The waiver request must be submitted by the applicant prior to the end of the initial twelve-month period. Waivers may be granted at the discretion of the Board where there is evidence of an ongoing effort by the applicant to meet recommendations in the Preliminary or Intermediate Plan Determinations or to obtain additional permits from other jurisdictions. Prior to the expiration of the 12 months (or extended period provided by waiver), the applicant shall submit a completed application for a Final Plan Review.

Otherwise, the Preliminary and Intermediate Plan Review Determinations shall expire and a new Preliminary Plan Review application will be required based on the subdivision and zoning regulations in effect at the time of the new application.

§ 215-2.5. Final plan approval.

[Applying to all applications for subdivision]

A. Application requirements. Within 12 months of the date of Preliminary Plan Determination or Intermediate Plan Determination, if applicable, the applicant shall submit an application for Final Subdivision Plan approval, including plat approval. If the applicant fails to do so, s/he will be required to resubmit a new preliminary plan for approval subject to zoning and subdivision regulations effective at the time of the new application. The application for final subdivision plan and plat approval shall include associated fees and, unless otherwise specified or waived by the Development Review Board under 2.1(D), plans and documents for final plan and plat review specified under Table 2.2.

B. Public hearing. The Board shall hold a public hearing on the final plan and associated plat, warned in accordance with Section 4.3.

C. Final plan approval. In accordance with the Act [§ 4464], within 45 days of the date of the close of the public hearing, the Development Review Board shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Article 3. Failure to act within such forty-five-day period may result in deemed approval of the application. Approval, conditions of approval, or grounds for disapproval and provisions for appeal under Section 4.5, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant by certified mail, and any other interested persons by first class mail.

D. Effect of final plan approval. Approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with state statute. The Development Review Board may impose a time limit for the start and completion of site improvements, such as roads, erosion control measures, and bridges that are an integral part of the subdivision approval.

§ 215-2.6. Performance and maintenance bonds.

The Development Review Board may, as a condition of subdivision approval, require from the applicant a performance bond or comparable surety in a form approved by the Norwich Town Manager in an amount sufficient to cover the full costs of new streets and/or other required improvements and their maintenance for a period of not more than three years from the date of completion. With the mutual written consent of the Development Review Board and applicant, such bond or surety may be extended. If any required improvements have not been installed or maintained as provided within the term of the performance bond or other surety, such bond or other surety shall be forfeited to the Town. The Town shall, if necessary, install or maintain such improvements to the extent of the proceeds from such bond or other surety.

§ 215-2.7. Plat recording requirements.

[Applying to all approved subdivisions]

A. In accordance with the Act [§ 4463], within 180 days of the date of receipt of final plan approval under Section 2.5(C), the applicant shall file two copies of the final subdivision plat for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this one-hundred-eighty-day period shall expire. The Zoning Administrator may extend the date for recording by an additional 90 days, if final local or state permits or approvals are still pending.

B. Prior to plat recording, the plat must be signed by the Development Review Board Chair or Vice-Chair.

(1) All final plats must include a notation to include the following statement:

"The subdivision depicted on this plat was duly approved, as conditioned, by the Norwich Development Review Board in accordance with the Norwich Subdivision Regulations and all other applicable laws and regulations on the _____ day of _____ 20_____. [Subdivision Permit #_____] Signed: _____ [Development Review Board Chair or Vice-Chair]"

(2) The Board may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.

C. For any subdivision which requires the construction of roads or other public improvements by the applicant, the Board may require the applicant to post a performance bond or comparable security in accordance with Section 2.6.

D. The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 4.6.

E. Boundary line adjustments.

(1) A final plat for a Boundary Line Adjustment shall be filed for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this one-hundred-eighty-day period shall expire. The Zoning Administrator may extend the date for recording by an additional 90 days, if final local or state permits or approvals are still pending.

(2) Prior to plat recording for a Boundary Line Adjustment, the plat must be signed by the Development Review Board Chair or Vice-Chair. All final plats must include a notation to include the following statement:

"The boundary line adjustment depicted on this plat was duly approved by the Norwich Development Review Board in accordance with the Norwich Subdivision Regulations and all other applicable laws and regulations on the _____ day of _____ 20_____. [Boundary Line Adjustment Permit #_____]. Signed: _____ [Development Review Board Chair or Vice-Chair]"

§ 215-2.8. Compliance with subdivision approval.

A. Prior to any development of an approved subdivision that requires issuance of a zoning permit; the applicant shall demonstrate that public and private improvements have been installed in accordance with the conditions of subdivision approval, and that all other applicable conditions have been met. In establishing conditions of subdivision approval, the Development Review Board may provide for a phased schedule of completion of improvements. The Zoning Administrator may rely on any information contained in the zoning permit application regarding the location of parcel boundaries. In the event that there is a discrepancy between the information provided by the applicant and the true facts, issuance of a zoning permit does not constitute a waiver by the Town of future enforcement authority.

B. To assist the Zoning Administrator in determining whether public or private improvements have been met, the Development Review Board may, as a condition of subdivision approval, require the submission of "as-built drawings," which shall indicate by dimensions, angles and distances the location of all utilities, structures, roadways, easements, landscaping and other improvements as installed. The Zoning Administrator may rely upon any information submitted as part of the applicant's application for subdivision approval to determine whether the as-built drawings conform to the approved plat and all associated conditions. In the event of any material differences between the approved subdivision and the as-built drawings, the Zoning Administrator shall be entitled to initiate enforcement action pursuant to Section 4.4. The applicant may either bring the improvements into conformance or apply for an amendment to the approved plan under Section 2.9 to bring the project into conformance with the approved plan.

C. Certificate of compliance.

(1) The Development Review Board may also require, as a condition of final subdivision plan approval, that the applicant apply for a certificate of compliance to ensure that specified public or private improvements have been accomplished in accordance with the conditions of subdivision approval. When so conditioned, the issuance of a certificate of compliance is required before the applicant will be issued zoning permits for the future development so specified in the approved subdivision. For example, a certificate of compliance as to completion of a particular road or certain utilities in one section of the subdivision might be required prior to granting permits for the construction of residences in that section of the subdivision.

(2) When a certificate of compliance is required, the applicant shall submit an application containing the information specified in (B) above and any additional information that the Zoning Administrator may reasonably require. Within 30 days of receipt of a complete application, the Zoning Administrator will inspect the subdivision to ensure that all required work has been completed in accordance with the appropriate condition(s) of subdivision approval, and act to grant or deny the certificate of compliance. If the certificate of compliance is denied by the Zoning Administrator, no zoning permits may be issued for the future development specified. If the Zoning Administrator fails either to grant or deny the certificate of compliance within 30 days of submission of a completed application, the certificate of compliance shall be deemed issued on the 31st day.

D. The Board may, as a condition of subdivision approval, require the applicant to fund the

cost of any review or inspections performed by an appropriate professional (e.g., civil engineer) retained by the Town to determine whether improvements were installed in accordance with the subdivision approval.

§ 215-2.9. Revisions to an approved plat.

A. No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first submitted to the Development Review Board for an amendment to the previously approved plan and the Board approves such revisions after a public hearing warned in accordance with Section 4.3. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

B. Exceptions may be made for minor changes to a Final Plat that has previously been approved after determining that the revisions have no bearing on the basis of the decision and are of a corrective nature. If the Development Review Board approves the change, a memo or a copy of the meeting minutes shall be attached to the Notice of Decision and the Chair shall be authorized to sign the revised Final Plat.

Table 2.2

Subdivision Application Requirements

(A) Application Information	**Preliminary Plan** (if required)	**Intermediate Plan** (if required)	**Final Plan**
Application Form [number of copies]	1	1	1
Application Fee	Y	Y	Y
Name of project, if any	Y	Y	Y
Name and address of applicant and landowner	Y	Y	Y
Written description of proposed development plans, including number and size of lots; general timing of development	Y	Y	Y
Additional completed forms requested	Y		
Waiver requests, in writing	Y	Y	Y
Written request for modification of dimensional requirements or other standards contained in the zoning bylaws in instances involving applications for a Planned Unit Development (PUD)	Y	Y	Y

(B) Plan/Plat Mapping Requirements	**Preliminary**	**Intermediate**	**Final Plat**
Materials	Paper	Paper	Mylar

(B) Plan/Plat Mapping Requirements	Preliminary	Intermediate	Final Plat
Date, North Arrow, Legend	Y	Y	Y
Preparer Information, Certifications	Y	Y	Y
Scale (not less than one inch equals 200 feet)	Y	Y	Y
Project boundaries and property lines	Drawn	Drawn	Surveyed[2]
Existing and proposed lot lines, dimensions	Drawn	Drawn	Surveyed[2]
Adjoining land uses, roads and drainage	Y	Y	Y
Zoning district designations and boundaries	Y	Y	Y
Location of Natural and Cultural Resources, as identified in Section 3.3 (including wetlands, floodplains and surface waters; steep slopes, prominent knolls and ridgelines; wildlife habitat and natural areas; historic resources; farm land and forest resources) in area to be developed.	Y Based on Norwich GIS and site visit observations	Y Delineated in area to be developed	Y Delineated in area to be developed
Existing and proposed contour lines in area to be developed, if required by DRB		two feet interval	two feet interval
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Drawn	Drawn	Surveyed
Utility rights-of-way or easements		Y	Y
Digital data as specified by the Planning Office			Y
Proposed development envelopes	Y	Y	Y
Survey Monument locations			Y
Road profiles; road, intersection and parking area geometry and construction schematics within area to be developed		Y	Y
Proposed landscaping and screening		Y	Y
Proposed conservation buffer and/or easement areas		Y	Y
Notation prepared in accordance with Section 2.7			Y
Copies of full size plans	4	4	4
Reduced (11 feet by 17 feet) copies of proposed plan [number of copies]	12	12	12

C) Supporting Information and Documentation	Preliminary Plan	Intermediate Plan	Final Plan
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	Y	Y	Y
Completed density determination checklist and associated documentation (provided by the Town or, at the discretion of the applicant, supporting documentation may be prepared by a licensed engineer or surveyor - see Section 3.2)	Y	Y	Y
Engineering reports (water and wastewater systems)		Y	Y
Off-site easements (e.g., for water, wastewater, access)	Description	Draft	Final
Proposed phasing schedule	Description	Draft	Final
Proposed road maintenance agreements, covenants and/or deed restrictions	Description	Draft	Final
Proposed homeowner or tenant association or agreements	Description	Draft	Final
Proposed performance bond or surety		Description	Final

(D) As may be required by the Development Review Board	Preliminary Plan	Intermediate Plan	Final Plan
Stormwater and erosion control plan		As required under preliminary plan approval	As required under preliminary/ intermediate approval
Grading plan (showing proposed areas of cut and fill)			
Open space management plan			
Site reclamation plan (for subdivisions involving extraction)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Fiscal impact analysis (analysis of fiscal costs and benefits to the Town)			

NOTES:

1. Upon written request specific requirements may be waived by the Development Review Board per Section 2.1(D)

(D)	As may be required by the Development Review Board	Preliminary Plan	Intermediate Plan	Final Plan

2. If a lot over 50 acres is to be subdivided and new lot(s) will be created containing a total of less than 20% of the original lot, the Board may waive the requirement of a full survey of the remaining large parcel and require that the only portions of the remaining large lot required to be surveyed be the common boundaries with the smaller lot(s) and any additional boundaries or points required to determine the accurate location of the boundaries of the smaller lot(s). A complete survey of the smaller lots is required to be recorded in compliance with Section 2.7.

ARTICLE III
Planning and Design Standards

§ 215-3.1. Planning and design process.

A. All subdivisions shall be designed to ensure that the resulting pattern and density of development are appropriate for the site's location, character, and physical capacity. Subdivisions shall not result in development which places an undue burden on the Town of Norwich and/or neighboring landowners, or results in the loss or degradation of the Town's natural, scenic or cultural resources. To this end, applicants shall design subdivisions in accordance with the following five steps:

(1) Step (1): The applicant shall meet with the Town planning and zoning staff in order to become familiar with the review process, required application materials, and subdivision planning and design process. Applicants may also request a pre-application meeting with the Development Review Board.

(2) Step (2): The applicant shall seek a determination of the pre-subdivision site's allowable density from the Norwich Planning Office, in accordance with the standards and procedures set forth in Section 3.2 and Section 2.3 of these regulations. Such determination shall be considered a preliminary indication of the maximum development potential, as expressed in total density for the existing (pre-subdivision) parcel, and shall serve as the basis of subdivision design in accordance with the following steps. The preliminary density will be confirmed by the Development Review Board at the Preliminary Hearing as a result of site analysis performed in accordance with step (3), or as a result of the proposed subdivision's impact on municipal services, or the applicant's ability to provide adequate infrastructure, as described in step (4).

(3) Step (3): The applicant shall conduct a detailed analysis of site conditions, including an assessment of the natural resources and physical features found on the site. Based upon this analysis, the applicant shall identify, in order of sequence, (a) building site areas; (b) preliminary utility and facility locations; and (c) proposed boundary configurations. The site analysis and subdivision design process shall, at a minimum, meet the requirements of Sections 3.3 and 3.4.

(4) Step (4): The applicant shall develop a final subdivision plan, including final design of proposed utilities and facilities, including those standards set forth in Sections 3.4 - 3.9. In addi-

tion, the applicant shall identify appropriate mitigation to address any off-site impact of the development on municipal facilities and services. The final density shall be based upon the ability of the applicant to provide appropriate facilities and services in accordance with these regulations and to avoid or mitigate impacts on the community or surrounding area.

(5) Step (5): With the approval of the final plan, the applicant shall then meet all legal requirements set forth in Section 2.7, and shall comply with all conditions included in the Final Plan Review Notice of Decision approved by the Development Review Board.

B. Waivers. The Development Review Board may waive or modify one or more of the standards in Article 3 if:

(1) The subdivision will not result in the creation of more than two lots and

(2) The Board determines, based upon its review under Sections 3.2 and 3.3, that the subdivision clearly meets the intent of these regulations.

§ 215-3.2. Determination of maximum density.

A. Village and commercial districts. Within the Village Residential, Business and Commercial/Industrial Districts, the maximum density shall be as defined in the Norwich Zoning Regulations.

B. Rural district. In accordance with Section 6.04 of the Norwich Zoning Regulations, the maximum number of lots created within the Rural Residential District after the effective date of these regulations shall be determined as set forth below.

(1) Minimum lot size. The minimum lot size within the Rural Residential District shall be not less than 20,000 square feet, unless the lot is part of a Planned Unit Development approved by the Development Review Board in accordance with the Norwich Zoning Regulations, in which case the minimum lot size shall be as determined by the Board.

(2) Maximum density. Except as provided in subsection (D) of this section below, the maximum density (total number of lots allowed on any preexisting parcel) shall be as determined by the Development Review Board in accordance with this section of the regulations. The maximum density shall range from a density of one lot per every two acres of developable area to one lot per every 20 acres of developable area, based upon the formulas set forth in Tables 3.1.

(3) Determination of developable area. It is the intent of these regulations to limit development density on parcels on which steeper slopes wetlands, surface waters and wetland/surface water buffers are located. To achieve this intent, development density shall be calculated based upon the total amount of developable area found on the pre-subdivision parcel. The developable area shall be determined by excluding all of the area of certain non-developable features from the density calculations, and by excluding half the area of other important features. The total developable area shall be based upon the formula described in Table 3.2.

(4) In determining the amount of developable area located on a parcel during preliminary plan review, the Norwich Planning and Zoning Office shall provide the location and total area (in acres) of each of the features identified in Table 3.2 based upon the designated data in the

Town's Geographical Information System (GIS) program. The applicant may choose to provide data, prepared by a licensed engineer or surveyor, providing a more accurate indication of the features indicated in Table 3.2, and use such data as the basis of the determination of developable area.

(5) Subdivision of previously subdivided lots. Lots created under any subdivision permitted after September 1, 2002, shall be subject to the determination of development density of the original Notice of Decision. The total number of lots within the boundaries of the original parcel shall not exceed the maximum number of lots permitted under the original density determination. Allocation of potential future lots to specific parcels shall be specified in the Notice of Decision and in the notes on the final recorded plat.

(6) Determination of maximum density. In accordance with the Norwich Town Plan, it is the intent of these regulations to maintain low development densities in areas of Town with limited and/or poor access to Town facilities and services, to maintain low development densities contiguous to large blocks of conserved public lands, and to encourage moderate to high densities in areas of Town with good access to Town facilities and services and close proximity to the village center. Rather than designating multiple zoning districts within the designated Rural Residential District, maximum density shall be based upon the unique characteristics of the parcel relative to highway access, distance to the Town center, and proximity to protected open space. The maximum density of the parcel shall be one lot per every two acres of developable area adjusted lower in accordance with the formulas set forth in Table 3.1. In no instance shall the maximum density be less than one lot per every 20 acres of developable area.

Table 3.1
Determination of Maximum Density

Parcel Location	Density Adjustment	Maximum Density (2 acre maximum density x density adjustment)
A. Type of public road from which the development will be accessed. (Reclassification of Town roads may change the development potential of land accessed from them)		
State Highway or Paved Class 2 Road	x 1	2 x 1 = 2 acres
Paved Class 3 Road	x 1	2 x 1 = 2 acres
Gravel Class 3 Road	x 2	2 x 2 = 4 acres
Substandard Class 3 Road (as identified in Appendix A)	x 4	2 x 4 = 8 acres
Class 4 Road	x 6	2 x 6 = 12 acres
B. After adjusting for access, adjustments shall be made for travel distance from the Norwich		

Town Office, measured to the nearest part of the parcel having a deeded right-of-way or 50 feet of frontage along a Town or state highway by the most direct route using Town or state highways.

Less than 1.5 miles	x 1	2 x 1 = 2 acres
1.5 to 3 miles	x 1.5	2 x 1.5 = 3 acres
3 to 4.5 miles	x 2	2 x 2 = 4 acres
4.5 to 5.5 miles	x 2.5	2 x 2.5 = 5 acres
5.5+ miles	x 3	2x3 = 6 acres

C. After adjusting for access and travel distance, adjustments to the maximum density shall be made for proximity to conserved large blocks of public lands

Not contiguous to (does not share boundary with) Norwich Fire District Agreement Lands or Appalachian Trail Corridor	x 1	2 x 1 = 2 acres
Parcel has a shared boundary with Appalachian Trail Corridor or the Norwich Fire District Agreement Lands	x 2	2 x 2 = 4 acres

Finally, the maximum density shall be as adjusted or 1 lot for every 20 acres of developable area, whichever achieves the highest density.

NOTES:

(1) Table 3.1 is applicable to all applications for Planned Unit Developments (PUDs)

(2) A Legal Trail, although a Town right-of-way, may not be used for vehicle access to a newly created parcel. See Norwich Trails Ordinance. Editor's Note: See Ch. 81, Art. III, Trails.

Table 3.2
Determination of Developable Area

Example
100 acre parcel

Physical Features Found on Parcel	Developable Area Adjustment	Acreage Covered by Physical Features	Developable Area
Slopes in excess of 25%	no credit	10 acres	10 x 0 = 0 acres Developable Area
100 year floodplains	no credit	10 acres	10 x 0 = 0 acres Developable Area
Wetlands and surface waters	no credit	20 acres	20 x 0 = 0 acres Developable Area
Setback areas from wet-	50% credit	10 acres	10 x 0.5 = 5 acres De-

lands and surface waters			velopable Area
Slopes between 15% and 25%	50% credit	10 acres	10 x 0.5 = 5 acres Developable Area
All Other Land	100% credit	40 acres	40 x 1.0 = 40 acres Developable Area
Total 100-acre parcel	—	—	100 acres = 50 acres Developable Area

NOTES:

(1) The determination of developable area only applies to the proposed creation of new lots under these regulations, and does not apply to the use of preexisting parcels in accordance with the Norwich Zoning Regulations.

(2) In instances where two or more features overlap, development credit will only be applied once for the lowest credit available, depending upon the feature (e.g., land in both one-hundred-year floodplain and setback from wetlands receives no credit).

(3) Table not applicable to applications for Planned Unit Developments (PUDs), i.e., developable area is deemed to be actual size of parcel.

(4) Wetlands shall include Vermont Class 1 and 2 mapped wetlands.

(5) Setback areas (buffers) from wetlands shall be 50 feet and from surface waters 25 feet on either side.

(6) Surface waters are those shown on the designated Norwich GIS surface water coverage.

§ 215-3.3. Protection of natural, scenic, and cultural resources.

A. Suitability of land for subdivision. All land to be subdivided must be, in the judgment of the Development Review Board, of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, the environment, neighboring properties, or the character of the area or district in which it is located. To this end, each application for subdivision shall provide a detailed site analysis which identifies all fragile features and natural and cultural resources described below, identify the impact of the proposed subdivision on those resources, and sets forth the protection measures proposed to avoid or mitigate those impacts.

B. Establishment of development envelopes. All lots shall have one or more designated development envelopes, unless waived by the Board in the case of small lots. Development envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The maximum size and shape of the development envelope shall be determined by district setback requirements unless otherwise specified in these

regulations. The Board may require the identification of specific building footprints if, in its judgment, such information is required to meet the standards set forth in these regulations. Where the Board deems it appropriate to do so for the purposes of this section 3.3, the Board may consider features of immediately adjacent properties that are relevant to the Board's evaluation of the proposed development envelope.

C. Protection of wetlands, flood hazard areas, and surface waters. Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid undue adverse impact to wetlands, flood hazard areas, and surface waters, including streams, rivers and all shoreline as defined in the Norwich Zoning Regulations.

(1) Wetlands. Development envelopes and the layout of roads, driveways and utilities shall be located and sized to comply with all state and federal wetland regulations. Compliance with these regulations will be evidenced by approved state and federal permits or letters from the state and federal authorities indicating compliance.

(2) Flood hazard area. Development envelopes shall be located to comply with the Flood Hazard Area sections of the Norwich Zoning Regulations (Table 2.7, Section 5.05)

(3) Surface waters (streams, rivers and all shorelines as defined in the norwich zoning regulations). Development envelopes shall be located to comply with the Shoreline Overlay District sections of the Norwich Zoning Regulations (Table 2.8) and any additional state and federal water quality regulations that apply.

D. Protection of steep slopes, prominent knolls and ridgelines. Development envelopes shall be located and configured to minimize adverse impacts to slopes, especially those greater than 15%, and to avoid the placement of structures on prominent knolls and ridgelines. Methods for avoiding such adverse impacts may include, but not be limited to, the following:

(1) Development envelopes shall be located to exclude these features. In the event that development of an area with slopes greater than 15% is necessary to achieve the most desirable subdivision design for a site, the Board shall limit clearing, excavation and filling on such lands to the greatest extent practical, and may require the preparation and implementation of an erosion and sedimentation control plan for the property, in accordance with Section 3.5, as a condition of approval.

(2) Development envelopes shall be located and configured so that the height of any structure placed on the site after subdivision will not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure, and shall be located down-slope of ridgelines and prominent knolls.

(3) On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. The Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to en-

sure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.

(4) The location of development envelopes and associated development within the Ridgeline Protection Overlay District shall comply with the standards in Table 2.9 NZR, either in conjunction with the subdivision application process or as a condition for obtaining a zoning permit for development of structures. On ridgelines and prominent knolls that have been cleared prior to subdivision, the Board shall take into account the location of buildings and development patterns on surrounding properties in evaluating the proposed location of development envelopes and associated development.

(5) Access roads, including the conversion of logging roads to private roads or driveways, and utility corridors, shall use or share existing accesses and rights-of-way where feasible, follow existing contours to achieve angled ascents, and avoid areas of steep slope.

E. Protection of wildlife habitat and natural areas. Development envelopes shall be located and configured to minimize adverse impacts on valuable wildlife habitat, including travel corridors and crossings, and natural areas identified in Norwich Conservation Commission inventories, by Vermont Department of Fish & Wildlife inventories, or through site investigation. Methods for minimizing such adverse impacts include, but may not be limited to, the following:

(1) Development envelopes shall be located to minimize impact on identified valuable natural areas and wildlife habitat. A buffer area of adequate size shall be established to ensure the protection of these habitats.

(2) To avoid the fragmentation of natural areas and wildlife habitat, including large tracts of forest land and undeveloped corridors serving as wildlife travel corridors between larger tracts of core habitat, the Board may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify the function and relative value of impacted habitat and provide recommended management strategies to maintain or enhance those values and function. The Board may also consult with Vermont Fish and Wildlife Department staff prior to issuing a decision.

(3) Roads, driveways and utilities shall be designed to minimize the fragmentation of identified natural areas and wildlife habitat.

(4) Identified natural areas and wildlife habitat should be excluded from development envelopes.

F. Protection of historic and cultural resources. Development envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in Norwich historical and archeological resource inventories, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include, but may not be limited to, the following:

(1) Historic features, including stone wall and cellar holes, should be preserved and integrat-

ed into the subdivision design (e.g., driveways may follow stone walls) to the extent practical.

(2) Prior to development on sites that have been identified as being archaeologically sensitive in Town or state inventories, or through site investigation, the Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.

(3) The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

G. Protection of farm land. Development envelopes shall be located and configured to minimize adverse impacts to farm land and areas with "prime" and "statewide" agricultural soils suitable for farming. Methods for avoiding such adverse impacts include but may not be limited to the following:

(1) Development envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development in such a way as to minimize the impact on productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.

(2) Buildings and associated building lots should be clustered to avoid fragmentation of productive farm land.

(3) Vegetated buffer areas may be required to buffer agricultural operations from other uses to minimize land use conflicts.

(4) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize fragmentation of agricultural land and visual impacts.

(5) Intact parcels of productive farmland shall be designated as open space; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.

H. Protection of forest resources. Development envelopes shall be located and configured to minimize adverse impacts to productive forest land, including large (e.g., 50+ acres) tracts of forest, forest land contiguous to other large, undeveloped tracts that have either been protected through public or private land conservation initiatives or are subject to use value appraisal contracts, and forest land that possesses natural areas, valuable wildlife habitat, wildlife travel corridors, and/or exceptional recreational resources. Methods for minimizing such adverse impacts include, but may not be limited to, the following:

(1) The subdivision of forest land shall, to the extent practical, be configured to allow for ongoing forest management of the parcel after subdivision. Lot boundaries and development envelopes should be laid out to avoid unnecessary fragmentation of distinct timber stands, and provision for forest management access should be a consideration of the final plan.

(2) In order to protect recreation areas, conserved open space, and critical wildlife habitat, and to avoid conflict between new residential development and existing forest management activities on land enrolled in the current use program, the Board may require setbacks and buffers from adjacent forest land greater than the setbacks and buffers set forth in the Norwich Zoning Regulations.

I. Protection of scenic resources. Development envelopes shall be located and configured to avoid undue adverse impacts to scenic resources identified in the scenic resource mapped areas created in conjunction with the Inventory of Scenic Resources prepared by the Scenic Resources Committee of the Norwich Conservation Commission and dated January 2000. Methods for avoiding such undue adverse impacts include, but may not be limited to, the following:

(1) Subdivisions within view of scenic roads, as identified in the aforementioned planning documents, shall be designed to avoid undue adverse impact to the identified scenic resources.

(2) Development envelopes located within view of identified scenic roads or within identified scenic view sheds shall be located to avoid prominent placement within the view shed.

(3) Subdivisions, development envelopes and lots should be designed to maintain the contrast between compact village centers and surrounding countryside.

J. Modifications for Norwich village and cluster development. The Board may waive or modify one or more of the Section 3.3 standards within the Village Residential or Business District, or within a Planned Unit Development, in the event the Board determines that the benefits of modification would result in a more desirable settlement pattern, and the impacts on identified resources can be mitigated either on or off site.

§ 215-3.4. District settlement patterns.

All subdivisions shall be designed and configured to reflect the desired settlement pattern for the respective district in which the subdivision is located, as defined by the Norwich Zoning Regulations and the Norwich Town Plan.

A. Subdivisions within the Village Residential District I shall be designed to reflect the historic character of the surrounding area. Lot sizes should be consistent with traditional densities within the Village, and development envelopes should be located to maintain a consistent building line and streetscape along public roads. Sidewalks and other pedestrian and bicycle facilities may be required where appropriate.

B. Subdivisions within the Commercial/Industrial District shall be configured to minimize driveway and road accesses onto public roads, including Route 5; to allow for innovative site design that allows for parking and related infrastructure to be located in rear yards; and to avoid commercial strip development along Route 5.

C. Subdivisions within the Rural District and Village Residential District II shall be designed and configured to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape.

§ 215-3.5. Stormwater management, erosion prevention and sediment control.

A. Erosion prevention and sediment control measures shall be incorporated into subdivision design and layout to control runoff, sedimentation, and water pollution on-site and downstream from the proposed subdivision during construction and for the completed project. Some of the factors to be considered in determining the types of controls necessary shall include size and terrain of watershed draining onto the development envelope, pre-development site and runoff conditions, vegetation and ground cover, slope, drainage patterns, soil types, impermeable surfaces, distances to streams and other surface waters, and impacts on adjoining properties.

B. Development within the subdivision shall comply, at a minimum, with the requirements of the Low Risk Site Handbook for Erosion Prevention and Sediment Control issued by the Department of Environmental Conservation, regardless of any provisions in that handbook that limit its applicability. (See manual "B" in Appendix B)

C. In situations where there are steeper slopes, excess surface water, or other conditions that warrant it, the Board may require the preparation and implementation of stormwater management and/or erosion prevention and sediment control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction, site clearing, and grading, will not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer or an otherwise qualified designer, be based upon Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources and include provisions for long-term maintenance of stormwater management and erosion control facilities as well as periodic evaluation and reporting on such maintenance. The Board may require a final inspection by the Zoning Administrator or a certificate of compliance from the designer to ensure compliance with the approved plans. (See manuals "C" and "D" in Appendix B)

D. Compliance with the Vermont Stormwater Regulations, as evidenced by an approved state stormwater permit, will indicate compliance with this section.

E. Low Impact Development (LID) design principles shall be utilized on all development where feasible. (See manual "A" in Appendix B)

§ 215-3.6. Community services and facilities.

A. Municipal facilities and services. The proposed subdivision shall not create an undue burden on municipal facilities and schools, or create an unreasonable demand for public services. The Development Review Board may require the phasing of development to coordinate the anticipated demand for municipal facilities and services with the planned provision of those facilities and services, in accordance with a duly adopted capital budget and program.

B. Fire protection facilities and emergency access. Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Board, based on the following requirements:

Lots in Subdivision	Maximum Distance to Hy-	Fire Flow (gpm)

	drant (feet)	
2 or fewer new single family residential structures or development envelopes separated by 50 feet or more	5,000	500
3 to 5 new single family residential structures or development envelopes separated by 50 feet or more	3,000	500
6 to 10 new single family residential structures or development envelopes separated by 50 feet or more	2,000	500
All other subdivisions	1,000	Based on the Needed Fire Flow Requirements of the Fire Suppression Rating Schedule of the Insurance Services Office

(1) The Board may waive the above requirements if, as a condition of subdivision approval, the Board adds the requirement that prior to the issuance of a zoning permit for any lot in the subdivision, any new residential structure will be protected by an automatic fire sprinkler system that meets the requirements of the applicable National Fire Protection Association (NFPA) Standard; NFPA 13: Installation of Sprinkler Systems, NFPA 13R: Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height[1] or NFPA 13D: Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

(2) Fire hydrants serviced by the municipal water system or dry hydrants installed into a pond or stream shall be installed by the applicant to meet the requirements of Section 3.6(B). When dry hydrants are used to satisfy these requirements they shall have sufficient volume or flow to meet the requirements in a 2% drought condition for a minimum of two hours. Dry hydrants shall be designed to be accessible and to operate at all times of the year.

(3) Plans for sprinkler systems and dry hydrants shall be approved by the Norwich Fire Department prior to installation and inspected and approved after installation. Certification of these approvals shall be sent to the zoning administrator and filed with the zoning permits for the project.

C. Emergency access. The Board may require documentation from the Norwich Fire Department or other appropriate municipal officials as to the adequacy of emergency access for fire, police, ambulance, or other services and fire protection facilities. Compliance with the Driveway Specification (3.14 NZR) or Private Highway Specifications will, in most cases, be considered as providing adequate access for municipal and emergency vehicles.

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1. **Editor's Note: Now the "Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies."**

§ 215-3.7. Roads, driveways and pedestrian access.

A. Road standards. The following standards shall apply to all proposed public roads and to private roads serving two or more lots. Acceptance of private roads by the Town is subject to approval of the Norwich Selectboard, pursuant to state law for the laying out of public rights-of-way. Construction of roads to these standards does not ensure such acceptance.

B. Road design: private development roads. All private development roads serving two or more lots shall be designed in accordance with the Town of Norwich Private Highway Specifications as most recently amended by the Norwich Selectboard.[2] Driveways serving a single lot shall comply with the driveway standards in the Norwich Zoning Regulations (3.14 NZR) applicable at the time of the subdivision application.

C. Road design: Town and state roads. All public roads serving proposed subdivisions shall be designed in accordance with the Town of Norwich Specifications for Town Highways, adopted and administered by the Norwich Selectboard.[3]

D. Coordination with adjoining properties. The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, currently or when later required, of needed utilities and public services. The above conditions may be modified where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impracticable.

E. Access management. All private road and driveway access to public roads shall be subject to the approval of the Vermont Agency of Transportation, in the case of state highways, and the Norwich Town Manager, in the case of Town roads. Access to all lots created by subdivision and to all buildings or other land development located thereon shall be only from such permitted access road or driveway. To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and avoid strip development, the following access management standards shall apply to all subdivisions:

(1) Shared driveways and/or internal development roads providing access to multiple lots may be required to limit the number of access points onto public highways.

(2) If a subdivision has frontage on two or more roads, access shall be from the road determined by the Development Review Board to be more suitable based on topographic or traffic safety conditions.

(3) The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

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2. **Editor's Note: See Ch. 81, Art. IV, Private Road Specifications.**

3. **Editor's Note: See Ch. 81, Art. I, Road Specifications.**

F. Traffic and road capacity. Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Board may request the preparation of a traffic impact study, the cost of which is to be borne by the applicant, to identify impacts and mitigation measures necessary to ensure road safety and efficiency. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

(1) Where an existing access road is inadequate or unsafe, the Board may require the applicant to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. Upgrades to Town highways will require the approval of the Town Manager.

(2) In situations where a development may require the realignment, widening or increase in the capacity of an existing road, or where the Town plan or capital program indicates that such improvements may be required in the future, the applicant may be required to reserve land for such improvements.

(3) When a proposed subdivision necessitates an upgrade in the capacity of a public road to accommodate traffic generated by that subdivision, the Board may withhold approval for such subdivision until such upgrade has been completed. The applicant may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

G. Road names and signs. Roads shall be named in accordance with the Norwich Road Naming Ordinance. Said names shall be identified on signs designed and located in accordance with the Town policy, and shall be clearly depicted on the final plat. Internal road name signs shall be installed by the applicant. Road name signs at intersections with public roads shall be installed by the Town.

H. Pedestrian access. The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities. Such rights-of-way, which may be required to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or to extend recreational greenways and trail networks identified in the Town trail planning documents, shall include perpetual unobstructed easements at least 10 feet in width which shall be indicated on the plat.

I. Legal requirements.

(1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of-way is intended to be accepted by the Town. In the event that the right-of-way is not intended for acceptance by the Town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.

(2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the applicant, a homeowners' association or through other legal mechanism. Such documentation shall be in a form approved by the Board and filed in the Norwich Land Records.

§ 215-3.8. Water supply and wastewater disposal.

A. Water supply. Water supply systems shall be designed, installed, and maintained to meet all applicable state requirements.

B. Wastewater disposal capacity. The applicant may be required to demonstrate that soil conditions on-site are adequate to accommodate the installation of a wastewater disposal system designed in accordance with state requirements.

§ 215-3.9. Utilities.

A. Location. All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

(1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Board due to site conditions.

(2) The applicant shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for the proposed subdivision and anticipated development on lands adjacent to the subdivision.

(3) Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farmland, and any adverse impacts to natural, cultural or scenic resources and public health.

B. Easements. Utility easements of sufficient width shall be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

§ 215-3.10. Dedication of open space and common land.

A. Creation of Common Land. Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including road and trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

B. Legal requirements. The Board may require that land offered by an applicant as protected open space is dedicated to not being developed either in fee or through a conservation easement approved by the Board. The prospective grantees to which the applicant may grant such land may include a community association comprising all of the present and future owners of lots in the subdivision, a nonprofit land conservation organization, or the Town of Norwich. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent landowners.

ARTICLE IV

§ 215-4.1. Administration.

These regulations shall be administered by the Norwich Development Review Board ("Board"), as authorized by the Act [§ 4401].

§ 215-4.2. Fees.

A. Application fees for each phase of subdivision approval shall be established by the Norwich Selectboard. Such fee(s) shall include the costs for publishing hearing notices, notifying abutting landowners and conducting public hearings, administrative review, creating Town GIS maps, and, if needed, for periodic inspections by Town-retained consultants during the installation of public improvements.

B. Should the Board deem it necessary to employ an engineer, attorney, design professional or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the applicant.

§ 215-4.3. Hearing notice requirements.

A. All public hearings required under these regulations shall be warned in accordance with the Act [§ 4464].

B. Notice shall be given not less than 15 days prior to the date of the public hearing by the publication of the date, place and purpose of the hearing in a newspaper of general circulation; and by the posting of the same information in three or more public places within the municipality including posting within view from the public right-of-way most nearly adjacent to the property for which the application is made.

C. In the case of a plat located within 500 feet of a municipal boundary, a copy of such notice shall be sent to the Clerk of the adjacent municipality at least 15 days prior to the public hearing.

D. Abutters and owners of property within 250 feet of the parcel to be subdivided shall be notified, via U.S. Mail, by Norwich planning and zoning staff at least 15 days prior to any public hearing scheduled in accordance with Sections 2.3, 2.4 and/or 2.5. Such notice may include a general description of the proposed subdivision, including the number of new lots to be created, and any other information required by statute or deemed relevant by the Board and/or Town staff.

E. A completed Preliminary Hearing may be recessed and continued to a specific time, date and place within 90 days for an Intermediate or Final Hearing if requested by the applicant and approved by the Board. For purposes of public notice, the continuation of the public hearing shall not be required to be re-warned in accordance with Section 4.3 (A), (B), (C), (D) if the time, date and place of that later session is announced prior to the end of the Preliminary Hearing and the Preliminary Hearing is continued to the Intermediate or Final Hearing. If for any reason the hearing is not continued at the announced time, date and place, including a lack of quorum or further continuation without substantial addition, the subsequent hearing or continuation shall be

warned in accordance with Section 4.3 (A), (B), (C), (D).

§ 215-4.4. Enforcement and penalties.

A. The enforcement of these regulations shall be the responsibility of the Zoning Administrator in accordance with the Act [§§ 4451, 4452, 4454].

B. Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [§ 4451] for each offense; and each day that a violation continues shall constitute a separate offense.

C. Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act [§ 4451]; and each lot, parcel, or unit so sold or transferred shall be deemed a separate violation.

D. Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§ 4454] as currently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

§ 215-4.5. Appeals.

A. Any decision of the Board may be appealed to the Vermont Environmental Court by an interested person who has participated in the municipal public hearing in accordance with the Act [§ 4471]. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

B. "Interested person" for the purposes of appeal shall be defined pursuant to the Act [§ 4465].

C. The requirements for filing a notice of appeal shall be included in all Notices of Decision issued by the Board.

§ 215-4.6. Town recording requirements.

The Zoning Administrator shall deliver copies or memorandums of permits and Notices of Violation to the Town Clerk for recording within 30 days of being issued pursuant to the Act [§ 4449(b)].

ARTICLE V
Definitions

§ 215-5.1. Interpretation.

A. Unless otherwise defined herein, the definitions contained in the Act and the Norwich Zoning Regulations shall apply to these regulations.

B. Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

C. Any interpretation or clarification of words, phrases or terms contained herein by the Norwich Development Review Board or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

§ 215-5.2. Definitions.

For the purposes of these regulations, the following words shall be defined as follows:

ABUTTER — The owner of record of a parcel of land which is contiguous at any point with the parcel being subdivided.

ACCESS ROAD — Public or private road providing access to two or more lots.

ACT — The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

AFFORDABLE HOUSING — Affordable housing units include owner-occupied or rental dwelling units which are constructed and made subject to sufficient restrictions so that they will remain affordable on a long-term basis. Eligible households shall have incomes that are up to 120% of the median Windsor County household income, as last reported by the Vermont Department of Housing and Community Affairs.

APPLICANT — Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others.

APPROVAL — A decision by the Development Review Board, certified by written endorsement on the Plat, that the final plan meets the requirements of these regulations. Such approval may include conditions to be met by the applicant, which shall run with the land and be applicable to future owners, and which shall be forwarded to the applicant in writing.

AS-BUILT PLANS — Plans or drawings reflecting the actual public or private improvements, showing actual field dimensions, locations, and other relevant information, made or installed in connection with an approved subdivision, filed with the Zoning Administrator to establish compliance with relevant conditions of the subdivision approval.

AUTHORIZED AGENT — A person or group of persons who have been duly authorized in writing filed with the Board by the owner of record to act on his or her behalf.

BOUNDARY LINE ADJUSTMENT — A change in the boundary line between adjacent lots in which there is a sale, conveyance or exchange of land that does not increase the number of parcels of land. (Also known as an Annexation).

BUFFER — A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

CERTIFICATE OF COMPLIANCE — See Section 2.8(C).

COMMUNITY WASTEWATER SYSTEM — Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons that disposes of sewage for domestic, commercial, industrial or institutional uses for two or more users or customers.

COMMUNITY WATER SYSTEM — Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

DENSITY — Ratio of dwellings to land area.

DEVELOPMENT ENVELOPE — A specific area delineated on a lot within which all structures are to be located. See Section 3.3(B).

DEVELOPABLE AREA — Area used for density calculation. See Table 3.2.

DISTURBED AREA — An area in which the natural vegetative soil cover has been removed, altered, or subject to any other activity making it susceptible to erosion. Natural vegetative cover may include grasses, shrubs, trees, and other vegetation that holds and stabilizes soils.

DRIVEWAY — A privately owned access road serving one lot or dwelling structure.

DWELLING STRUCTURE — A structure containing one or more dwelling units.

DWELLING UNIT — One room or rooms connected together, constituting a separate housekeeping establishment containing independent cooking and sleeping facilities and bath facilities. A dwelling unit does not include boarding houses, bed-and-breakfast establishments, hotels, motels or clubs.

A. TWO-UNIT DWELLING STRUCTURE — Two separate dwelling units covered by a common roof system.

B. MULTI-UNIT DWELLING STRUCTURE — Three or more separate dwelling units covered by a common roof system.

FARM LAND — Land currently supporting crops, orchards, or grazing; or open land with significant potential to support crops based on the presence of prime or statewide agricultural soils, accessibility, adequate size and shape, and compatibility with adjacent uses.

FINAL PLAT — The final drawings on which the subdivision is presented to the Development Review Board for approval and which, if approved, are filed for record with the Town Clerk. See Section 2.5.

GIS — Geographic Information System. A computer system capable of assembling, storing, manipulating, and displaying geographically referenced information, i.e., data identified according to their locations. The Norwich GIS consists of data layers maintained by the Norwich Planning Office.

INTERMEDIATE PLAN — The preliminary drawings for a subdivision indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration. See Section 2.4.

LOT — Any parcel of land the boundaries of which are separately described in a recorded deed or filed plat. A Town or state highway right-of-way constitutes a lot boundary.

OPEN SPACE — The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or protection of natural areas.

MAXIMUM DENSITY — Total number of new lots allowed on any preexisting parcel. See Table 3.1.

PLANNED UNIT DEVELOPMENT (PUD) — An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units and commercial and/or industrial uses, if any, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets, utilities, buildings, open spaces and other site features and improvements; the plans for which do not correspond in lot size, dimensional requirements, or type of use or density under the Zoning Regulations except as a planned unit development.

PLAT — A plan or a map of a piece of land with actual or proposed features (as lots).

PRELIMINARY PLAN — An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to reach general agreement with the Development Review Board as to the form of the subdivision and objective and requirements of these regulations. See Section 2.3.

PRIVATE HIGHWAY — A privately owned access road serving two or more lots or dwelling structures.

RIDGELINE — A ridge top line of intersection between the opposite slopes on a range of hills or mountains.

SLOPE — The inclination of a surface. The gradient of a slope is defined as the ratio of the "rise" divided by the "run" between two points on a line expressed as a percentage. In the context of these regulations, slope is to be measured from the top to the bottom of the disturbed area.

STREET — Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving three or more lots.

SUBDIVISION — Division of any lot or parcel of land into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale. Any transfer, conveyance or sale of land held in one ownership, but already divided into lots by an existing public right-of-way, shall not be considered a subdivision for the purposes of these regulations.

TOWN PLAN — The Norwich Town Plan as most recently adopted.

WETLANDS — All wetlands identified on National Wetland Inventory (NWI) maps, wetland

areas identified as "Ecologically Significant Wetlands" by the Vermont Nongame and Natural Heritage Program, and/or areas identified through site analysis, pursuant to the Vermont Wetland Rules, to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction.

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Appendix A
Substandard Class 3 Roads

Only applicable to Table 3.1 calculations.

Name	Start	End
Elm Street	Hopson Road	Heyl Trail
Hickory Ridge	Elm Street	End
Dutton Hill - East	Beaver Meadow Road	Class 4 Section
Tilden Hill	Turnpike Road	Brigham Hill
Four Wheel Drive	Church Street	End
Blood Hill East	Goodrich 4 Corners	Class 4 Section
Bowen Road	Waterman Hill	VT Rt 132
Waterman Hill	Bowen Road	Class 4 Section
Bradley Hill Road	#398 Hanlon	Class 4 Section
Pattrell Road	Union Village	Kerwin Hill
Campbell Flat Road	#498 Sargent	Thetford Line
Turnpike Road	Bramble Lane	Class 4 Section
Upper Turnpike	Needham Road	Class 4 Section
Stowell Road	Norford Lake Road	Thetford Line
Rock Ledge Lane	New Boston Road	Class 4 Section
Chapel Hill	Beaver Meadow	Sharon
Tigertown Road	Mitchell Brook	Hartford
Mitchell Brook	Ridgewood Hill	Sharon
Cossingham Road	Bragg Hill Road	Class 4 Section
Happy Hill Road	Bragg Hill Road	Class 4 Section
Tucker Hill Road	Bragg Hill Road	South end
Sugarhouse Road	Beaver Meadow Road	Class 4 Section
Town Farm Road	Goodrich Four Cors	Class 4 Section
Patterson Road	Campbell Flats	Hogback Road
Sugartop Road	Hartford Line	North End

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Town of Norwich

Appendix B
Erosion Prevention and Sediment Control Resources

Vermont Manuals:

A. Vermont Low Impact Development Guide for Residential and Small Sites — December 2010 (Green Book) http://www.vtwaterquality.org/stormwater/docs/sw_LID%20Guide.pdf

B. The Low Risk Site Handbook for Erosion Prevention and Sediment Control — 2006 (Yellow Book) http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/ sw_low_risk_site_handbook.pdf

C. Vermont Erosion Prevention and Sediment Control Field Guide — 2006 (Blue) http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw_vermont_field_guide.pdf

D. The Vermont Standards & Specifications For Erosion Prevention & Sediment Control - 2006 http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw_vt_standards_ and_specifications_200 6_updated_2_20_2008.pdf

Chapter 240

ZONING

ARTICLE I
Authority and Purpose

§ 240-1.01. Enactment and title.

In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117], hereinafter referred to as the "Act," there are hereby established zoning regulations for the Town of Norwich which are set forth in the text and maps that constitute these regulations. These regulations shall be known and cited as Town of Norwich Zoning Regulations.

§ 240-1.02. Purpose.

A. It is the purpose of these regulations to achieve the objectives set forth in the Act [§§ 4302, 4401], which include the appropriate development of all lands in this community in a manner that will promote the public health, safety, morals, prosperity, comfort, convenience, efficiency, economy and general welfare; to provide means and methods for the community to effect the prevention, minimization or the future elimination of such land development problems as may exist or which may be foreseen; and to implement the Town Plan of Norwich, which is incorporated by reference here. Specific goals include:

(1) To provide sufficient space in appropriate locations for forests and agriculture; for residential, recreational, commercial and business development; and for public and semi-public facilities, giving consideration to their environmental requirements and interrelationships, in order to meet the needs of all residents of the Town.

(2) To protect and promote the appropriate use of soil, forests, ground and surface waters and wetlands and other natural resources.

(3) To protect and preserve natural, scenic, and historic features of the landscape and the Town; to preserve open space; to facilitate the growth of Norwich in a rural environment; to encourage a rational and convenient pattern of settlement and good civic design and, in particular, to encourage and enhance the attractiveness of the Norwich scene and landscape.

(4) To encourage and allow for the creation of affordable housing and moderate-income housing for Norwich residents.

(5) To encourage the healthful and convenient distribution of population, employment opportunities, and other activities; to protect residential, agricultural and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, inadequate parking and hazardous traffic flow, and from the loss of peace, quiet, and privacy.

(6) To encourage appropriate diverse architectural design.

(7) To secure safety against fire, explosions, floods and other damages.

(8) To protect public health by reduction of noise, air pollution, water pollution and other noxious physical influences.

(9) To preserve the natural night sky by reducing unnecessary and unshielded exterior lighting.

(10) To protect access to adequate light and air circulation.

(11) To facilitate the adequate and convenient provision of water, schools, parks, roads and other public services.

(12) To encourage the most desirable and appropriate use of land, to minimize the adverse impact of one land use upon another, and to provide for the gradual amelioration of undesirable land uses.

(13) To encourage the conservation of energy and the development of renewable energy resources.

B. Preparation of these bylaws has been based upon surveys of existing conditions and probable future trends, with reasonable consideration for the landowner, to topography, to needs and trends of Norwich, to the character of each area and to its peculiar suitability for particular uses in relationship to surrounding areas and with a view to conserving the value of property.

§ 240-1.03. Applicability and interpretation.

Land Development: The erection, construction, reconstruction, conversion, relocation or enlargement of any building, exterior sign or structure, or water recreation facilities or water storage facilities, including but not limited to public swimming pools, man-made or improved ponds, reservoirs, water tanks, sewer lagoons, or fish hatcheries; any mining, excavation or landfill activity; or any change in the use of any building or structure, including but not limited to the commencement of a home business, or any change in, or extension of, the use of any land.

A. The application of these regulations is subject to all subchapters of the Act as most recently amended. No land development shall commence within the jurisdiction of the Town of Norwich except in compliance with the provisions of these regulations. Any land development not specifically authorized under these regulations, unless otherwise exempted under the Act, or Section 6.02 of these regulations, is prohibited.

B. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for purposes set forth in Section 1.02.

C. All uses or structures lawfully in existence as of the effective date of these regulations are allowed to continue indefinitely. Changes, alterations or expansions to preexisting structures or uses shall be subject to all applicable requirements of these regulations, including provisions applying to nonconforming uses and/or structures under Section 3.08.

D. These regulations are not intended to repeal, annul or in any way impair any permit pre-

viously adopted or issued.

E. Where these regulations impose a greater restriction upon the use of a structure or land than is required by any other current statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these regulations shall control.

F. In the event of changes to the Act which nullify or supersede a specific provision of these regulations, the requirements of the Act, as most recently amended, shall control.

§ 240-1.04. Effective date.

These regulations shall take effect in accordance with the voting and other procedures contained in the Act [§§ 4441, 4442].

§ 240-1.05. Amendment.

These regulations may be amended according to the requirements and procedures established in the Act [§§ 4441, 4442]. Applications in process at the time of the Selectboard's first hearing on the proposed amendments will be governed by the regulations in effect at the time that the application was completed.

§ 240-1.06. Severability.

The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

Table 1.1 Municipal Permits and Approvals

Permit/Approval	Required for	Issued by	See
Zoning Regulations			
Zoning permit [§ 4449]	All land development, as defined in Section 7.02, including signs, conversions and changes of use, unless specifically exempted from these regulations under Section 6.02.	Zoning Administrator	Article VI
Access approval [§ 4412(3)]	Development without frontage on a public road or public waters.	Development Review Board	Section 3.02
Site plan approval [§ 4416]	All development except for one- and two-unit dwellings, home occupations within a one-unit dwelling, home daycare facilities, signs, agriculture and/or forestry and all uses exempt under Section 6.02.	Development Review Board	Section 5.03
Conditional use approval [§ 4414(3)]	All uses classified as "conditional uses" in Article II, or as otherwise specified in Articles III or IV.	Development Review Board	Section 5.04

Table 1.1 Municipal Permits and Approvals

Permit/Approval	Required for	Issued by	See
Variance Approval [§ 4469]	Requests on appeal for a variance from the provisions of these regulations.	Development Review Board	Section 6.04
Planned unit development (PUD) approval [§ 4417]	A method of land development for mixed-use multi-unit development in which an area of land, consisting of one or more parcels, is developed as a single entity, where an alternative configuration may promote more desirable development design.	Development Review Board	Section 5.06
Development envelope review	Development of a One-Unit or Two-Unit Dwelling on an undeveloped lot in the Rural Residential District.	Development Review Board	Section 5.07
Other Municipal Approvals			
Subdivision approval [§ 4418]	All subdivisions of land, as defined in Section 5.2 of the Norwich Subdivision Regulations, including boundary or lot line adjustments.	Development Review Board	Subdivision Regulations
Access (curb-cut) approval	All development requiring access onto Town highways.	Town Manager	Road Ordinance
Road acceptance, upgrade, naming	The naming of roads, the upgrade of Town roads, or Town acceptance of private development roads.	Selectboard	Local Ordinances
Development within Town Highway Rights-of-Way	Any development, upgrading of roads, and road maintenance within the public right-of way	Town Manager	Local Ordinances

ARTICLE II
Zoning Districts

§ 240-2.01. Establishment of zoning districts and maps.

A. For the purposes of these regulations, the Town of Norwich is divided into the following five zoning districts as described in the accompanying tables (Tables 2.1 - 2.5) and the Official Zoning Map:

Table 2.1	Rural Residential (RR) District
Table 2.2	Village Residential I (VRI) District
Table 2.3	Village Residential II (VRII) District
Table 2.4	Village Business (VB) District
Table 2.5	Commercial and Industrial (CI) District

B. In addition to the five primary zoning districts, the following five overlay districts have been designated, as described in the accompanying tables (Tables 2.6 - 2.10) and the Official Zoning Map:

Table 2.6	Aquifer Protection Overlay (APO) District
Table 2.7	Flood Hazard Overlay (FHO) District
Table 2.8	Shoreline Overlay (SLO) District
Table 2.9	Ridgeline Overlay (RLO) District
Table 2.10	Public Water Supply Overlay (PWSO) District

C. The location and boundaries of each zoning district are established as shown on the official "Town of Norwich Zoning Maps" and the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), which are hereby adopted by reference and declared to be part of these regulations. The Official Zoning Map may only be altered by adoption or amendment in accordance with the Act [§§ 4441, 4442] and these regulations (§ 1.05).

D. The official zoning and flood hazard area maps shall be located in the Norwich Town Office, and be identified by the signatures of the Selectboard, as attested to by the Town Clerk. These maps shall be the final authority as to the zoning status of any lands or waters in the Town.

§ 240-2.02. Zoning district boundary interpretation.

A. Where uncertainty exists as to the location of district boundaries as shown on the official zoning and flood hazard area maps, the following rules shall apply:

(1) Boundaries indicated as following roads, transportation or utility rights-of-way shall be interpreted to follow the center lines of such features.

(2) Boundaries indicated as following rivers or streams shall be interpreted to follow the channel center line and shall move with the center line of such features.

(3) Boundaries indicated as following lot lines shall be interpreted to follow the property boundary delineated by a recorded survey or deed.

(4) Boundaries indicated as following contour lines shall be interpreted to follow a constant, specified elevation as measured from mean sea level or other accepted reference datum.

(5) Boundaries indicated as following compass headings shall be interpreted to follow such headings.

(6) Boundaries indicated as parallel or perpendicular to, or extensions of the above features (1-5), shall be so interpreted on the ground.

(7) Distances not specifically indicated shall be determined by the scale on the Official Zoning Map.

B. The abandonment or relocation of a right-of-way or roadway, or the change in a line or feature which references a district boundary line, after the effective date of these regulations, shall not affect the location of the district boundary line except as specified above for streams and rivers.

C. Where available (i.e., in Zones 1- A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions.

D. When the Zoning Administrator cannot definitely determine the location of a district boundary, the Planning Commission and/or appropriate state or federal official may be consulted prior to issuing a determination. A determination by the Zoning Administrator regarding the location of a district boundary may be appealed to the Development Review Board under Section 6.03. Where there is a dispute as to where a property is located in relation to a district boundary, the property owner may be required to verify the location of the boundary line by a survey prepared by a registered surveyor.

E. Where a district boundary divides a lot in single ownership as of the effective date of these regulations, or any amendment thereto, the Development Review Board may permit, subject to conditional use review under Section 5.04, the extension of district standards for either portion of the lot up to 50 feet beyond the district line into the remaining portion of the lot.

F. Where a lot is divided by a Town boundary, the standards of these regulations shall be applied only to that portion of the lot located in the Town of Norwich.

§ 240-2.03. Application of district standards.

A. All uses and structures, unless specifically exempted under Section 6.02, must as of the effective date of these regulations comply with all prescribed standards for the district in which they are located, as set forth in Tables 2.1-2.10 and as defined in Section 7.02, unless otherwise specified in these regulations. The standards for each district shall apply uniformly to each class of use and/or structure, unless otherwise specified. Nonconforming uses and structures in lawful existence as of the effective date of these regulations shall be regulated in accordance with Section 3.08.

B. Overlay district standards shall be applied concurrently with the standards for underlying zoning districts. Where overlay districts impose more restrictive standards on the use of land or a structure, the standards of the overlay district shall apply.

C. Prescribed uses for each district are classified as "permitted uses," subject to review by the Zoning Administrator in accordance with Section 6.01; or as "conditional uses" subject to review by the Development Review Board in accordance with Section 5.04. Both permitted and conditional uses are also subject to applicable general standards set forth in Article III.

D. Minor land development determined by the zoning administrator to impose no impact or merely a de minimis impact on the surrounding area and the overall pattern of land development may be allowed by the zoning administrator without a permit.

E. All uses not specifically allowed under, or exempted from, the provisions of these regulations, are prohibited.

§ 240-2.04. Zoning district purposes, uses and specific standards.

The following Tables 2.1-2.10 set forth the stated purpose, allowable uses and specific standards for each zoning district. Additional district standards pertaining to conditional uses may be found under Section 5.04, and to Planned Unit Development under Section 5.06.

§ 240-2.04.1. Table 2.1: Rural Residential (RR) District.

A. Purpose. The purpose of the Rural Residential District is to allow low density development in a rural setting, while protecting the natural resources and limiting development in those areas of Town accessed by unimproved or substandard roads. The Rural Residential District is intended principally for agriculture, forestry, residential dwellings and associated home-based uses. Residential development is encouraged in appropriate locations in a manner that preserves open space and protects natural resources. Only limited commercial uses are allowed, and then only in a manner that avoids unreasonable burdens on Town roads and services or other adverse impacts on the rural, residential character of the district.

B. Permitted uses. The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

(1) One-Unit or Two-Unit Dwelling (subject to Development Envelope Review; see Section 5.07).

(2) Enlargement or modification of a One-Unit or Two-Unit Dwelling.

(3) Accessory Use or Structure (to a permitted use).

(4) Agriculture and Agricultural Structures (see Section 6.02(G)).

(5) Bed-and-breakfast (one to three Guest Bedrooms).

(6) Forestry.

(7) Group Home (eight or fewer residents; see Section 7.02).

(8) Home Business (see Section 4.08).

(9) Home Day Care (see Section 4.03).

C. Conditional uses. The following uses are permitted with the approval of the Development

Review Board in accordance with Section 5.04:

(1) Accessory Use or Structure (to a conditional use).

(2) Accessory Dwelling Structure.

(3) Adaptive Re-Use.

(4) Bed-and-breakfast (four to six Guest Bedrooms).

(5) Cemetery.

(6) Cultural Facility (see Section 4.12).

(7) Day Care Facility (see Section 4.03).

(8) Sand and Gravel Extraction (see Section 4.04).

(9) Group Home (more than eight residents).

(10) Home Industry (see Section 4.08).

(11) Private Club.

(12) Public Facility (see Section 4.11).

(13) Recreational Facility (outdoor).

(14) Telecommunications Facility (see Section 4.13).

D. Dimensional standards. See Table 3.2.

E. Planned Unit Developments (PUD). (See Section 5.06).

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. [See Section 5.06(D)(4)]. Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

§ 240-2.04.2. Table 2.2: Village Residential I (VRI) District.

A. Purpose. The purpose of the Village Residential District is to provide for medium density residential development in a compact, neighborhood setting which is near municipal services and which is serviced or may be serviced in the future by community water and/or sewer facilities. While the primary permitted uses intended are residential dwellings and associated home-based uses, other types of residential accommodations, related service enterprises and public facilities are allowed in a manner which protects the residential character of neighborhoods within the dis-

trict.

B. Permitted uses. The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

(1) One-Unit or Two-Unit Dwelling.

(2) Accessory Use or Structure (to a permitted use).

(3) Agriculture.

(4) Bed-and-breakfast (one to three Guest Bedrooms).

(5) Group Home (eight or fewer residents; see Section 7.02).

(6) Home Business (see Section 4.08(B)).

(7) Home Day Care (see Section 4.03).

C. Conditional uses. The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

(1) Accessory Use/Structure (to a conditional use).

(2) Accessory Dwelling Structure.

(3) Bed-and-breakfast (four to six Guest Bedrooms).

(4) Day Care Facility (see Section 4.03).

(5) Group Home (more than eight residents).

(6) Home Industry (see Section 4.08).

(7) Nursing Home/Residential Care Facility.

(8) Public Facility (see Section 4.11).

(9) Private Club.

(10) Cultural Facility (see Section 4.13).

D. Dimensional standards. See Table 3.2.

E. Planned unit developments (PUD) (see Section 5.06).

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. [See Section 5.06(D)(4)]. Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06.

Density bonuses are available for affordable housing and moderate-income housing.

§ 240-2.04.3. Table 2.3: Village Residential II (VRII) District.

A. Purpose. The purpose of the Village Residential II District is to provide for higher density residential development for affordable housing and moderate-income housing in a compact, neighborhood setting which is near municipal services and which is serviced or may be serviced in the future by community water and/or sewer facilities. The density for other types of residential housing is the same as for the Rural Residential District.

B. Uses. The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01: Same as Village Residential I.

C. Conditional uses. The following uses are permitted with approval of the Development Review Board in accordance with Section 5.04: Same as Village Residential I.

D. Dimensional standards. See Table 3.2.

E. Planned Unit Developments (PUD) (see Section 5.06):

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. [See Section 5.06(D)(4)]. Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

§ 240-2.04.4. Table 2.4: Village Business (VB) District.

A. Purpose. The purpose of the Village Business District is to maintain the traditional village core as the social, commercial, cultural and civic center of the community while protecting and enhancing the area's pedestrian scale, historic character and economic vitality.

B. Permitted uses. The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

(1) Accessory structure/use (to a permitted use).

(2) Bank*.

(3) Group HOME (8 or fewer residents; see Section 7.02).

(4) Home day care (see Section 4.03).

(5) Home business (see Section 4.08).

(6) Home industry (see Section 4.08)*.

(7) Office*.

(8) One-unit or two-unit dwelling.

(9) Restaurant (see Subsection (E))*.

(10) Retail*.

* Requires Site Plan Review in accordance with Section 5.03.

C. Conditional uses. The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

(1) Accessory structure/use (to a conditional use).

(2) Accessory dwelling structure.

(3) Bed-and-breakfast (see Section 7.02).

(4) Cultural facility (see Section 4.12).

(5) Day care (more than 6 children; Section 4.03).

(6) Inn.

(7) Light industry.

(8) Mixed use (see Section 4.09).

(9) Parking facility.

(10) Private club.

(11) Public facility.

(12) Recreational facility, indoor.

(13) Mixed use (see Section 4.09).

D. Dimensional standards. See Table 3.2.

E. District use standards.

(1) Restaurants shall not include drive-through lanes and/or drive-up windows.

F. Planned Unit Developments (PUD) (See Section 5.06):

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. [See Section 5.06(D)(4)]. Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

§ 240-2.04.5. Table 2.5: Commercial Industrial (CI) District.

A. Purpose. The purpose of the Commercial Industrial District is to promote a mix of residential, commercial and appropriate industrial uses in an area of Town with good highway access and limited potential to adversely impact historic neighborhoods or important natural or cultural resources.

B. Permitted uses. The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

(1) Accessory structure/use (to a permitted use).

(2) Agriculture.

(3) Bed-and-breakfast (see Section 7.02)*.

(4) Day care (more than 6 children; Section 4.03)*.

(5) Group home (8 or fewer residents; see Section 7.02).

(6) Home day care (see Section 4.03).

(7) Home business (see Section 4.08).

(8) Home industry (see Section 4.08)*.

(9) Multi-unit dwelling [see Subsection (F)(2)]*.

(10) One-unit or two-unit dwelling.

* Requires Site Plan Review in accordance with Section 5.03.

C. Conditional uses. The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

(1) Accessory structure/use (to a conditional use).

(2) Accessory dwelling structure.

(3) Bank.

(4) Contractors yard.

(5) Community center.

(6) Cultural facility (see Section 4.12).

(7) Funeral home.

(8) Inn.

(9) Light industry.

(10) Nursing home/residential care facility.

(11) Office.

(12) Parking facility.

(13) Public facility.

(14) Private club.

(15) Recreational facility, indoor and outdoor.

(16) Research and development facility.

(17) Restaurant [see Subsection (E)(1)]

(18) Retail.

(19) Mixed use (see Section 4.09).

D. Dimensional standards. See Table 3.2.

E. District use standards.

(1) Restaurants shall not include drive-through lanes and/or drive-up windows.

F. Planned Unit Developments (PUD) (See Section 5.06):

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. [See Section 5.06(D)(4)] Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

§ 240-2.04.6. Table 2.6: Aquifer Protection Overlay (APO) District.

A. Purpose. The Aquifer Protection Overlay District is intended to protect delineated drinking water source protection areas from uses and associated land management activities which pose a threat of contamination. To this end a Primary Protection Area and a Secondary Protection Area are designated to ensure an appropriate level of protection for areas susceptible to contamination.

B. Primary protection area. The Primary Protection Area is defined as follows:

B. Beginning at a point at the intersection of the northerly bank of the Connecticut River and the westerly bank of the stream flowing into the Connecticut River from the "Lily Pond," so called; thence proceeding in a northeasterly direction along the northerly bank of the Connecticut River a distance of 3,000 feet to a point; thence turning and proceeding in a northwesterly direction in a straight line to the westerly-most point of the "Lily Pond;" thence turning at an angle which is perpendicular to the northwesterly bank of the stream leading from the "Lily Pond" to

the Connecticut River and proceeding in a straight line a distance of 100 feet to a point; thence turning and proceeding in a southwesterly direction along a line located at a constant distance of 100 feet from the northwesterly bank of said stream to the point of intersection with the northerly boundary of property now owned by the Norwich Fire District; thence continuing in a westerly and then a southerly direction along the northerly and westerly boundary of said property of the Norwich Fire District to the intersection of said boundary with the westerly bank of the stream leading from the "Lily Pond" to the Connecticut River; thence continuing in a westerly an southerly direction along the westerly bank of said stream to the point and place of beginning. See Aquifer Protection Overlay District Map.

B. The following uses and standards shall apply to all land uses and development:

(1) Prohibited uses. The following uses are explicitly prohibited:

(a) Use or storage of hazardous materials and hazardous waste, as defined in the Vermont Hazardous Waste Management Regulations, in quantities greater than those associated with normal residential use except for those required for the operation and maintenance of the permitted public water supply;

(b) Underground storage of fuel or other hazardous waste, as defined in the Vermont Hazardous Waste Management Regulations except for those required for the operation and maintenance of the permitted public water supply; and

(c) Wastewater treatment systems, septic tanks, and sewer lines except as allowed by the Vermont Water Supply Rules.

(2) Conditional uses. The following may be approved by the Development Review Board in accordance with Section 5.04 and the following standards:

(a) One-Unit Dwelling with septic system only if:

[1] Adequate hydrological studies indicate there will be no risk of contamination of the water supply;

[2] The lot is not less than five acres; and

[3] The septic system is more than 500 feet from public water supply.

(b) Adaptive Re-use only if:

[1] The required wastewater capacity for all uses on the lot is equal to or less than a four-bedroom residence (490 gpd);

[2] There will only be one wastewater system on the lot; and

[3] Adequate hydrological studies indicate there will be no risk of contamination of the water supply.

(3) Permitted uses. The following uses may be permitted by the Zoning Administrator in accordance with Section 6.01:

(a) Operation and maintenance of a permitted public water supply including use and storage of materials for the treatment of water for potable consumption;

(b) Accessory Structures; or

(c) Recreational uses which pose no threat of contamination or pollution to ground water.

(4) Coverage. No more than 10% of a lot or tract in the Primary Protection Area shall be covered with pavement, roofing, or other material impervious to water.

C. Secondary protection area. The Secondary Protection Area shall include all lands within the watershed area of the Unnamed Stream as shown in the August 1990 Hydrogeologic Evaluation. The following uses and standards shall apply to all land uses and development:

(1) Permitted and Conditional Uses are the same as for the underlying district, with the exception that conditional use approval in accordance with Section 5.04 is required for any use that normally involves the manufacture, use, handling, storage, or generation of regulated substances in quantities greater than those associated with normal residential use.

(2) In applying for a conditional use under this section, the information listed below shall be submitted in addition to information required in Table 5.1:

(a) A complete list of all chemicals, pesticides, fuels, and other potentially regulated substances to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion, and leakage, and to provide for spills.

(b) A description of regulated substances to be generated, indicating storage and disposal methods.

(c) A sketch showing the proposed location of regulated substances.

(d) Evidence of approval by the Vermont Department of Environmental Conservation of any industrial waste treatment or nonresidential on-site disposal system.

(e) For uses rendering more than 10% of the lot area impervious, a drainage plan including details of all proposed drainage facilities, both on-site and off-site, where applicable. All stormwater generated by development should be confined on-site (within the development envelope) using acceptable low impact, environmentally sound, and best management practices.

(f) Maintenance schedule for all grease traps, containment vessels, and other pollution prevention devices used to handle hazardous materials on site.

(g) The Development Review Board may require the applicant to submit other information it deems necessary to judge the potential damage to the aquifer that may result from the proposed use. The Board may also engage a qualified professional consultant, mutually agreed upon by the Board and applicant, to prepare an environmental impact report. The cost of obtaining any such additional information shall be paid by the applicant.

(3) Specific criteria for approval of a conditional use in the aquifer overlay district. In addi-

tion to the standards set forth in Section 5.03, the following standards shall apply to any use subject to conditional use review within the Aquifer Overlay District:

(a) The proposed use will not have a detrimental effect on the quality of the groundwater contained in the aquifer by directly contributing to pollution.

(b) Provision shall be made to protect against discharge or loss of regulated substances.

(c) For any regulated substances to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in compliance with all applicable state and federal laws and guidelines.

(d) The potential effect on the water supply based on the actual distance to the Unnamed Stream and the Norwich Fire District wellhead shall be considered when applying the above standards.

§ 240-2.04.7. Table 2.7: Flood Hazard Overlay (FHO) District.

A. Purpose.

(1) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards;

(2) Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property;

(3) Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and

(4) Make the state, the Town, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

B. Lands to which these regulations apply.

(1) The Flood Hazard Overlay District shall include all areas in the Town of Norwich, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

(2) Where available (i.e., in Zones 1- A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions.

C. Uses not allowed.

(1) New principal structures residential or nonresidential.

(2) Fuel and hazardous materials storage.

(3) Major development in floodway (more than 500 square feet footprint).

D. Permitted uses.

(1) Accessory use in existing structure.

(2) Agriculture.

(3) Home day care (within existing dwelling).

(4) Forestry.

(5) Home based businesses (within existing dwelling).

E. Conditional uses.

(1) Small accessory structures (footprint area less than 600 square feet),

(2) "Substantial improvement" of existing buildings,

(3) Any fill or excavation,

(4) Minor Development in a Floodway (less than 500 square feet footprint),

(5) All other permitted uses as specified for the underlying zoning district. Such permitted uses shall be subject only to conditional use review standards specific to flood hazard areas under Section 5.05, and

(6) All conditional uses as specified for the underlying zoning district. Such uses shall be subject to all conditional use review standards, including those specific to flood hazard areas under Section 5.05.

F. Dimensional standards. All applicable standards of the underlying district shall apply.

G. Other flood hazard district standards.

(1) Development within designated areas of the Flood Hazard Overlay District shall be subject to the provisions of Section 5.05, as well as any applicable requirements of the underlying zoning district. Where this overlay district imposes more restrictive standards on the construction or use of structures or land, the standards under this overlay district shall apply.

(2) Uses permitted within the Flood Hazard Area Overlay which are not subject to flood hazard area review include agriculture and forestry, unimproved open space, and those uses generally permitted within existing single unit dwellings (i.e., day care and group homes as defined and home based businesses). All other uses and structures, including but not limited to expansions of one-unit dwellings, shall be subject to conditional use review under the provisions of Section 5.05, as well as all other applicable municipal and state regulations.

H. Procedures.

(1) At the time an application is submitted to the zoning administrator, a copy of the application and supporting information shall be submitted by the administrative officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. The application will be considered complete following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner. The application shall not be warned for a hearing or a permit issued until the application is complete.

(2) Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(3) The proposed development shall be permitted by the Zoning Administrator conditioned on the receipt of all necessary permits from those government agencies from which approval is required by Federal, State or Municipal law.

I. Warning and disclaimer. District designation does not imply that lands outside of designated flood hazard areas, or land uses permitted within designated flood hazard areas, will be free from flooding or flood damages. District designation and the administration of associated standards shall not create liability on the part of the Town, or any official or employee thereof, for any damages that result from the application of this bylaw or any decision lawfully made thereunder.

§ 240-2.04.8. Table 2.8: Shoreline Protection Overlay (SPO) District.

A. Purpose. The purpose of the Shoreline Protection Overlay District is to preserve and protect water quality scenic beauty and recreational potential which currently exist along water-front land within the Town. It is the objective of this section to promote the establishment and protection of heavily vegetated areas of native vegetation and trees along the Town's water bodies to reduce the impact of stormwater runoff, prevent soil erosion, protect wildlife and fish habitat and maintain water quality. These protected areas shall be known as riparian buffers.

B. Areas.

(1) Primary shoreline protection area. The Primary Shoreline Protection Area shall include riparian buffers defined as the width of land measured horizontally from the mean water level for lakes and from top of bank or top of slope for rivers or streams, for the distance specified below:

(a) Connecticut and Ompompanoosuc Rivers: 100 feet;

(b) Blood Brook from Connecticut River to New Boston Road: 100 feet;

(c) Streams and Lakes on the Shoreline Protection Overlay District Map: 50 feet; or

(d) Streams not shown on the Shoreline Protection Overlay District Map: 25 feet.

(2) Woodland protection area. The Woodland Protection Area shall include a buffer defined as the width of land measured horizontally from the mean water level for lakes and from top of bank or top of slope for rivers or streams, for the distance specified below:

(a) Connecticut and Ompompanoosuc Rivers: 200 feet;

(b) Blood Brook from Connecticut River to New Boston Road: 150 feet;

(c) Streams and Lakes on the Shoreline Protection Overlay District Map: 150 feet; or

(d) Streams not shown on the Shoreline Protection Overlay District Map: 75 feet.

C. Primary shoreline protection area.

(1) Prohibited uses.

(a) Salt storage yards, the outdoor storage of used, discarded, dismantled or salvaged items, vehicles or parts of vehicles, metals, appliances, equipment, debris or other potentially hazardous materials, solid or hazardous waste facilities and underground fuel storage tanks; discharges of liquid waste; land application or land-filling of sludge from wastewater treatment facilities, industrial processes or other sludge producers; storage of petroleum products, chemicals for industrial processes or as wastes awaiting disposal; storage of road salt or sand/salt mixtures for highway use; industrial activities including industrial wastewater impoundments in pits, ponds or lagoons.

(b) New structures except as allowed under Subsections C and F.

(2) Permitted uses.

(a) Accessory Use (to a permitted use within existing structure).

(b) Home Day Care (within existing dwelling).

(c) Home Occupation (within existing dwelling).

(d) Accepted Agricultural Practices (AAPs) as defined by the Secretary of Agriculture, Food and Markets in accordance with 24 V.S.A. § 4413(d). Written notification, including a sketch plan showing structure setback distances from surface waters shall be submitted to the zoning administrator prior to any construction, as required under AAPs. Such structures shall meet the requirements of this ordinance, unless waived by the Secretary of Agriculture.

(e) Forestry - Accepted Management Practices (AMPs) for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation, in accordance with the Act 24 V.S.A. § 4413(d).

(f) Removal of invasive species and buffer re-establishment projects which use "soft" techniques such as tree revetments and root wads.

(g) Encroachments necessary to rectify a natural catastrophe for the protection of the public

health, safety and welfare.

(3) Conditional uses. The Development Review Board may authorize the following as conditional uses within riparian buffers subject to the standards and conditions enumerated for each use:

(a) Water-dependent structures and their associated development including docks, bridges, or similar structures, where the Development Review Board finds that the purposes of this section will be protected through erosion controls, plantings, protection of existing vegetation, and/or other measures.

(b) Clearing of vegetation and filling or excavating of earth materials, only to the extent directly necessitated for the construction or safe operation of a conditional use on the same property and where the Development Review Board finds that:

[1] There is no practical alternative to the clearing, filling or excavating within the riparian buffer;

[2] The purposes of this section will be protected through erosion controls, plantings, protection of existing vegetation, and/or other measures; and

[3] Encroachments are necessary for providing for or improving public facilities.

(c) Public recreation paths located at least 10 feet above the ordinary high water mark or measured from the top of bank, whichever is greater.

(d) Stormwater treatment facilities meeting the stormwater treatment practices and sizing criteria set forth in the Vermont Stormwater Management Manuals Volumes I and II as most recently amended. Evidence of an approved permit from the Vermont Agency of Natural Resources for coverage under the applicable permitting requirements shall be required to meet this criterion for encroachment into a riparian buffer.

(e) Roadways or access drives for purposes of crossing a riparian buffer to gain access to land on the opposite side of the buffer, or for purposes of providing safe access to an approved use, in cases where there is no feasible alternative for providing safe access. A roadway crossing or access drive shall occur at a right angle to the stream channel.

(f) Utility lines, including power, telephone, cable, sewer and water, to the extent necessary to cross or encroach into the riparian buffer where there is no feasible alternative for providing or extending utility services.

(g) Outdoor recreation and education facilities provided that any building or structure (including parking and driveways) associated with such use are located outside the riparian buffer.

(h) Enlargement, repair or reconstruction of preexisting structures within riparian buffers shall be permitted if the Development Review Board determines that the development activity will not decrease the existing structure setback from the waterbody or increase the encroachment within the riparian buffer, and the total building footprint area of the expanded or reconstructed structure is no more than 50% larger than the footprint of the structure lawfully existing on or

before the effective date of these regulations.

(i) New accessory structures appurtenant to a preexisting structure within a riparian buffer shall only be permitted if it is determined that the accessory structures do not result in a decrease of the existing structure setback from the water body and the total building footprint area of the new accessory structure is no more than 50% of the footprint of the preexisting structure.

D. General standards - primary shoreline protection area.

(1) Except as provided in Subsections (2) and (3) all lands within a riparian buffer shall be left in an undisturbed, vegetated condition.

(2) Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted.

(3) The creation of new lawn areas within riparian buffers is not permitted. Property owners already encroaching on the riparian buffer are encouraged to return mowed areas to their naturally vegetated state. Supplemental planting with appropriate vegetation to restore and enhance the effective filtering and bank stabilization functions of a riparian buffer is encouraged.

(4) Any areas within a riparian buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass, and shall not be mowed more than one time per calendar year after establishment.

(5) If a structure made nonconforming by reason of the adoption of this ordinance is damaged or destroyed over 75% of its market value by floodwater inundation or fluvial erosion, the structure shall not be rebuilt within the riparian buffer unless a variance is obtained in accordance with Section 6.04.

E. Woodland protection area standards.

(1) Uses. Permitted and Conditional Uses shall be the same as for the underlying zoning district.

(2) Standards for maintaining the woodland buffer.

(a) Within the Woodland Protection Area not more than a maximum of 50% of the basal area of trees, and a maximum of 50% of the total number of saplings, shall be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs, and groundcovers and their living, undamaged root systems shall be left in place. Replacement planting with native species may be permitted to maintain the 50% level.

(b) Trees, saplings, shrubs, and groundcovers which are removed to clear an opening for building construction, accessory structures, septic systems, roadways, pathways, and parking areas shall be included when computing the percentage limitations under this Subsection.

(c) Within the natural woodland buffer of the protected waterfront under conditions defined in this subsection, the following prohibitions and limitations shall apply:

[1] Dead, diseased, unsafe, or fallen trees, saplings, shrubs, or groundcovers may be re-

moved. Their removal shall not be used in computing the percentage limitations under this subsection.

[2] Stumps and their root systems which are located within the Primary Shoreline Protection Area shall be left intact in the ground, unless removal is specifically approved by the Development Review Board.

[3] Dead and living trees that provide dens and nesting places for wildlife are encouraged to be preserved.

[4] Planting efforts with noninvasive species that are beneficial to wildlife are encouraged to be undertaken.

[5] Removal of exotic, non-native species and replacement with native species is encouraged.

F. Waivers.

(1) The Development Review Board may grant a waiver permitting development within the shoreline buffers specified in Table 2.8(B). In granting the waiver, the Development Review Board shall be required to:

(a) Find that due to special circumstances of a particular site, development outside of the buffer areas will adversely affect significant natural or scenic resources, or the rural character, or that there is no other reasonable area on the lot for the proposed development other than within the buffer area;

(b) Find that provisions can be made to provide protection for the water body and its functions, taking into consideration the potential for lateral or horizontal channel adjustment, floodplain requirements; and the potential for erosion based on soil and slope conditions; and

(c) Require reasonable conditions that will, in its judgment, provide protection substantially the same for the waterbody and its functions as if the full setback were to be observed.

(2) The applicant shall submit an application form and a site plan showing existing and proposed development on the lot, the location of the waterbody, the top of bank, top of slope, low flow, and floodplain area. The application shall also include a narrative addressing the criteria in Section (F)(1). The Development Review Board may require a fluvial geomorphic assessment by a qualified consultant.

(3) The Development Review Board shall hear and decide upon requests for waivers permitting development within the shoreline buffers pursuant to the Act [§ 4414(8)]. The Board shall follow the same hearing procedures as for a conditional use hearing (Section 5.04). A request for a waiver permitting development within the shoreline buffers may also be combined with another hearing for the same development project.

G. Definitions. For purposes of this section, the following terms shall apply:

BASAL AREA — The cross-sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.

DISTURBED AREA — An area in which native vegetation is removed, exposing the underlying soil.

GROUNDCOVER — Any native herbaceous plant which normally grows to a mature height of four feet or less.

LAKE — A body of standing water, including a pond, and reservoir that may have natural or artificial water level control. For purposes of this regulation, off-stream reservoirs specifically constructed for the following purposes shall not be considered lakes: snowmaking water storage; golf course irrigation; stormwater management; and, fire suppression.

MEAN WATER LEVEL — The normal summer (June 1 — September 15) water level, measured in feet above sea level, of lakes as determined by an average of water level readings available over time or as established by the Vermont Natural Resources Board.

NATURAL WOODLAND BUFFER — A forested area consisting of various native species of trees, saplings, shrubs, and groundcovers in any combination and at any stage of growth.

REMOVAL OR REMOVED — Cut, sawed, pruned, girdled, felled, pushed over, buried, burned, killed, or otherwise destructively altered.

RIPARIAN BUFFER — A riparian buffer is the width of land measured horizontally from the mean water level for lakes and from top of bank or top of slope for streams, to the edge of other land uses or a specified distance.

SAPLING — Any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than six inches at a point 4-1/2 feet above the ground.

SHRUB — Any multi-stemmed woody plant which normally grows to a mature height of less than 20 feet.

STREAM — The full length and width, including the bed and banks, of any watercourse, including rivers, creeks, brooks, and branches and intermittent watercourses that have a defined channel and evidence of sediment transport, even if such watercourses do not have surface water flow throughout the year or throughout the channel. For purposes of this regulation, constructed drainageways including water bars, swales, and roadside ditches, are not considered streams.

TOP OF BANK — The point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

TOP OF SLOPE — A break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment.

TREE — Any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of six inches or more at a point 4-1/2 feet above the ground.

§ 240-2.04.9. Table 2.9: Ridgeline Protection Overlay (RPO) District.

A. Purpose. The purpose of the Ridgeline Protection Overlay District is to protect Norwich's rural character and scenic landscape by ensuring that development is located and designed in a manner that protects the uninterrupted skyline and minimizes adverse visual impact on designated ridgelines and adjacent slopes as viewed from public roads (Class I, II, and III Town highways, state highways and interstate highways within the Town).

B. Area. The Ridgeline Protection Overlay District includes all land within 750 feet of the designated ridgelines except for land within 300 feet of Class I, Class II, or Class III Town highways, state highways or interstate highways. The designated ridgelines are as shown on the Ridgeline Protection Overlay District Map.

C. Permitted uses. Structures and uses specifically exempted under subsection (E), below, are allowed with approval of the Zoning Administrator in accordance with Section 6.01.

D. Conditional uses. Uses allowed as a permitted or conditional use in the underlying zoning district, unless specifically exempted under subsection (E), require the approval of the Development Review Board in accordance with Section 5.04 and the standards set forth below.

E. Exemptions. The following uses are exempted from review under the Ridgeline Protection Overlay District.

(1) Agriculture and Forestry, excluding landscaping and/or screening associated with any other uses or development and provided forestry activities are in compliance with the most recent version of Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks & Recreation.

(2) Uncovered decks attached to a one or two-unit dwelling.

(3) Accessory structures with a footprint of less than 100 square feet (total accumulated in any ten-year period) and a height of less than 12 feet.

(4) Changes in use that do not involve any exterior alterations to a structure.

(5) Additions, exterior alterations, accessory structures, and additions to accessory structures that the Zoning Administrator determines will not be visible from a public road due to screening by an existing structure on the same property or by topography, regardless of vegetation and/or forest cover.

F. Dimensional standards. All dimensional standards shall be as set forth for the underlying district.

G. Supplemental district standards. New structures within the RPO District shall comply with the following:

(1) Forest cover. On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads. The Development Review Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to

proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.

(2) Placement of structures. New structures shall be as minimally visible from public roads as possible given site conditions and topography, and shall not stand in contrast to the surrounding landscape patterns and features, serve as a visual focal point, or be visible from multiple points along a road, for an extensive distance along a road segment, and/or which is highly visible from several vantage points within one mile of the development site.

(3) Landscaping and screening. In instances where existing forest cover or topography will not adequately screen proposed development, a landscaping plan may be required by the Development Review Board. Such plan shall be designed to minimize the visibility of the structure as viewed from public roads.

(4) Glare. Exterior building materials of all structures visible from public roads may be required to be of a type and design to minimize reflective glare and avoid undue adverse visual impact. Exterior lighting visible from a public road shall be shielded and downcast.

H. Pre-application site development. Forest management activities designed as pre-development site preparation shall be reviewed by the Development Review Board to determine compliance with the standards set forth in this section. Such activities include, but are not limited to, road and driveway construction, excavation related to the upgrade and conversion of logging roads to development roads or driveways, clearing and/or grading for house-sites and septic systems, or related work. Where a landowner fails to submit pre-development plans for review, the Board may direct the manner in which the site will be restored or re-vegetated prior to development and/or limit development to a portion of the property which best meets the standards of this district.

§ 240-2.04.10. Table 2.10: Public Water Supply Overlay (PWSO) District.

A. Purpose. The purpose of the Public Water Supply Overlay District is to provide protection for public water systems. Public Water Supply systems are those which serve 25 or more people or to which there are 10 or more connections.

B. Permitted uses. Same as allowed in the underlying Zoning District except for prohibited uses in subsection below.

C. Conditional uses. Same as allowed in the underlying Zoning District except for prohibited uses in subsection below.

D. Prohibited uses. Within state approved source protection area of any source of public water supply, including a spring or well, which serves 25 or more persons or to which there are 10 or more user connections.

(1) Dumps or sanitary landfills.

(2) Junkyards.

(3) Discharges of liquid waste to land surfaces.

(4) Land application or land-filling of sludge from wastewater treatment facilities, industrial processes or other sludge producers.

(5) Storage of petroleum products.

(6) Storage of chemicals for industrial processes or as wastes awaiting disposal.

(7) Storage of road salt or sand/salt mixtures for highway users.

(8) Industrial activities including industrial wastewater impoundments in pits, ponds or lagoons.

E. Public water supply systems: (as of 1/1/2007)

(1) Norwich Meadows Homeowners' Association.

(2) Day-care center in Norwich.

(3) Hawk Pine.

(4) Starlake Village Homeowners' Association.

(5) Montshire Museum.

(6) Upper Valley Events Center.

(7) Norwich Fire District. See Table 2.6 Aquifer Protection Overlay District

ARTICLE III
General Provisions

§ 240-3.01. Applicability.

The following general standards, including provisions required under the Act [§§ 4412, 4413], apply to all uses and structures as specified within the Town of Norwich.

§ 240-3.02. Access and frontage requirements.

A. Access to lots without frontage. In accordance with the Act [§§ 4412(3)], no land development may be permitted on lots in existence prior to the effective date of these regulations which do not have either frontage on a public road or public waters unless access to such road or waters by a permanent easement or right-of-way of at least 20 feet in width is approved by the Development Review Board. In granting or denying approval, the Board shall consider intended use, safety, traffic, lot configuration and road and site conditions.

B. Town and state access approval. Access onto public highways is subject to the approval of the Norwich Town Manager or, in the case of state highways, the approval of the Vermont Agency of Transportation. As a condition of access approval, compliance with all local ordinances and regulations pertaining to roads and land use is required.

§ 240-3.03. Conversions and changes of use.

Changes or conversions in the use of land and/or an existing structure are subject to the provisions of these regulations as follows:

A. The proposed use shall be subject to all of the requirements of these regulations pertaining to such use, including but not limited to any district, specific use or general standards, as well as other applicable municipal, state and federal regulations.

B. An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure conforms to the lot size, setbacks, parking and other requirements applicable to the proposed use and also conforms to limitations on multiple principal uses and structures in Sections 3.07(A), 3.09, 4.09 and others addressing mixed uses.

C. A conversion or change of use from one permitted to another permitted use which involves the creation of new floor area or changes in minimum lot size and/or dimensional requirements will require a zoning permit to be issued by the Zoning Administrator under Section 6.01.

D. A conversion or change of use from a permitted to a conditional use, or a conditional use to a different conditional use, may be approved by the Development Review Board subject to conditional use review under Section 5.04. Changes or conversions involving nonconforming uses and/or structures also are subject to and will be reviewed under Section 3.08.

§ 240-3.04. Equal treatment of housing.

Pursuant to the Act [§ 4412(1)], these regulations shall not have the effect of excluding housing that meets the needs of the population as determined in the Norwich Town Plan or as required under § 4382(a)(10) of the Act. To this end, the following provisions have been incorporated into these regulations.

A. A mobile home shall be considered a single-unit dwelling, and shall meet the same zoning requirements applicable to single-unit dwellings, except when allowed as a temporary structure under Section 3.12 of these regulations. No provision of these regulations shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality except upon the same terms and conditions as conventional housing is excluded.

B. Provisions for mobile home parks are established in Section 4.10 of these regulations. Provisions for accessory dwellings are made through the allowance of two-unit dwellings in all districts in which one-unit dwellings are allowed.

C. Provisions for accessory apartments, as required under § 4412(1)(E) of the Act, have been made through the allowance of a two-unit dwelling as a permitted use in all districts in which a one-unit dwelling is allowed.

D. Provision has been made for multi-unit dwellings by allowing such dwellings in designated districts and in Planned Unit Developments.

E. Residential care or group homes, operated under state licensing or registration, occupied by not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, may constitute a single-unit residential use of a property, providing that multiple residential care or group homes are not located less than 1,000 feet from one another.

§ 240-3.05. Existing small lots.

Any lot that is in existence on the date of enactment of this bylaw may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the bylaw provided that such lot is not less than 1/8 of an acre in area with a minimum width or depth of 40 feet.

§ 240-3.06. Height requirements.

A. The maximum height of structures within specified districts shall be as set forth in Table 3.1. (See definition of Building Height in Section 7.02.)

Table 3.1
District Height Standards

	Rural Residential	Village Residential I and II	Business	Commercial/ Industrial
Principal building	35 feet	35 feet	35 feet	35 feet
Other structures	35 feet	25 feet	25 feet	25 feet
Telecommunications facility	As provided in Section 4.13.			
Windmill	Same as the distance to the nearest lot line or 50 feet, whichever is less.			
Small wind energy system — maximum tower height	100 feet Height may be increased to over 100 feet as a conditional use. See Section 4.15.			

B. The Development Review Board may, pursuant to conditional use approval under Section 5.04, permit an increase of building height over the maximum heights shown in Table 3.1 for architectural or historic preservation enhancements such as spires, cupolas, or towers, providing the additional height of the structure will not:

(1) Be used for human occupancy or storage;

(2) Alter the character of the neighborhood or district in which the property is located;

(3) Substantially or permanently impair the appropriate use or development of adjacent property;

(4) Be used for advertising purposes; and/or.

(5) Constitute a hazard to public safety or to adjoining properties.

§ 240-3.07. Lot, yard and setback requirements.

A. There shall be only one principal structure or one principal use and its associated structures per lot, unless otherwise specifically approved as a mixed use. Provision is made for accessory uses and structures, which do not create a mixed-use lot.

B. No lot shall be so reduced in size that the area, setback, or other dimensions are smaller than those prescribed in Table 3.2, except as permitted for PUDs pursuant to Section 5.06.

Table 3.2
District Lot Area and Setback Standards

	Rural Residential	**Village Residential I**	**Village Residential II**	**Village Business**	**Commercial/ Industrial**
Minimum lot area	2 acres (see Note 1)	20,000 square feet	2 acres (see Note 1)	20,000 square feet	60,000 square feet
Maximum density	Density determined under NSR Section 3.2 (See Note 2)	1 principal use/structure or lot per 20,000 square feet	Density determined under NSR Section 3.2 (See Note 2)	1 principal use/structure or lot per 20,000 square feet	1 principal use/structure or lot per 20,000 square feet
Minimum lot frontage along highway or ROW See Note 3	90 feet	80 feet	90 feet	80 feet	80 feet
Minimum setback of structure from boundary along right-of-way of a highway or private road	20 feet	20 feet	20 feet	10 feet	20 feet
Minimum setback of any structure from other lot boundaries	10 feet	8 feet	10 feet	5 feet	20 feet
Minimum setback of structure from streams (See Table 2.7)	50 feet	50 feet	50 feet	50 feet	50 feet

Table 3.2
District Lot Area and Setback Standards

	Rural Residential	Village Residential I	Village Residential II	Village Business	Commercial/ Industrial
Minimum setback of structure from rivers (See Table 2.7)	75 feet	75 feet	75 feet	75 feet	75 feet
Minimum setback of structure from wetlands	50 feet	50 feet	50 feet	50 feet	50 feet

Note 1 - 20,000 square feet if allowed under Section 3.2 of the Norwich Subdivision Regulations
Note 2 - As determined under Section 3.2 of the Norwich Subdivision Regulations.
Note 3 - Minimum lot width at depth of front yard setback along public highway or deeded right-of-way (at least 50 feet in width)

C. For lots in all districts, a clear line of sight shall be maintained in both directions from the access road within 25 feet of the street intersection or highway entrance between the height of three feet and 10 feet above the average grade of each street.

D. Setbacks are to be measured from the property line back to the closest point of the structure or object. On streets where the width of the street right-of-way or the location of the right-of-way boundary is not known, the property line along the right-of-way shall be 25 feet from the center line of the existing roadway.

E. The minimum setback from the property line for a fence which exceeds four feet in height shall be equal to or greater than the height of the fence above four feet, except:

(1) Property owners in a residential district may erect fences up to seven feet on the boundary of the Business or Commercial/Industrial district without having to meet setback requirements.

(2) A fence exceeding four feet but not more than seven feet may be erected on a side or rear boundary line if the application for the permit is signed by the landowners on both sides of the boundary.

§ 240-3.08. Nonconforming uses and nonconforming structures.

A. Nonconforming structures. Any preexisting structure or part thereof which is not in compliance with the provisions of these regulations concerning density, set backs, height, lot size or other dimensions, or which does not meet other applicable requirements of these regulations, shall be deemed a nonconforming structure. In accordance with the Act [§ 4412(7)], nonconforming structures existing on the effective date of these regulations may be allowed to continue

indefinitely, but shall be subject to the following provisions. A nonconforming structure:

(1) May undergo normal repair and maintenance provided that such action does not increase the degree of nonconformity (see definition of degree of nonconformity in Article VII);

(2) May be restored or reconstructed within two years after damage from any cause provided that the reconstruction does not increase the degree of nonconformity which existed prior to the damage.

(3) May be structurally enlarged, expanded or moved, upon approval of the Zoning Administrator, provided the enlargement, expansion or relocation does not increase the degree of nonconformity, and provided that the enlarged, expanded and/or moved portion of the structure within the setback comprises an area of less than 25% of the portion of the existing structure located within the setback area.

(4) May, subject to conditional use review under Section 5.04, undergo alteration or expansion which would increase the degree of nonconformity solely for the purpose of meeting mandated state or federal environmental, safety, health or energy regulations (e.g., handicap access ramp in accordance with ADA standards).

B. Nonconforming uses. Any use of land or a structure which does not conform to the uses allowed for the zoning district in which it is located shall be deemed a nonconforming use. In accordance with the Act [§ 4412(7)], nonconforming uses which exist on the effective date of these regulations may be continued indefinitely, subject to the following provisions. A nonconforming use:

(1) Shall not be restored for other than a conforming use after damage from any cause, unless the nonconforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in an undamaged part of the building. The Zoning Administrator may grant one extension for a second year to allow for delays caused by permitting, insurance claims or other extenuating circumstances.

(2) Shall not be extended, enlarged, changed to another nonconforming use, or resumed after discontinuance for more than 12 months, unless the discontinuance was caused by the seasonal nature of the business, illness of the manager, or failure to find a tenant, manager, or buyer during an active and continuing search.

§ 240-3.09. Parking and loading requirements.

A. Parking requirements. The minimum number of off-street parking spaces which must be provided for any new use or substantial modification of an existing use shall be as provided in Table 3.3, and in accordance with the following:

(1) Space requirements for mixed uses shall be the sum of the requirements for each use except where it is demonstrated that the requirements of the several occupancies occur at different times, in which case the Development Review Board may modify the parking requirements in accordance with Subsection 3.09(B).

(2) All partial space requirements shall be rounded to the next highest number of spaces.

(3) Parking for all uses, other than single-unit dwellings and two-unit dwellings, shall comply with the setback standards for the district within which the parcel is located or as determined by the Development Review Board under Section 5.03 Site Plan Review.

(4) In order to meet these requirements, all parking spaces must be located on the lot of the use for which they are being provided or, with approval from the DRB, on an off-site location in the same or a less restrictive district. Parking on one lot may be shared between uses on different lots in accordance with Subsections 3.09(A)(1) and 3.09(B).

(5) All parking spaces must be not less than 10 feet by 20 feet in dimension, except if on a paved surface and delineated by lines, must be not less than nine feet by 18 feet in dimension. Parking spaces must be provided unobstructed access and maneuvering room even when adjacent spaces are occupied.

(6) Adequate off street parking must be provided for all customers, clients, and employees.

(7) The parking standards included in Table 3.3 refer to the number of full and part-time employees on premises at any one time.

(8) Parking shall conform to the applicable requirements of the Americans with Disabilities Act.

B. Modifications. The number of required parking spaces may be modified by the Development Review Board as a condition of site plan approval in accordance with Section 5.03 and the following:

(1) If there is a demonstrated need for parking in addition to the minimum requirements established in this section, adequate off-street parking must be provided for all residents, clients, and customers.

(2) If it can be demonstrated that the proposed use will need fewer parking spaces, or some spaces with a smaller dimension than the minimum requirements established in this section and that the additional parking spaces needed to meet the minimum requirements can be added in the future if needed, the Development Review Board may waive the construction of those spaces until needed.

Table 3.3 Minimum Off-Street Parking Requirements

Use	Parking Spaces
Dwellings	2 spaces per dwelling unit
Home occupation - retail	2 spaces per dwelling unit plus 1 space per 350 square feet of office floor area and 0.5 space per 1,000 square feet of production/storage floor area
Home occupation - service	2 spaces/dwelling unit plus 1 space/350 square feet of office

Table 3.3 Minimum Off-Street Parking Requirements

Use	Parking Spaces
	floor area and 1 space equal to the maximum number of clients at any time
Home industry	5 spaces per 1,000 square feet of floor area devoted to the use plus 1 parking space for each nonresident employee
Retail/service business	1 space per every 250 square feet of floor area
Theaters, private clubs, public facilities, places of assembly	1 space per employee plus 0.3 spaces per total capacity
Restaurants	0.3 space per seat (including bar capacity)
Places of worship	0.25 space per total capacity
Retirement housing	1 space per unit
Office, bank and research/testing facility	1 space per every 250 square feet of floor area
Health clinic/medical office	6 spaces per 1,000 square feet of floor area
Light/industry, wholesale	1 space per every 1,000 square feet of production/storage area plus 1 space per every 250 square feet of office/sales floor area
Recreational facility, indoor or outdoor	1 space per employee plus 0.25 spaces per participant and 0.5 space per maximum spectator capacity
Bed-and-breakfast	3 spaces per dwelling plus 1 space per guest bedroom and 0.5 space per employee
Educational facility	3 spaces per 10 children enrolled at the facility
Day care/nursery school	1 space per employee plus 0.2 space per child, based upon the highest expected occupancy
Residential care facility/group home	1 space per every 2 beds plus 0.5 space per employee
Inn/hotel	1 space per guest room and 0.5 spaces per employee

C. Layout. The parking layout and a circulation plan ensuring convenient flow of cars shall be described in a site plan submitted with the application. Specific guidelines on aisle widths are available on request from the Zoning Administrator. All parking areas shall meet the following requirements:

(1) Landscaping shall be provided in a way that ensures maximum compatibility with and protection to affected areas.

(2) Sight distances along the public highway at any entrance or exit must meet the standards of the Vermont Agency of Transportation and if no such standard is specifically applicable, then

the American Association of State Highway and Transportation Officials (AASHTO) guidelines on file with the Zoning Administrator.

(3) The public highway accessed by the parking lot must have sufficient excess capacity both at access/egress points and at affected intersections to accommodate the added traffic without undue delay.

(4) Site plan review standards set forth in Section 5.03, if applicable.

D. Loading. Sufficient additional off-street space must be provided for all expected freight loading and delivery activity, except where it is demonstrated that such activity and parking demand occur at different times. Service areas may also be required for emergency vehicles, waste disposal and collection, bus, taxi, or van service, and other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked, and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections or to or from any internal road or access.

§ 240-3.10. Performance standards.

A. Air pollution. There shall be no objectionable odors, smoke, dust, noxious gases, or other forms of air pollution, which, because of persistence or character, would endanger or adversely affect public health, safety, or welfare or be considered offensive in a particular location by a reasonable person.

B. Noise. The following standards shall apply within the specified zoning district except for noise associated with Accepted Agricultural Practices and normal road and yard maintenance:

(1) In the Rural Residential and Village Residential Districts the noise, whether pulsing, intermittent or continuous shall not exceed 60 decibels at or beyond the boundaries of the property from which it originates from 7:30 a.m. to 7:30 p.m. or 50 decibels from 7:30 p.m. to 7:30 a.m. Noise resulting from temporary maintenance or construction is exempted during the hours of 7:30 a.m. to 7:30 p.m.

(2) In the Village Business and Commercial/Industrial Districts, the noise shall not exceed 70 decibels. Temporary noise of maintenance or construction is exempted.

(3) At the boundary of Commercial/Industrial Districts with Residential Districts, noise shall not exceed that permitted in the Residential District.

C. Lighting. See Section 5.03(C)(8).

D. Vibration. Noticeable, or clearly apparent vibration which, when transmitted through the ground, is discernible at property lines without the aid of instruments, is prohibited. Vibration during temporary use of equipment is exempted.

E. Hazards. Fire, safety, explosive, radioactive emission or other hazards which endanger the applicant's or neighboring properties or the general public or which result in a significantly increased burden on municipal facilities and services, are prohibited.

F. Waste. Liquid or solid wastes or refuse in excess of available capacities for proper dis-

posal which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground or surface waters; or which are otherwise detrimental to the public health, safety, and welfare, are prohibited.

§ 240-3.11. Signs.

A. Applicability. A zoning permit shall be required prior to the erection, construction or replacement of any outdoor sign, except for signs which are specifically prohibited, or which are otherwise exempted from these provisions, as listed under Table 3.4.

Table 3.4 Exempted and Prohibited Signs

(1) Exempted signs

Signs erected by the state or Town on public roads.

Non-advertising signs placed for directional, safety or public service purposes.

One residential sign per dwelling unit identifying the occupant, not to exceed two square feet in area; and residential flags or banners intended solely for ornamental or nonadvertising purposes.

Signs relating to trespassing and hunting, each not to exceed two square feet in area.

Temporary auction, lawn, or garage sale or real estate for sale signs, not to exceed two in number or six square feet in total area, which shall be removed immediately following the event or sale.

Temporary election signs to be posted and removed in accordance with state law.

Temporary signs or banners advertising public or community events, to be displayed in designated locations on Town property with the permission of the Town Manager, which shall be removed immediately following the event.

Temporary real estate sign not exceeding six square feet in total area.

One temporary construction sign, not to exceed 16 square feet in area or 10 feet in height, may be placed on any site under development providing such sign is promptly removed following completion of construction.

On-premise historic or landmark signs, not to exceed one in number or six square feet in area.

Wall murals intended solely for artistic, non-advertising purposes.

Window signs which do not exceed 30% of the window pane area.

(2) Prohibited signs

Signs which impair highway safety.

Signs which are animated, flashing, made of reflective material or are intermittently

or internally illuminated.

Signs painted on or attached to rock outcrops, trees, or similar natural features.

Roof and wall signs which extend above the eave.

Permanent signs which project over public rights-of way or property lines.

Signs identifying businesses or uses which are no longer in existence

Signs located on motor vehicles which are used primarily as a support or foundation for the signs.

Off-premises signs, except for those which conform to state laws.

B. General standards. All signs, other than those specifically prohibited or exempted under Subsection (A), shall require a zoning permit issued by the Zoning Administrator in accordance with the following requirements pertaining to all signs:

(1) No sign may be flashing, moving or illuminated in color.

(2) Signs may be made to be read from both sides.

(3) Lighting shall be by exterior light and hooded or covered so that the source of the light is not visible from the highway or beyond the property boundary, does not direct light upwards beyond the extent of the sign, and does not distract operators of motor vehicles. Internally illuminated signs are prohibited.

(4) For purposes of establishing setbacks when a property line forms the boundary line of a zoning district, the more restrictive setback standards of the two districts shall apply.

(5) Specific standards. The following standards shall apply to signs within the designated zoning districts.

(a) One free standing sign or one wall mounted sign may be erected on a lot located within the Rural Residential or Village Residential Districts, which may include one of the signs listed in Table 3.6 in accordance with the standards set forth therein.

Table 3.5
Rural Residential District and Village Residential Districts I and II Sign Standards

	Minimum Setback from Right of Way (feet)	**Maximum Size (square feet)**	**Maximum Height (feet)**	**Minimum Setback: other lot lines (feet)**
Free Standing and lighted	20	4	8	20
Free Standing and Unlighted	None	4	8	10
Wall mounted	20	4	8	20

and lighted				
Wall mounted and unlighted	None	4	8	10

Buildings with multiple businesses may have 1 additional wall mounted sign per business, not to exceed 1.5 square feet in area including frame.

Nonresidential uses such as schools, churches, and municipal buildings, allowed under V.S.A. Title 24, Section 4413(a), may have 1 sign with a maximum size of 8 square feet.

(b) One free standing sign and one wall mounted sign may be erected on a lot located within the Village Business and Commercial/Industrial Districts, which may include one of the signs listed in Table 3.6 in accordance with the standards set forth therein.

Table 3.6
Village Business District and Commercial/Industrial Districts Sign Standards

	Minimum Setback from Right of Way (feet)	Maximum Size (square feet)	Maximum Height	Minimum Setback: other lot line (feet)
Wall-mounted sign	10	24	Lesser of parapet or 30 feet	2
Free standing Sign		24	Lesser of parapet or 30 feet	2

Buildings with multiple businesses may have 1 additional wall mounted sign per business not to exceed 2.0 square feet in area including frame.

§ 240-3.12. Temporary uses and structures.

A. A temporary permit may be issued by the Zoning Administrator for nonconforming uses, excluding residential dwellings, which are incidental to a construction project, for a period not exceeding one year, conditional upon written agreement by the owner to remove the structure and/or discontinue the use upon expiration of the permit.

B. Any trailer used for storage or other accessory use for a period exceeding 30 days shall be considered a structure subject to all of the terms and conditions of these regulations.

§ 240-3.13. Natural and scenic features.

Consideration shall be given to avoiding and minimizing adverse impact of development on significant natural, scenic, and cultural resources.

A. General.

(1) The impact of proposed development on any of the following features shall be deter-

mined prior to the issuing of any zoning permit. The development shall conform to the relevant criteria as listed below:

(a) Wetlands: as defined in the Vermont Wetlands Regulations.

(b) Aquifer protection zone(s); See Table 2.6.

(c) Flood Hazard Areas; See Table 2.7.

(d) Shoreline Protection; See Table 2.8.

(e) Ridgeline Areas; See Table 2.9.

(f) Steep slopes:

[1] For excavation and filling in areas to be disturbed with slopes greater than 15%, an erosion control plan for the disturbed area must be submitted with the permit application.

[2] Excavation, filling and development in areas to be disturbed with slopes in excess of 25% is not allowed except for the installation of lines for utility, septic, and water services.

(g) Endangered species. Development in areas identified on the latest Vermont Natural Heritage - Endangered Species maps shall be reviewed and approved by the appropriate state or federal agency prior to the issuing of a permit.

(h) Vernal pools. No development is permitted within 50 feet of a vernal pool identified on the Norwich Conservation Commission Vernal Pool Inventory.

B. Development review. The impact of proposed development on any of the following features shall be determined in the review of any application before the Development Review Board. The development shall conform to the relevant criteria in these regulations.

(1) Farm land. Development shall be located and configured to minimize adverse impacts to open farm fields, particularly those with "prime" and "statewide" agricultural soils, except as otherwise provided below:

(a) Development shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.

(b) Buildings and associated building envelopes should be clustered to avoid the fragmentation of productive farm land.

(c) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of agricultural land and visual impacts.

(2) Forest resources and wildlife habitats. Development should be located and configured to minimize reduction of forest size, encroachment into forest interiors and fragmentation of contiguously forested lands.

(3) Scenic resources. Development shall be located and configured to avoid undue adverse impacts to scenic resources identified on maps created in conjunction with the document entitled Inventory of Scenic Resources, prepared by the Scenic Resources Committee of the Norwich Conservation Commission and dated January 2000. (See Map C). Development within view of scenic roads, as identified in the aforementioned planning documents, shall be designed to avoid undue adverse impact to the identified scenic resources.

(4) Historic and cultural resources. Development shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the Norwich Town Plan, and by the Vermont Division for Historic Preservation. Methods to minimize adverse impacts include but are not limited to the following:

(a) Historic features, including stone wall and cellar holes, should be preserved and integrated into the site plan (e.g., driveways may follow stone walls) to the extent practical.

(b) Prior to development, on sites that have been identified as being archaeologically sensitive in the Town Plan or by the Vermont Division for Historic Preservation, the Development Review Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.

(c) Development of the site shall be designed to maintain the historic context of the site as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

C. Development envelopes. The Development Review Board may require that Development Envelopes be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development, including road and utility rights-of-way or easements, on one or more portions of a lot to limit adverse impact of proposed development on any of the above features.

D. Mapping resources. The approximate locations of these features may be identified on the Norwich Geographic Information System (GIS) and on maps available at the Norwich Zoning and Planning Office. The Zoning Administrator will provide a "resource map(s)" to assist applicants in identifying features that should not be impacted by development.

§ 240-3.14. Driveways.

A. Purpose. The purpose of these specifications is to provide for the public safety, good, necessity and convenience of the residents of Norwich and users of private driveways in Norwich.

B. Application.

(1) The following specifications for construction of private driveways shall be met for any private driveway serving one lot or one dwelling unit.

(2) Prior to issuing a permit for a new dwelling unit, the zoning administrator shall determine that the existing driveway or proposed driveway providing access to the dwelling complies with

the design criteria in Section 3.14(C).

(3) Any driveway serving more than one lot or dwelling unit is required to meet the requirements of the Norwich Private Highway Specifications.

(4) A Norwich Highway Access Permit is required for driveways accessed from a Town highway. A VTrans permit may be required for a driveway accessed from a state highway.

C. Design, layout and construction specifications. Driveways are private roads providing access to a residence. The following specifications are the minimum design standards for providing access for emergency vehicles. Failure to meet these specifications may result in reduced access and protection for fire, rescue and medical emergencies.

(1) Minimum width of travel portion of driveway of 12 feet or 10 feet with one-foot shoulders.

(2) All weather road surface and base capable of supporting 43,500 pound Gross Vehicle Weight vehicles with a 27,000 pound rear axle load.

(3) Maximum center line grade of 12%.

(4) Minimum horizontal road curve center line radius of 40 feet.

(5) Turnoffs every 500 feet or less if sight lines require.

(6) Driveways designed to allow a fire apparatus to park within a maximum of 100 feet of the house. Fifty feet is preferred.

(7) Houses located more than 1,000 feet from a Town highway shall provide a staging area within 1,000 feet of the house for multiple emergency vehicles.

D. Waivers.

(1) The Development Review Board may grant a waiver permitting portions of the driveway to be steeper than the above standards. In granting the waiver, the Development Review Board shall be required to:

(a) Find that due to special circumstances of a particular site, a less steep road will adversely affect significant natural or scenic resources, or the rural character, or that there is no reasonable access with grades conforming to the standards;

(b) Find that provisions can be made for a steeper road to provide access for vehicles using or servicing the driveway or area and, with the concurrence of the fire and Police Chiefs; and

(c) Require reasonable conditions that will, in its judgment, and with the concurrence of the police and Fire Chiefs, provide access substantially the same for emergency vehicles as with the less steep road. Examples of conditions for improving access on driveways include but are not limited to:

[1] Additional turn-offs;

[2] Greater width on corners;

[3] Paving steep grades;

[4] Improving fire protection with a residential sprinkler system or on-site water supply; and

[5] Special provisions to assure long term maintenance.

(2) The Development Review Board may grant a waiver of the requirements for a staging area if a residential sprinkler system that meets the requirements of NFPA 13D: Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes with a minimum of 20 minutes of water is provided.

ARTICLE IV
Specific Use Provisions

§ 240-4.01. Specific standards for designated uses.

The following standards shall apply to the designated use in all zoning districts in which the respective uses are allowed. Such uses may be subject to conditional use review in accordance with Section 5.04. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive standard shall apply.

§ 240-4.02. Campers and temporary shelters.

A. It shall be unlawful for any person to park or erect a camper (travel trailer, recreation vehicle) or other temporary shelter (e.g., tent, tipi, yurt), except in an approved campground, an approved sales lot, or on a residential or undeveloped lot, subject to the following provisions.

B. One camper or other temporary shelter may be parked on a residential lot (lot in which a dwelling is the principal use) provided that:

(1) It is not located within required setbacks for the district in which it is located;

(2) It is not occupied for dwelling purposes for more than 30 days within any one year period; and

(3) Is not hooked up to a water system, septic system or other utilities unless permitted as a dwelling unit in accordance with these regulations.

C. Any sewage generated by a camper or other temporary shelter shall be disposed of in accordance with all applicable local, state and federal regulations.

D. Campers are permitted to be parked in approved campgrounds for temporary periods and on construction sites subject to the standards contained in Section 3.12.

§ 240-4.03. Day care facilities.

A. Home day care.

(1) Home child care. In accordance with the Act [§ 4412(5)], a state registered or licensed child care home serving six or fewer children on a full-time basis and up to four additional children on a part-time basis which is conducted within a single-unit dwelling by a resident of that dwelling shall be considered a permitted use of the property. Such uses shall require a permit issued by the Zoning Administrator in accordance with Section 6.01.

(2) Home adult care. The care of eight or fewer persons which is conducted within a single-unit dwelling by a resident of that dwelling for less than 24 hours per day shall be considered a permitted use of the single-unit residence. Such uses shall require a permit issued by the Zoning Administrator in accordance with Section 6.01.

(3) Other day care facilities. Any day care facility not covered under (1) or (2) above may be permitted in designated zoning districts in accordance with Article II. Such uses are subject to site plan review in accordance with Section 5.03, and to conditional use review under Section 5.04.

§ 240-4.04. Sand and gravel extraction - commercial.

A. The extraction or removal of topsoil, sand, or gravel or other similar material for commercial purposes, except where incidental to any development lawfully undertaken in accordance with these regulations, may be permitted in designated districts subject to conditional use review under Article V and findings that the proposed operation will not:

(1) Cause any hazard to public health and safety, or

(2) Adversely affect neighboring properties, property values or public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features.

B. The application for a conditional use permit under Section 5.04 also shall include proposed erosion control and site restoration plans showing:

(1) Existing grades, drainage and depth to water table;

(2) The extent and magnitude of the proposed operation including proposed project phasing; and

(3) Finished grades at the conclusion of the operation.

C. In granting approval, the Development Review Board may, based on testimony, consider and impose conditions with regard to the following factors as it deems relevant:

(1) Depth of excavation or quarrying;

(2) Slopes created by removal;

(3) Effects on surface drainage on and off-site;

(4) Storage of equipment and stockpiling of materials on-site;

(5) Hours of operation for blasting, trucking, and processing operations;

(6) Effects on adjacent properties due to noise, dust, or vibration;

(7) Effects on traffic and road conditions, including potential physical damage to public highways;

(8) Creation of nuisances or safety hazards;

(9) Temporary and permanent erosion control;

(10) Effect on ground and surface water quality, and drinking water supplies;

(11) Effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;

(12) Effect on agricultural land; and

(13) Public safety and general welfare.

D. A performance bond, escrow account, bank letter of credit, or other surety acceptable to the Town Manager may be required to ensure reclamation of the land upon completion of the excavation, to include any re-grading, reseeding, reforestation or other reclamation activities that may be required.

E. The processing of gravel extracted off-site, including crushing, storage and distribution, is only permitted within designated zoning districts as a defined use or as an accessory to another defined use (e.g. Town highway facility), and is subject to Development Review Board approval as a conditional use in accordance with this section and Section 5.04.

§ 240-4.05. Excavation, filling, and storage of material.

A. The excavation, filling, or storage of more than 500 cubic yards of soil, sand, gravel or other similar material, except where required as part of any development lawfully undertaken in accordance with these regulations, may be permitted in any district subject to conditional use review under Section 5.04, and findings that the proposed operation:

(1) Will not cause any hazard to public health and safety;

(2) Will not adversely affect neighboring properties, public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features, or other fragile features; or

(3) Will, if in the Flood Hazard Overlay District, comply with all provisions of Section 5.05.

B. The application for a conditional use permit under Section 5.04 also shall include proposed erosion control and site restoration plans showing:

(1) Existing grades, drainage and depth to water table;

(2) The extent and magnitude of the proposed operation including proposed project phasing; and

(3) Finished grades at the conclusion of the operation.

C. In granting approval, the Development Review Board may consider and impose condi-

tions with regard to the following factors as it deems relevant:

(1) Depth of excavation;

(2) Slopes created by removal or filling;

(3) Effects on surface drainage on and off-site;

(4) Storage of equipment and stockpiling of materials on-site;

(5) Hours of operation for blasting and trucking (See Section 3.09.);

(6) Effects on adjacent properties due to noise, dust, or vibration;

(7) Effects on traffic and road conditions, including potential physical damage to public highways;

(8) Creation of nuisances or safety hazards;

(9) Temporary and permanent erosion control;

(10) Effect on ground and surface water quality, and drinking water supplies;

(11) Effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;

(12) Effect on agricultural land;

(13) Public safety and general welfare; and

(14) Testing materials for contamination.

D. The DRB may require a performance bond, escrow account, or other surety acceptable to the Town Manager to ensure reclamation of the land upon completion of the excavation, filing and storage to include any regrading, reseeding, reforestation or other reclamation activities that may be required.

§ 240-4.06. Ponds.

A. This section applies to small artificially created bodies of water capable of holding in excess of 24,000 cubic feet of water. (See Table 4.1).

B. The construction of ponds may be permitted as an accessory use in accordance with Section 6.01 and subject to the following standards:

(1) The pond, including embankments, berms or other impoundment structures that exceeds the natural grade of the site, shall be outside of the required setbacks for the district (Article III, Table 3.2 and Article II, Table 2.8), except for applications submitted by more than one landowner where the pond will be sited on their common boundary line.

(2) The interior and exterior slopes of the earthen embankments of the pond shall be no steeper than 3:1 slope and preferably less steep.

(3) An erosion control plan compatible with the Vermont Handbook for Soil Erosion and Sediment Control shall be submitted with the application and maintained until the area is established.

(4) An auxiliary (emergency) spillway shall be located in natural soil and shall be adequate to pass a one-hundred-year storm event through the auxiliary spillway without overtopping the dam. The auxiliary spillway shall discharge at a point well downstream of any embankments, berms or other impoundment structures. There should be a principal spillway or drain tube that will handle smaller flows and will allow the auxiliary spillway to remain dry during small storm events. (one year to ten-year frequency event.)

(5) The pond shall be constructed so as not to change direction, location or quantity of surface water flow upon other properties without the written permission of the affected property owners.

(6) A pond capable of impounding more than 75,000 cubic feet of water, that impounds water through the creation of an embankment, berm or other structure, and that is within 500 feet uphill from any Town or state highway, any residential structure, or within 300 feet uphill from a boundary line, shall be designed and inspected by a licensed engineer. The design shall consider the impact on downstream properties vulnerable to water damage in case of dam failure.

C. State or federal permits may be required for ponds impounding, or capable of impounding more than 500,000 cubic feet of water, pond construction that involves working in a stream that drains an area of 10 square miles or more, or a pond in or near a wetland.

Table 4.1 - Pond Calculations

Volume		Maximum Depth	Surface Area	
Cubic Feet	**Gallons**	**Feet**	**Square feet**	**Acres**
24,000	179,520	6	10,000	0.23
24,000	179,520	9	6,667	0.16
24,000	179,520	12	5,000	0.12
75,000	561,000	6	31,250	0.73
75,000	561,000	9	20,833	0.49
75,000	561,000	12	15,625	0.37
500,000	3,740,000	6	208,333	4.90
500,000	3,740,000	9	138,889	3.26
500,000	3,740,000	12	104,167	2.45

§ 240-4.07. Snow removal to off-site location.

The removal of excess snow to an off-site location in any district may be allowed as a permitted use providing that the site receiving the snow is not within 50 feet of any stream, 75 feet of the

Connecticut or Ompompanusuc rivers, or 500 feet of any residential structure unless the owner of the residential structure has given permission in writing. The proposed operation shall not cause any hazard to public health and safety, or neighboring properties, public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features, or other fragile features.

§ 240-4.08. Home based businesses (home occupations, home industries).

In accordance with the Act [§ 4406(3)] no provision of these regulations shall prevent a person from using a minor portion of a dwelling for the conduct of an occupation which is customary in residential areas and which does not change the character of the surrounding area or neighborhood. To this end, the following categories of home-based businesses are allowed in accordance with the associated standards.

A. Home office - no permit required. No permit shall be required for a person using a small portion of their dwelling unit for a home business providing it meets the following standards:

(1) The home office is conducted by residents of the dwelling unit and no more than one nonresident employee at any one time.

(2) The home office is confined entirely to an area within the dwelling unit that occupies less than 50% of the floor area of the dwelling unit.

(3) The home office does not involve the conduct of business with more than occasional on-site visits from clients or customers.

(4) The home office does not involve the outside display or outside storage of goods, or signs related to the business.

B. Home business - permit required. A home occupation which violates one or more of the standards set forth in subsection (A) may be permitted with the approval of the Zoning Administrator in accordance with Section 6.01 and in accordance with the following provisions:

(1) The home business occupies an area less than 50% of the floor area of a dwelling unit in either the dwelling unit or an accessory structure located on the same lot.

(2) The home business is conducted by residents of the dwelling unit and involves not more than two nonresident employees at any one time.

(3) The home business does not involve the storage or display of goods or equipment visible from the highway or from adjacent properties.

(4) The home business does not change the residential character of the property or surrounding area.

(5) Retail sales are not conducted, with the exception of the sale of goods and/or crafts created on the premises or retail sales that are incidental to the home business.

(6) The aggregate of all home businesses in a single dwelling unit does not exceed restrictions (1) through (5).

(7) The wholesaling of machinery or large items such as furniture, requiring occasional storage on the premises, other than inside the primary residence or accessory structure, is not a home business.

(8) The zoning permit clearly states that the use is limited to a home business, approved in accordance with the above provisions, which is accessory to the residential use and shall be retained in common ownership and management. Any proposed expansion of the home business beyond that permitted will require a separate zoning permit for a home industry under this section, or other use as appropriate.

(9) The home business meets the general conditions of Article III.

(10) Off-street parking conforms with the standards of Section 3.09.

C. Home industry - conditional use approval required. Home industries (as distinguished from Home Businesses) may be permitted in designated zoning districts, may include retail sales, and are subject to conditional use approval of the Development Review Board under Section 5.04 and the following provisions:

(1) The owner and operator of the home industry resides on the lot.

(2) The home industry occupies less than 50% of the floor area of a principal dwelling; or occupies an accessory structure located on the same lot as the principal dwelling, with the total area for retail uses not exceeding 100% of the finished floor area of the principal dwelling.

(3) The home industry involves not more than five nonresident employees, at any one time.

(4) The home industry does not involve the storage or display of goods or equipment visible from the highway or from adjacent properties unless specifically allowed in the permit. Exceptions may be made for goods compatible with the neighborhood such as nursery plants and shrubs.

(5) The home industry does not change the residential character of the property or surrounding area.

(6) The home industry conforms to all performance standards under Article III. Storage of hazardous waste or materials shall comply with the Vermont Hazardous Waste Management Regulations.

(7) The home industry will not generate traffic, including but not limited to delivery truck traffic, in excess of volumes suitable for the neighborhood and all roads providing access to the site.

(8) The aggregate of all home industries in a single dwelling shall not exceed restrictions (1) through (7).

(9) The permit for a home industry shall clearly state that the industry is a home-based business which is accessory to the principal residential use, and shall be retained in common ownership and management. A home industry may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations pertaining to

such use, including density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.

(10) Off-street parking conforms with the standards of Section 3.09.

§ 240-4.09. Mixed uses.

A. The Village Business District and the Commercial Industrial District. More than one use may be permitted within a single building or on a single lot subject to conditional use review in accordance with Section 5.03 and the following provisions:

(1) Each of the proposed uses is otherwise allowed as a permitted or conditional use in the district in which the mixed use is proposed.

(2) The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum setbacks and frontage, maximum lot coverage and minimum lot size.

(3) The mixed use meets all applicable general provisions contained in Article III, including parking requirements under Section 3.09 based on the cumulative parking demand for the various proposed uses.

§ 240-4.10. Mobile home parks.

A. Mobile Home Parks may be permitted in the Rural Residential District subject to PUD review in accordance with Section 5.06 and the following provisions:

(1) Proposed parks comply with the requirements of 10 V.S.A. Chapter 153.

(2) Proposed parks comply with all applicable state and local laws, ordinances and regulations relating to water supply and waste disposal.

(3) Each mobile home is located on a dedicated site of not less than 8,000 square feet in area.

(4) All roads within a mobile home park comply with Town road standards, and adequate walkways are provided.

(5) Parking is provided in accordance with Section 3.09.

(6) A minimum of 25% of the total land area in any mobile home park is set aside for common recreational use or open space.

(7) All mobile home parks meet minimum setback requirements from the perimeter boundary for the districts in which they are located. Setback areas shall not be included in the calculation of recreation land or open space under Subsection (6).

B. An increase in the number of units; changes or alterations to park area, design, layout or common facilities are subject to conditional use review in accordance with the above provisions. Changes or alterations to individual mobile home sites or mobile homes within the park (e.g., the addition of a porch, deck or accessory structure serving the residents of the dwelling), shall be

allowed in the same manner as changes or alterations to a single unit dwelling.

§ 240-4.11. Public facilities.

A. In accordance with the Act [§ 4413(a)], the following public facilities or uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that such regulations do not have the effect of excluding or interfering with the intended use or function:

(1) State or community owned and operated institutions and facilities;

(2) Public and private schools and other educational institutions with a curriculum approved by the Vermont Department of Education;

(3) Churches and other places of worship, convents, monasteries, and parish houses;

(4) Public and private hospitals;

(5) Regional solid waste management facilities certified by the state (under 10 V.S.A. Chapter 159); or

(6) Hazardous waste management facilities for which a notice of intent to construct has been received by the state (under 10 V.S.A. § 6606a).

B. Reasonable provision has been made for siting of the above public facilities and uses within all zoning districts. Such facilities or uses must meet applicable district requirements, and shall be subject to conditional use review under Section 5.02; however, associated conditions of approval shall not exceed allowed regulation, as specified in the Act and Subsection (A).

C. In accordance with the Act [§ 4413(b)], public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board (under 30 V.S.A. § 248) are specifically exempted from municipal land use regulations.

§ 240-4.12. Cultural facilities.

A. A cultural facility uses land and/or structures to encourage and promote community, visual or performing arts, or educational goals, which use is available to, and intended for, the benefit of the general public. Examples include a school, library, museum, performing arts center, or community center.

(1) A community use means functioning as a social or activity center for Town, community or school organizations or gatherings, which may include amenities such as meeting rooms, large gathering or activity rooms, kitchen facilities, an auditorium, playgrounds or sports fields.

(2) An educational use will include academic learning or studies, or training in visual or performing arts, through classes, seminars or similar learning opportunities taking place at the property.

B. A cultural facility is not intended to include:

(1) State or community-owned and operated institutions and facilities, or public and private schools and other educational institutions certified by the state department of education. See 24 V.S.A. § 4413.

(2) Social or fraternal clubs or membership organizations.

(3) Offices for organizations that only promote or encourage cultural activities which take place in another location.

C. A cultural facility is a conditional use in all zoning districts and shall meet all applicable general provisions contained in Article III.

D. With the exception of educational uses, which shall meet the minimum off-street parking requirements for educational facilities, all other cultural facilities must meet the minimum off-street parking requirements for places of public assembly. See Table 3.3.

§ 240-4.13. Telecommunications facilities.

A. Introduction. Technological developments in the telecommunications and broadcast industries have resulted in demands for development of property to accommodate these land uses. Wireless communication facilities have become increasingly important to the security and economic needs of residents and businesses in the Town. This trend will continue, creating new opportunities for commerce and reducing demand for travel by conventional modes. Given the potential impacts these facilities may have on the public good, safety and welfare of Norwich citizens, it is in the Town's interest to plan for and regulate the orderly development of such facilities.

B. Purpose. The purpose of this section shall be to regulate the placement, design, construction and modifications of wireless communication facilities so as to promote the economic viability of the Town and to protect its historic, cultural, natural, and aesthetic resources.

C. Conditional use approval for wireless communication facilities. Pursuant to T 24 § 4412(9), the Zoning Administrator shall review telecommunications facilities applications, and upon determining that a particular application will impose no impact or de minimis impact upon any criteria established in these regulations, shall approve the application. No permit for the development of a wireless communications facility shall be granted by the Zoning Administrator without conditional use approval from the Development Review Board. Prior to granting such approval, the Board shall make affirmative findings for each of the following criteria in addition to the other applicable provisions set forth in these Regulations.

(1) Yard requirements. Equipment, buildings, and other structures shall conform to the minimum front, side, and rear setbacks for the district in which they are located.

(2) Height limitations. The height of towers, antenna, and tower related fixtures in all districts shall not exceed the minimum height necessary to achieve the coverage objective and, in any case, be no greater than 20 feet above the average height of the tree line within 100 feet of the base of the tower. Notwithstanding the above, additional height may be approved upon finding by the Board that it is necessary to provide adequate coverage, or to accomplish co-location as outlined in Subsection 4.13(I) below and does not have an undue adverse visual impact on

scenic or natural beauty as outlined in Subsection 4.13(K) below.

D. Setbacks. All wireless communications facilities shall comply with the setback provisions of the zoning districts in which facilities are located. Notwithstanding the above, in order to ensure public safety, the minimum distance of any ground mounted wireless service facility to any property line, dwelling, or similar structure shall be no less than the height of the tower, including antennas or vertical appurtenances. This setback shall be referred to as a fall zone. In the event that an existing structure such as a barn silo, church steeple, or utility pole is proposed as a mounting for a telecommunications facility, a fall zone setback shall not be required.

E. Lighting. No lighting shall be permitted on towers, except as may be specifically required by FAA regulations or where deemed necessary by the Board. In any case where a tower is determined to need FAA obstruction marking or lighting, applicants must seek the least visually obtrusive marking and/or lighting scheme in their FAA applications. Emergency, safety or security ground lighting may be utilized when there are people at the site. All tower lighting incidental to the tower shall be shielded to minimize glare. To the extent reasonable, all ground lighting shall be directed downward towards the facility and not towards neighboring properties.

F. Bulk, height, and glare. All wireless facilities shall be designed in such a manner as to minimize the visual impact of height, mass, and guy wire supports for the intended use. Materials utilized for the exterior of any structure shall be of a type, style, and location so as to minimize glare and not result in an undue adverse visible impact on any scenic or historic viewshed, public vantage point or from abutting properties.

G. Screening. Screening shall be required at the perimeter of the site unless it can be demonstrated that natural foliage is adequate. A planted or natural vegetative screen shall be a minimum of 10 feet in depth with a minimum height of 10 feet and shall provide year-round screening. Existing on-site vegetation outside the site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized, unless the disturbance is demonstrated to result in less visual impact of the wireless facility on surrounding properties and areas.

H. Signs and fencing. Adequate warning signs and fencing shall be installed as needed to protect the public and at minimum shall meet federal requirements. Fencing shall be chosen to minimize visual impact, consistent with its intended safety purpose.

I. Co-location.

(1) An application for a new telecommunications tower shall not be approved unless the Development Review Board finds that the telecommunications facilities planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

(a) The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

(b) The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the State of Vermont and such interference cannot be prevented at a reasonable cost.

(c) The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create radio frequency interference (RFI) in violation of federal standards or requirements.

(d) The proposed antennas and equipment, either alone or together with existing facilities, equipment or antennas, would create radio frequency radiation (RFR) in violation of federal standards or requirements without unreasonable modification or mitigation measures.

(e) Existing or approved towers and structures cannot accommodate, or be reasonably modified to accommodate, the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer licensed to practice in the State of Vermont.

(f) Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

(g) Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

(2) Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and additional antennas when overall permitted height allows.

(3) The owner of an approved wireless communication facility shall allow other wireless service providers to co-locate on the tower subject to reasonable terms and conditions. Notwithstanding, there shall be no affirmative obligation on the owner to increase the height or width of the tower in order to accommodate the equipment or facilities of another user.

J. Access roads and above ground utilities. Where new wireless communication facilities require construction of or improvement to access roads, to the extent practicable, roads shall follow the contour of the land. Access roads, when consistent with the purposes of this section and economically feasible, shall be constructed or improved within existing forest or forest fringe areas and not in open fields. Utility or service lines shall be designed and located so as to minimize disruption to the scenic character or beauty of the area.

K. Protection of scenic ridges, views and hillsides. Proposed facilities, particularly those located in the Ridgeline Protection Overlay District, shall not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor. When the Board, after consultation with the Zoning Administrator and the applicant, determines that a proposed wireless facility will likely be visible against the skyline from at least one vantage point from any public park, natural scenic vista, historic building or district, or major view corridor or from a State highway or Class 1 or II highway, or at least two vantage points on a

Class III Town highway at no less than 1,000 feet apart, or at least three vantage points at no less than 1,000 feet apart on a Class IV Town highway, a public trail, the Connecticut River, or the Ompompanoosuc River, the applicant shall prepare a report identifying the duration for which the tower would be visible to a passing traveler in feet and the distance to the proposed facility from the vantage points. The Board may require the report to include the elevation of the ground level of the facility site, the average elevation of vegetation within 100 feet of the facility within the affected viewshed, the slope of the facility site, the vertical height of the facility, appropriate design measures and recommendations to minimize any impact on scenic quality. Height and mass of facilities shall not exceed that which is essential for its intended use and public safety.

(1) To assist the Board in its review of a likely visual impact of proposed facility under this sub-section, the Board may require the applicant to fly or raise a three-foot diameter balloon at the maximum height of the proposed facility at a location within 50 horizontal feet of the center of the proposed facility. The applicants shall provide at least seven days written notice to the Board of the date and time of the test. The applicant shall provide to the Board photographs of the balloon test taken from at least four vantage points.

(2) Upon review of the applicant's report, supporting materials, testimony from the parties, and inspections from the designated vantage points, the Board shall determine whether or not the proposed tower does not have an undue adverse visual impact on the scenic or natural beauty of the land proposed to be developed as viewed from public highways or water bodies within the Town.

(3) Where a tower would break or cross the skyline when viewed from the identified vantage points, in order to approve the application the Board may designate an alternative location for the tower to be evaluated by the applicant. In consideration of this, the applicant may revise its application to include such a site, assuming it is available to the applicant and reasonably technically feasible to meet the applicant's signal coverage objectives.

(4) For the purposes of this Subsection, a wireless facility shall be considered likely to be visible against the skyline when the structure is more than eight inches wide or in diameter where it intersects the tree line or forest canopy.

(5) In determining whether or not a tower would have an undue adverse visual impact on the scenic or natural beauty of a ridge or hillside, the Board shall consider:

(a) The period of time during which the proposed tower would be viewed by the traveling public on a public highway, public trail, the Connecticut River or the Ompompanoosuc River;

(b) The frequency of the view of the proposed tower as experienced by the traveling public;

(c) The degree to which the view of the tower is screened by existing vegetation, the topography of the land, and existing structures;

(d) Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;

(e) The distance of the proposed tower from the viewing vantage point and the proportion of

the facility that is visible above the skyline;

(f) The number of vehicles traveling on a public highway or water at or near the critical vantage point;

(g) The sensitivity or unique value of the particular view affected by the proposed tower; and

(h) The proposed type(s) of antenna, mounting hardware, and covers (radomes), which extend above the tree line.

L. Innovative siting techniques. The Board may waive any of the requirements of Section 4.13(G) for the purpose of approving the development of a wireless communication facility utilizing innovative siting techniques that camouflage or conceal the presence of antennas or towers. These techniques may include the use of existing complying or non-complying structures or new complying structures to contain or support antennas.

M. Interference with public safety telecommunications. All applications for new telecommunications facilities shall be accompanied by an intermodulation study by a qualified engineer licensed to practice in the State of Vermont that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies. Before testing or operating new service or changes in existing service, telecommunications providers shall notify the municipality at least 10 calendar days in advance of such changes and allow the municipality to monitor interference levels during that testing process.

N. Conditions. The Board shall have the authority to impose conditions consistent with the purpose of Section 4.13 in approving a proposed plan for the development of a wireless communication facility. A Notice of Decision with conditions shall be promptly recorded or filed with the Town by the Development Review Board or Administrative Officer. It shall be the obligation of the permittees and subsequent assigns to remain in compliance with all conditions.

O. Application requirements. As required under this section, an application shall include at least the following information prepared by a qualified engineer licensed to practice in the State of Vermont:

(1) Name and address of the record landowners and any duly appointed agents of the parties;

(2) Names and addresses of the record owners of all abutting property;

(3) A map or sketch of the property proposed to be developed, professionally drawn to scale and with the area to be developed clearly indicated;

(4) A description of the proposed development;

(5) The location of the proposed structure on a USGS Topographic Map, Survey with a 20 feet contour interval, or a GIS generated map compatible with the Norwich GIS;

(6) A utility and access road plan located on a USGS Topographic Map or a GIS generated map compatible with the Norwich GIS;

(7) Where the facility is located on a parcel that is forested, the approximate average height

of the existing vegetation within 100 feet of the tower;

(8) A design or plan for all structures, buildings, access roads, or facilities proposed for the site, including landscaping and screening, existing vegetation to be retained, exterior lighting, and drainage and erosion control plans;

(9) The locations of all existing and proposed wireless service facilities in Norwich or within 20 miles of the site for all licensed carriers seeking approval under the application;

(10) To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, an Environmental Impact Assessment (EIA) draft or final report outlining the probable impacts of the proposed facility on wildlife habitats, endangered species, historic and archeological resources, wetlands, and other resources; and

(11) Any additional information deemed necessary by the Board to make findings based on the criteria in Section 4.13.

P. Provision for independent consultants. To assist the Board in its review of applications for Conditional Use Approval under this section, the Board may employ or contract with consultants whose services shall be paid for by the applicant. Any or all final reports or documents prepared by the consultant shall be made available to the applicant and other parties to the proceeding.

Q. Amendments. An amendment to a prior approved wireless communications facility may be considered by the Board and shall require Conditional Use Approval from the Board when any of the following are proposed:

(1) A change in the number of facilities permitted on the site;

(2) Changes in technology used for the facility that would increase the total RFR at the site; or

(3) Addition of any equipment or additional height not specified in the original application.

R. Fees. A schedule of fees for wireless communications facilities to cover permitting and monitoring costs shall be established by the Norwich Selectboard and may from time to time be amended.

S. Abandoned, unused, obsolete, damaged or dangerous towers or portions of towers. Abandoned or unused towers or portions of towers and their facilities shall be removed as follows:

(1) The owner of a facility/tower shall annually, on January 15, file a declaration with the Town of Norwich Zoning Administrator certifying the continuing safe operation of every facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and considered abandoned.

(2) Abandoned or unused towers and associated facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the Development Review Board. In the event the tower is not removed within 180 days of the cessation of operations

at a site, the municipality shall notify the owner and may remove the tower and all associated facilities. Costs of removal shall be assessed against the property or tower owner.

(3) Unused portions of towers shall be removed within 180 days of the time that such portion is no longer used for antennas. The replacement of portions of a tower previously removed requires the issuance of a new telecommunications facility permit.

(4) An owner who has failed to file an annual declaration with the Zoning Administrator by January 15 may, within 30 days of an abandonment notice being issued by the Zoning Administrator, file a declaration of use or intended use and may request the ability to continue use of the facility/tower.

(5) As a condition of approval, the Board may require the applicant to provide a performance bond or similar form of surety payable to the Town in an amount sufficient to cover the full costs of removal of a tower and antenna in the event that the facility is declared abandoned.

T. Continuing obligations. Upon receiving a permit, the permittee shall annually demonstrate that he or she is in compliance with all FCC standards and requirements regarding RFR, and provide the basis for his or her representations. The permittee shall provide a list of the most recent RFR readings at the site, their distances from the tower/transmitter, dates of the readings and the name of the person or company who took the readings. A survey by another permittee on the same site, since it will demonstrate compliance of all emitters, may be submitted provided there is annual demonstration of site compliance.

U. Consistency with federal law. These regulations are intended to be consistent with Section 704 of the 4.1096 Telecommunications Act. Accordingly, they shall not prohibit or have the effect of prohibiting the provision of personal wireless communications services; shall not unreasonably discriminate among providers of functionally equivalent services; and shall not regulate personal wireless services based on the environmental effects of radio frequency emissions to the extent that these facilities comply with Federal Communications Commission Regulations concerning such emissions.

§ 240-4.14. Accessory dwellings and detached apartments.

A. Accessory dwellings. There shall be only one principal dwelling structure per residential lot; however, one accessory dwelling structure with one dwelling unit may be approved, subject to conditional use review for a lot on which a single unit dwelling is the principal use. Accessory dwellings shall satisfy the following requirements in addition to the conditional use criteria in Section 5.04. Site Plan Review will not be required:

(1) The accessory dwelling shall meet all setback and other dimensional requirements for the district in which it is located or, for an existing noncomplying structure, the change to an accessory dwelling will in no way increase the degree of noncompliance.

(2) The accessory dwelling shall be located in the same area of the lot as the principal dwelling to create a clustered development.

(3) The accessory dwelling and the principal dwelling shall be located within the same approved existing or new development envelope. A new development envelope shall be created if

needed using the criteria in Section 5.07.

(4) The floor area of the accessory dwelling shall not exceed 50% of the floor area of the principal dwelling, or 1,600 square feet, whichever is less.

(5) There shall be adequate off-street parking for the residents of both the principal dwelling and the accessory dwelling as required in Section 3.09.

(6) The permit for the accessory dwelling shall clearly state that the dwelling is an accessory structure to the single family residence and shall be retained in same ownership.

(7) Only the principal dwelling or the accessory dwelling may be rented at one time. The owner may apply to the Zoning Administrator for up to a one year occupancy exemption. This restriction shall be acknowledged by the applicant and be included in any deed transferring ownership of the property.

B. Detached apartments. There shall be only one principal dwelling structure per residential lot; however, one apartment in an existing accessory structure may be approved as a permitted use for a lot on which a single unit dwelling is the principal use and there are no additional dwelling units. Detached apartments shall satisfy the following requirements:

(1) The existing accessory structure must have been built in its current location as of January 1, 2007, or at least 10 years prior to the issuing of a permit for a detached apartment whichever is later.

(2) The existing accessory structure shall meet all setback and other dimensional requirements for the district in which it is located or, for an existing non-complying structure, the addition of a detached apartment will in no way increase the degree of noncompliance.

(3) The floor area of the detached apartment shall not exceed 30% of the floor area of the principal dwelling, or 1,200 square feet, whichever is less.

(4) There shall be adequate off-street parking for the residents of both the principal dwelling and the detached apartment as required in Section 3.09.

(5) The permit for the detached apartment shall clearly state that the dwelling is an accessory structure to the single family residence.

(6) Only the principal dwelling or the detached apartment may be rented at one time. The owner may apply to the Zoning Administrator for up to a one year occupancy exemption. This restriction shall be acknowledged by the applicant and be included in any deed transferring ownership of the property.

C. Maximum number of dwelling units. The maximum number of dwelling units on a single lot is two without PUD approval.

§ 240-4.15. Small wind energy systems.

Small wind energy systems are allowed on any lot in any district as an accessory use subject to the limitations in this section.

A. Permitted use. A small wind energy system with one tower with a tower height of less than 100 feet.

B. Conditional use. A small wind energy system with one or more towers with tower heights of 100 feet or more may be permitted subject to conditional use review under Section 5.04. In addition to the standards in Section 4.15 (D), the Development Review Board shall find that:

(1) The requested height of the tower does not exceed what is reasonably necessary to provide efficient operation of the system; and

(2) All reasonable measures have been taken to minimize any undue adverse visual impact of the system.

C. Expiration and abandonment.

(1) A permit issued pursuant to this section shall expire if the small wind energy system is out-of-service or otherwise unused for a continuous twelve-month period.

(2) A small wind energy system that is out-of-service for a continuous twelve-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn if the Owner provides information that demonstrates the small wind energy system has not been abandoned.

(3) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within three months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.

D. Standards for small wind energy systems. All small wind energy systems shall conform to the following standards.

(1) Performance standards in Section 3.10.

(2) Setbacks. A wind tower for a small wind system shall be set back a distance equal or greater to the Small Wind Energy System Height from:

(a) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;

(b) Any overhead utility lines; and

(c) All property lines.

(3) The rated capacity of the system shall not substantially exceed the on-site electric usage of the end-user.

E. Definitions that apply to small wind energy systems.

SMALL WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity appropriate to the on-site electric usage of the end-user and is not interconnected with the electric utility system.

SMALL WIND ENERGY SYSTEM HEIGHT — The tower height plus the blade length.

TOWER HEIGHT — The height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

TURBINE — The parts of a wind system including the blades, generator and tail.

ARTICLE V
Development Review

§ 240-5.01. Applicability of development review procedures.

A. Site plan review, pursuant to Section 5.03, shall apply to all permitted uses as designated in Article II, excluding one- and two-unit dwellings, home occupations within a one-unit dwelling, home daycare facilities, signs, agriculture and/or forestry and all uses exempted under section 6.02. Uses designated as a conditional use in Article II are not subject to site plan review procedures but site plan review criteria will be incorporated into the conditional use review.

B. Conditional use review, pursuant to Section 5.04, shall apply to all conditional uses as designated in Article II or as otherwise specified under Article III or Article IV.

C. Flood hazard review, pursuant to Section 5.05, shall apply to all development including but not limited to new or expanded single unit dwellings as designated in Article II. Specific uses subject to site plan or conditional use review shall be reviewed concurrently with Section 5.05.

D. Planned Unit Development (PUD) Review, pursuant to Section 5.06, may be applied at the request of the applicant, or as required under Article II, to any size parcel in designated zoning districts. PUDs shall be reviewed concurrently with the Norwich Subdivision Regulations.

E. Development envelope review, pursuant to Section 5.07, shall apply to any undeveloped lot prior to obtaining a permit for construction of a one-unit or two-unit dwelling unless a Development Envelope has already been designated for the lot by an approved subdivision decision.

§ 240-5.02. Application requirements.

A. An applicant for PUD approval shall submit the information described in Section 5.06(C).

B. Applicants for conditional use and/or site plan approval shall submit applicable fees and the materials described in Table 5.1. The Development Review Board may waive any of the application requirements set out in Table 5.1 that are not applicable to the proposed development. The applicant shall identify the specific requirements for which the waiver is requested and why they are not applicable.

Table 5.1

Site Plan and Conditional Use Review Application Requirements

(A) Required Application Information:

Name and address of owner(s) of record of the property; name, address and interest of the applicant, if different from the owner(s) of record; name and address of the person or firm preparing the application and plans; date of the application and related plans.

A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as otherwise approved by the Development Review Board showing the following:

1. North arrow and scale;
2. Legal property boundaries for the property;
3. Existing and proposed features, to include topography, land use, existing vegetation, natural areas and critical habitat, streams, floodplains and wetlands, and other fragile features (See Section 3.13); zoning district boundaries; structures (building footprints), signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, utilities and existing and proposed fire hydrants; and
4. Traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; and, sidewalks, pathways and trails in the vicinity.

Site location map showing the location of the project in relation to nearby Town highways, adjoining parcels and uses and zoning district boundaries.

Proposed landscaping and screening plan, including plant details (size, location, species).

Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns and provision for stormwater management).

Proposed lighting plan, including the design and location, fixture type, mounting height, illumination levels and distribution, and color of all exterior lighting.

Preliminary building elevations for new or altered structures, including an indication of the exterior facade design, window treatment and roof and siding materials.

Phasing schedule for completion of all proposed development and site improvements.

Estimate of traffic to be generated by the project on a peak and daily basis, and the impact of such traffic on area roads.

Statement of compliance with all applicable zoning district standards, including overlay district standards and supplemental standards that may apply within a particular district or subject to a specific use.

(B) The Board may require additional information depending upon the scope and location of the proposed project, including but not limited to the following:

Forest management, tree removal and vegetation management plans.

Stormwater management and erosion control plans.

Visual impact analysis.

Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements).

Community service impact assessments (analysis of fiscal costs and benefits to the Town).

Fiscal impact study.

Open space management plan.

Site reclamation plan (for proposed projects involving extraction).

Habitat impact assessment (identification of critical wildlife habitat, including wildlife travel corridors, analysis of potential impact and proposed mitigation measures).

Other information or studies reasonably necessary for the Board to conduct a comprehensive review. To assist the Board in its review of applications, the Board may employ or contract with consultants whose services shall be paid for by the Applicant. Any or all final reports or documents prepared by the consultant shall be made available to the applicant and other parties to the proceeding.

§ 240-5.03. Site plan review.

A. Purpose. Site plan review is intended to ensure that projects be of high quality, attractive and functional site design, and that the general building site design be consistent as to the size, scale and mass of the other buildings in the zoning district and with the purpose and character of the zoning district in which the project is located. Standards emphasize those related to the internal layout of the site, its physical design and appearance as viewed from off-site, and the functional integration of the site with surrounding properties and uses.

B. Review process. Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

C. General standards. The Development Review Board shall consider and may impose appropriate safeguards, modifications and conditions relative to the following standards:

(1) Maximum safety of vehicular circulation between the site and the street network. Vehicular access and intersections with roads shall meet all applicable Town and state design standards, including the Norwich Private Highway Specifications and the Norwich Driveway Access Speci-

fications. Sight lines shall meet specified guidelines. The public highway accessed from the parking lot must have sufficient excess capacity both at access and egress points and at affected intersections to accommodate the added traffic without undue delay. The Board may limit the number and size of curb cuts to a single access. In instances involving preexisting curb cuts not in compliance with these standards, the Board may require the reduction, consolidation or elimination of noncomplying curb cuts. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by congestion and frequent and/or unsafe turning movements, or parcels having direct access to more than one road, the Board may require shared access between adjoining properties or may limit access to a side street or secondary road. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on a contiguous parcel, or contingent upon future development of neighboring properties.

(2) Adequacy of circulation, parking and loading facilities with particular attention to safety. Parking and loading facilities shall be provided per the requirements of Section 3.09 of these regulations, and in accordance with the following:

(a) Parking shall be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. Parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the Board due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.

(b) Driveway connections to parking areas on adjacent properties or provision for future connection shall be required where feasible. In the event that such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to Section 3.09(B).

(c) Adequate parking facilities for people with disabilities shall be provided that comply with ADA standards. Accessible parking spaces shall be located on an accessible route of travel from the parking to an accessible entrance to the building served by the parking. Provisions shall be made for wheelchair van parking with an area for safe loading and unloading.

(d) Clearances and turning radii shall be sufficient to accommodate all service and delivery vehicles required for the normal activities on the site, and fire trucks and other emergency vehicles.

(e) Loading and delivery areas within the site shall be provided in accordance with Section 3.09(D), and shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation and landscaping.

(3) Landscaping. Landscaping shall enhance the features and conditions unique to each site, and should include a combination of shade trees (deciduous and/or coniferous), deciduous and evergreen shrubs, well kept grasses and ground covers. Landscaping is required in front and side yards, adjacent to parking areas, and where rear yards abut residential properties or public roads.

(a) Landscaping plans shall emphasize the following:

[1] The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.

[2] The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards, parking areas and along street lines. Shade trees should be placed to interrupt the facades of buildings, breakup expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with surrounding properties, establish a linear pattern of street trees along road frontage, and enhance environmental quality (e.g., wildlife habitat, soil stabilization, stormwater retention, air quality, energy conservation).

[3] The use of flowering ornamental trees to complement shade trees in instances where large yard areas exist, and where space limitations prevent the planting of shade trees.

[4] Landscaping beds which enhance the general appearance of the site, define planting strips and buffer areas and minimize the amount of grass lawn area. Such beds are not to be considered a substitute for tree plantings or other open space requirements.

[5] A mix of evergreen and flowering shrubs and bushes should be used adjacent to buildings, within planting beds and to complement shade trees and other landscaping features.

(b) In addition, landscaping plans are subject to the following:

[1] Shade trees shall be a minimum of 2.5 inches caliper (trunk diameter), measured at a height of five feet, or, in the case of coniferous trees, be a minimum of eight feet in height, unless otherwise specified by the Board upon consideration of site conditions; be a species with a substantial life expectancy and a tolerance for soil compaction, drought and, if located along street lines, salt; and be of native origin, provided that they meet the above criteria. The planting of single gender deciduous trees shall be avoided.

[2] The Board may require the submission of a three year plan for all proposed landscaping. Bonding or other surety may be required to ensure installation and maintenance.

(4) Screening. Sufficient screening shall be provided when the Development Review Board determines that adequate screening is not provided by topographical or other barriers. Screening shall be required where a more intensive land use is proposed to abut a less intensive use; adjacent to garbage collection and utility areas, satellite antennas, outdoor storage, and loading and unloading areas and other outdoor utilities and facilities; and when the project adversely impacts adjacent properties (e.g., lighting, outdoor storage, etc.). In addition:

(a) Screening shall provide a year-round visual screen, particularly from roads. A diversity of materials to create a naturalized screen is encouraged rather than a large expanse of uninterrupted, uniform material so long as sufficient screening is obtained. Materials may include fencing, shade trees, evergreen and flowering shrubs, rocks, mounds or combinations thereof to achieve the same objectives.

(b) Arrangement of screening shall provide protection to adjacent properties and avoid damage to existing plantings. If re-contouring of the site is proposed, the side slope shall be used for plantings. A maximum of 4:1 slope is recommended.

(5) Bicycle and pedestrian access. On-site pedestrian circulation linked to pedestrian facilities located on adjacent properties and/or along public roads, and to on-site parking areas, shall be provided. Such access shall take the form of sidewalks for walking and bicycling, or other facilities depending upon the property's location, site conditions and proximity to other bicycle/pedestrian facilities. Access points at property edges shall be coordinated with existing and planned development to provide pedestrian connections between uses. Bicycle racks shall be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the building(s) that are open to the general public shall be provided for people with disabilities.

(6) Outdoor storage and display. The outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials is prohibited unless specifically approved by the Board and/or specifically permitted within particular districts. Secured, covered and screened areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. In approving such outdoor display or storage, the Board may place conditions on the area and location of such storage or display, and shall require appropriate screening.

(7) Building design. Buildings shall not be designed to function as advertisements through the use of garish color schemes; internal illumination of roofs, facades or awnings; oversized display windows; the integration of oversized logos and advertising features into the building's design; or formulaic or homogeneous architectural design based on a national standard for a particular business or franchise that is not consistent with historic building types and designs typical of Norwich.

(8) Lighting. To ensure appropriate lighting while minimizing its undesirable effects, the following general standards apply to all outdoor lighting with the exception of temporary holiday lighting which is exempt:

(a) In addition to information regarding exterior lighting fixtures, including fixture type, mounting location and height, illumination levels and distribution, and color, submitted as part of the application, a lighting plan, prepared by a qualified engineer or lighting expert may be required for projects determined by the Development Review Board to pose a potential for significant off-site impact due to the number, location and intensity of proposed lighting fixtures.

(b) Outdoor lighting fixtures shall be limited to recessed, shielded or cutoff fixtures so that no light from fixtures is emitted directly or indirectly at an angle less than 15° below the horizontal and the light source shall not be visible from adjacent lots, roads, or waters. The Color Rendering Index (CRI) shall be appropriate for the location of the site and compatible with adjacent properties. In most situations a CRI of over 80 is acceptable. Building or pole mounted, non-reflective lights using an incandescent bulb of 100 watts or less not used to illuminate a sign are allowed.

(c) All outdoor lighting shall be kept to the minimum required for safety, security and intended use, consistent with the character of the neighborhood and zoning district in which it is located. To determine appropriate lighting levels for a particular use or site, the Board may consider technical resources, such as The Outdoor Lighting Manual for Vermont Municipalities and

publications of the Illuminating Engineering Society of North America (IESNA).

(d) Parking lot lighting shall comply with the standards for maximum mounting height, minimum illumination (at darkest spot) and uniformity ratio as set forth in The Outdoor Lighting Manual for Vermont Municipalities. The Board may waive these standards for good cause if application thereof is inappropriate or unduly burdensome so long as excessive lighting does not result and the proposed lighting scheme otherwise meets the requirements of this section. Applicants may also be required to use lower mounting heights and illumination levels. Lighting of parking lots in the Rural Residential District is generally discouraged except for minimum security needs.

(e) Outdoor lighting fixtures should include timers, dimmers, and/or sensors to reduce energy consumption and eliminate unneeded lighting.

(f) The use of street or security lighting is only permitted if unusual or hazardous conditions require it. Security lighting, where deemed necessary by the Board, shall be shielded and aimed so that illumination is directed only on to the designated area and not cast on other areas.

(g) Exterior building facades shall not be illuminated. The Board may approve the exterior illumination of buildings with symbolic or historic significance, provided the maximum illumination on any vertical or angular roof surface does not exceed 5.0 footcandles; fixtures are carefully aimed and shielded so that light is only directed onto the building surface; and lighting fixtures are mounted on or near the building, preferably directed downward, and are designed to "wash" the facade with light.

(h) Except for approved security lighting, outdoor fixtures shall only be illuminated during the hours of operation for nonresidential uses unless specifically approved by the Board. Hours of operation shall include any time up to one hour before or after all employees and patrons or customers have vacated the premises. Inns and Bed-and-breakfasts are considered open on a twenty-four-hour basis.

(9) Stormwater management. To prevent water quality degradation and to minimize impacts on surrounding properties and Town infrastructure, development shall be sited and designed to minimize stormwater runoff and prevent erosion during all phases of development. Land development shall incorporate Low Impact Development (LID) stormwater management and erosion control practices where feasible. The Board may require the preparation and implementation of a stormwater management plan as appropriate for the setting, scale and intensity of the proposed development. Plans, if required, shall include provisions for the inspection and long-term maintenance of stormwater management and erosion control practices and be prepared by a qualified licensed engineer that incorporates the LID approach for site design and stormwater management where feasible and the accepted management practices recommended by the state in the Vermont Stormwater Management Manual and the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites, as amended. The Board may, at the expense of the developer, conduct an independent review of the plans. Site plan approval may be granted by the Board upon finding that the proposed development will:

(a) Conserve and protect the natural hydrologic assets and functions of a site. Direct devel-

opment away from sensitive environmental areas, and preserve native vegetation, soils, and existing drainage courses.

(b) Create opportunities to retain all runoff on site. Stormwater shall be filtered and infiltrated into the ground by directing runoff away from impervious areas and engineered drainage systems and into areas of natural vegetation. All storms up to one-inch must be captured and infiltrated on-site. The infiltration rate calculations of the system must be based on data collected in the field. Use green space, flatten slopes, disperse drainage, increase distance from streams, maximize sheet flow and incorporate other Integrated Management Practices (IMPs).

(c) Minimize impacts of development at all stages. Minimize clearing, grading and limit lot disturbance. Save A and B (top) soils. Reduce impervious surfaces, pipes, curb and gutters. Discontinue engineered drainage systems where feasible.

(d) Use a decentralized stormwater management system of small-scale controls that are located near the sources of runoff generation. These controls shall be designed to store, infiltrate, filter and release runoff the way natural areas do and shall limit the post-development peak discharge rate to less than or equal to the pre-development peak discharge rate based on a two- and ten-year, twenty-four-hour storm event. IMPs provide a variety of on-site opportunities to control the volume and peak runoff rates of stormwater and to filter pollutants.

Compliance with the Vermont Stormwater Regulations as evidenced by an approved State Permit will indicate compliance with this section.

(10) Protection of natural resources. Proposed development shall not have an adverse impact on important natural resources or features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife habitat and habitat diversity, groundwater source protection areas, floodplains and/or the other features in Section 3.13, identified in the Town plan, zoning overlay maps, or through field investigation. The Board may require the following protection measures to ensure the protection of natural resources and features:

(a) Establishment of buffer areas;

(b) Permanent protection as designated open space;

(c) Designation of development envelopes to ensure that activities incidental to the operation of the development use, including clearing and yard area, do not adversely impact identified resources;

(d) Preparation and implementation of management plans for protected resources and associated buffer areas; and/or

(e) Such other measures as noted in § 215-3.3 of the Norwich Subdivision Regulations.

(11) Historic structures. Consideration shall be given to the impact of the proposed development on historic structures on the site or on adjacent properties. To the extent feasible, continued use of existing historic structures is encouraged; the exterior appearance of historic structures should be protected, and the visual context of historic structures should be maintained.

(12) Fire and public safety. Consideration shall be given to measures necessary for fire and public safety including the location of fire hydrants or other fire protection measures, access to buildings by emergency vehicles and personnel, and proper storage of hazardous or toxic substances. The DRB may request the fire and police departments to review the development plans and make recommendations.

(13) Underground utilities. For new construction, all new utility systems, which may include but not be limited to electric, gas, telephone, fiber optics, and television cable, shall be located underground, unless doing this is deemed unreasonable and prohibitively expensive by the DRB due to site conditions.

D. District standards. To ensure that development is designed in a manner that is consistent with the existing and desired character of the district within which it is located, the following standards shall apply within the specified district.

(1) Village Business (VB) District. Within the Village Business District development shall meet the following standards:

(a) Buildings and associated site design shall reinforce a well-defined streetscape by being located as close to the front setback as practical. Where the placement of a building along the front setback is not practical due to preexisting site conditions, landscaping features, such as low walls and planting materials, should be incorporated along the setback line to create a transition between the public right-of-way and the site.

(b) Buildings should be oriented toward and relate to, both functionally and visually, streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front facade should include a main entry-way and pedestrian access to the street.

(c) Buildings, and modifications to existing buildings, shall be designed in a manner that is compatible with, and does not stand in contrast to, nearby historic structures with regard to building scale, massing, materials, orientation and rhythm of openings (fenestration).

(d) Large expanses of undivided glass and/or monolithic walls shall be avoided.

(e) Buildings shall be a minimum of 1 1/2 stories in height, with the exception of accessory structures with a building footprint of less than 500 square feet.

(f) At the boundary between the VB District and the Village Residential (VR) District, the following requirements shall be met unless waived by the Board:

[1] Stored materials or refuse containers between a building in the VB District and the VR District boundary line shall be screened by a fence or by shrubs or trees which would provide comparable concealment.

[2] Parking areas in the VB District shall be screened by a fence or by shrubs or trees which would provide comparable concealment.

[3] Open land in the front, side or rear yard of a property in the VB District, contiguous with a property in the VR District shall meet the general landscaping requirements of Section

5.03(C)(3).

(2) Village Residential (VR) District. Within the VR District development shall meet the following standards:

(a) The use of front yards shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g., street furniture, pedestrian scale lighting and signs) and driveways. Outdoor storage, parking and loading areas shall not be located within front yards unless the Board finds that the property is a preexisting building and that no other practical alternative exists.

(b) Buildings should functionally and visually be oriented toward and relate to public streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front facade should include an entry-way and pedestrian access to the street. The Board may impose a maximum setback, relative to adjacent buildings, to achieve a consistent streetscape.

(c) The size, scale, and massing of new buildings, including height, width, street frontage and roof type, shall be compatible and harmonious with surrounding residential structures. Consideration may be given to buildings serving special civic, social or cultural functions, including places of worship, that may be designed to serve as prominent focal points within the district.

(3) Commercial/Industrial (CI) District. Where any land use in the Commercial/Industrial District abuts land in any residential district, a strip of land at least 25 feet in width shall be maintained as a landscaped buffer unless waived by the Development Review Board.

(4) Rural Residential (RR) District(s). Development within the RR District(s) shall meet the following standards:

(a) Site design shall be configured to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape.

(b) Buildings shall be designed in a manner that is compatible with architectural styles within the district with regard to building scale, size, massing and materials.

(c) Buildings shall be sited in a manner that avoids placement on primary agricultural soils or other open farmland, and shall be blended into the site by appropriate landscaping and/or the use of topographic features, or may be required to be screened from view.

(d) Parking for nonresidential uses shall be screened from public view and shall not be located within 75 feet of a property boundary.

E. Procedure for bonds. In the event use or occupancy is to occur prior to completion of the proposed development, the DRB may require a performance bond, escrow account or other surety acceptable to the Town Manager and approved by the Selectboard to ensure completion of the development on the terms and conditions approved by the DRB. This requirement is in addition to any bonding for landscaping. [Title 24, § 4464(b)(6).]

§ 240-5.04. Conditional use review.

A. Purpose. In addition to addressing site design considerations through the application of site plan review standards, conditional use review is intended to ensure compliance with standards addressing the impact of certain proposed land uses on adjacent properties, the neighborhood and/or zoning district in which the project is located, and the community at large. Typically, land uses are subject to conditional use review because the scale, intensity or potential off-site impacts warrant careful scrutiny by the Development Review Board. Standards and conditions emphasize those considerations in which off-site impacts of a proposed project can be identified, avoided and/or mitigated.

B. Determination by zoning administrator. The Zoning Administrator may determine whether a conditional use approval is needed for a proposed use in which all applicable provisions of these regulations have been satisfied (e.g., if there will be no increase in the number of clients and customers or the number of parking spaces). In the event that there is no change in site conditions or circumstances involving one or more applicable provision of these regulations, the Zoning Administrator may issue a zoning permit in accordance with Section 6.01 without Development Review Board review under this section. Conditional uses approved under this provision shall be subject to Site Plan Review.

C. Review process. Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

D. General standards. Conditional use approval shall be granted by the Development Review Board upon finding that the proposed development will not result in an undue adverse effect on the following:

(1) The capacity of existing or planned community services or facilities. The Board shall consider the demand for community services and facilities resulting from the proposed development in relation to the available capacity of such services and facilities. Available capacity may be determined in part through consultation with other municipal and/or state officials having jurisdiction over affected services and facilities, and consideration of any capital budget and program in effect. Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity.

(2) The character of the area affected. The Board shall consider the location, scale, size, mass, materials, type, density and intensity of use associated with the proposed development in

relation to the character of the area likely to be affected, as defined by the Board based on the Norwich Town Plan, applicable zoning district purposes and standards, submitted materials, and testimony presented at public hearing. Conditions may be imposed as appropriate to ensure project compatibility with the character of the area affected.

(3) Traffic on roads and highways in the vicinity. The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians, bicyclists, or motorists, or unacceptable levels of service for roads, highways and intersections, unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies, or improvements in public transportation.

(4) Ordinances, bylaws and regulations in effect. The Board shall consider whether the proposed development complies with all ordinances, bylaws, and regulations in effect at the time of application, including other applicable provisions of this bylaw, other municipal permit and/or approval conditions (e.g., subdivision, highway access). Conditions may be imposed or incorporated as appropriate to ensure compliance with other municipal regulations, bylaws and ordinances in effect.

(5) The utilization of renewable energy resources. The Board shall consider whether the proposed development will interfere with the sustainable use of renewable energy resources, including access to, direct use or future availability of such resources.

(5) Conditions may be imposed as appropriate to ensure long-term access, use and availability of such resources.

E. Site plan standards. In addition to the general standards set forth in subsection (D), the Development Review Board shall also apply all applicable site plan review standards set forth in Section 5.03(C) and (D). Compliance with such standards shall be a requirement of conditional use approval.

F. Additional standards. In permitting a conditional use, the Development Review Board may impose, in addition to the standards expressly specified by these regulations, other conditions it finds necessary to implement the purposes of these regulations. These conditions include, but may not be limited to, the following:

(1) Increasing the required lot size or yard dimensions in order to protect adjacent properties.

(2) Controlling the location and number of vehicular access points to the property.

(3) Limiting the number, location, and size of signs.

(4) Requiring suitable landscaping where necessary to maintain the property in a character in keeping with the surrounding area.

(5) Specifying a time limit for beginning the construction, alteration, or enlargement of a structure to house a conditional use.

(6) Requiring that any future enlargement or alteration of the use be reviewed by the Development Review Board to permit the specifying of new conditions.

(7) Requiring plans for the sale, storage or disposal of hazardous or toxic substances.

(8) Requiring compliance with performance standards in Section 3.10.

§ 240-5.05. Flood hazard review.

A. Review procedures. All development within the flood hazard area overlay district, with the exception of permitted uses within the district as identified in Table 2.7, shall be subject to conditional use review by the Development Review Board under Section 5.04 and the following flood hazard area regulations. Permitted uses within the underlying district, which would otherwise not be subject to conditional use review, are not required to meet conditional use standards under Subsections 5.04(D), (E) and (F). Conditional uses within the underlying district are subject to both conditional use and flood hazard area requirements. Permitted uses requiring site plan review under Section 5.03 may, at the discretion of the Board, be reviewed under Section 5.03 and this section concurrently.

B. Development standards:

(1) Floodway areas.

(a) Development, except for minor improvements to existing structures or relating to bridges, culverts, roads or stabilization projects, within the regulatory floodway is prohibited. Such exceptions require conditional use approval prior to permitting and must comply with the other standards in Section 5.05(B) demonstrated through hydrologic and hydraulic analyses performed and certified in accordance with standard engineering practice by a registered professional engineer that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

(b) Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

(c) Wastewater Systems are prohibited within the floodway.

(d) In areas within the flood hazard overlay district where no regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(2) Floodway fringe areas. (i.e., special flood hazard areas outside of the floodway). All development shall be reasonably safe from flooding and:

(a) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,

(b) Constructed with materials resistant to flood damage,

(c) Constructed by methods and practices that minimize flood damage, and

(d) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Residential development.

(a) Construction of new residential structures is not permitted.

(b) Existing buildings to be substantially improved that are located in Zones A, A1-30 and AE shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.

(c) Existing manufactured homes to be substantially improved that are:

[1] Located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood; or

[2] Located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, shall have the lowest floor supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and securely anchored to an adequately anchored system to resist flotation, collapse, and lateral movement.

(4) Nonresidential development:

(a) Construction of new nonresidential structures is not permitted.

(b) Existing buildings to be substantially improved located in Zones A, A1-30, AE (See FIRM panels) shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

(5) Subdivisions:

(a) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than either 50 lots or five acres shall

include base flood elevation data.

(b) Subdivisions (including manufactured home parks) shall be designed to ensure that:

[1] Such proposals minimize flood damage within the flood-prone area,

[2] Public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage,

[3] Drainage is adequate to reduce exposure to flood hazards, and

[4] Any access roads to habitable structures or critical facilities are at least one foot above base flood elevations and able to withstand a one-hundred-year event without failure or overtopping.

(6) Enclosed areas below the lowest floor.

(a) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access; or storage and such a condition shall clearly be stated in any permits.

(b) Existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(c) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(7) Recreational vehicles. Recreational Vehicles placed on sites with special flood hazard areas shall either:

(a) Be on the site for fewer than 180 consecutive days,

(b) Be fully licensed and ready for highway use, or

(c) Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section 5.04(B)(2) and (3).

(8) Accessory structures. A small accessory building (footprint area less than 600 square feet) that represents a minimal investment need not be elevated to the base flood elevation provided the building:

(a) Is not used for human habitation,

(b) Is designed to have low flood damage potential,

(c) Is constructed and placed on the building site so as to offer the minimum resistance to the

flow of floodwaters,

(d) Is firmly anchored to prevent flotation, and

(e) Has service facilities such as electrical and heating equipment elevated or floodproofed.

(9) Water supply systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(10) Sanitary sewage systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(11) On-site wastewater disposal systems. On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(12) Watercourse carrying capacity. The flood and sediment carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

C. Duties and responsibilities of the zoning administrator. The Zoning Administrator shall maintain a record of:

(1) All permits issued and denied for development in areas of special flood hazard;

(2) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;

(3) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;

(4) All floodproofing certifications required under this regulation; and

(5) All variance actions, including justification for their issuance.

D. Variances to the development standards.

(1) Variances shall be granted by the Development Review Board after a hearing noticed in the same manner as for a conditional use and only in accordance with 24 V.S.A. § 4469 and the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

(2) A decision in favor of the appellant shall be granted if all the following facts are found, and the supporting findings are specified in the decision:

(a) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located;

(b) Because of these physical circumstances or conditions, there is no possibility that the

property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(c) Unnecessary hardship has not been created by the appellant;

(d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare;

(e) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan; and

(f) The variance will not result in increased flood heights, increased susceptibility to flooding or erosion, additional threats to public safety or infrastructure (including emergency services during flood events), or extraordinary public expense.

E. Application requirements. In addition to a development review application prepared in accordance with Table 5.1, an applicant for conditional use review within the flood hazard area overlay district shall submit to the Zoning Administrator the following:

(1) The location on the site plan and elevations of all roads, water supply and wastewater facilities in relation to the channel, floodway, and base flood elevations;

(2) A completed FEMA "Elevation Certificate" prepared by a registered surveyor, engineer, architect or other state official who is authorized by the state to certify building elevation information;

(3) Where floodproofing is proposed (as allowed for nonresidential buildings), a completed FEMA "floodproofing certificate" prepared by a qualified licensed engineer or licensed architect appropriate to this issue who is authorized by the state to certify floodproofing design and construction;

(4) A hydraulic analysis for development located within the floodway; and

(5) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

F. Warning of disclaimer of liability. This ordinance does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Norwich or any Town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

G. Enforcement and penalties.

(1) It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance. Whenever any development occurs contrary to these flood hazard area regulations, the Zoning Administrator shall follow the same procedure as in Section 6.05 and shall notify the landowner in the Notice of Violation that failure to cure may result in loss of flood insurance.

(2) If the violation is not remedied within seven days, or appealed, the Zoning Administrator shall mail a copy of the notice of violation to the state NFIP Coordinator and the Administrator of the National Flood Insurance Program. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The notice shall consist of:

(a) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

(b) A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

(c) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

(d) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

(e) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

H. Definitions. As used in this section, the following terms shall have the meanings indicated:

BASE FLOOD — The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) — The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

BASEMENT — Any area of the building having its floor elevation subgrade (below ground level) on all sides.

BUILDING — Any structure used for the shelter or accommodation of persons, animals, goods, personal property, or equipment, which has a roof supported by columns or walls. For development within the flood hazard area overlay district, this definition also includes a gas or liquid storage tank that is principally above ground. See also Structure.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD INSURANCE RATE MAP (FIRM) — An Official Map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

FLOODPLAIN OR FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source (see definition of "flood").

FLOODPROOFING — Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

HISTORIC STRUCTURE — Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR — The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION — For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE — A vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA — Is the land in the floodplain within a community subject

to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

START OF CONSTRUCTION — Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

(1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

(2) A manufactured home; or

(3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (3) of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which cumulatively equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

§ 240-5.06. Planned unit developments.

A. Purpose. Planned Unit Developments (PUDs), authorized under the Act [§ 4417], are allowed in designated zoning districts to allow landowners to present to the Development Review Board development plans that differ from the basic requirements of the zoning regulations in cases where an alternative configuration may promote more desirable development design that achieves the goals and objectives of the Town Plan. PUDs are encouraged in designated districts to:

(1) Enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land;

(2) Increase density, reduce lot size and/or facilitate the adequate and economical provision of streets and utilities in a cost effective manner;

(3) Cluster development to encourage the preservation of productive farmland, forest and wildlife habitat, and enhance Norwich's rural character as described in the Town Plan;

(4) Accommodate new development in a manner that maintains the Town's historic settlement patterns, and protect significant natural, cultural and scenic features as described in the Town plan;

(5) Provide opportunities for a diversity of housing types, and promote affordable housing and moderate-income housing in appropriate locations; and/or

(6) Be consistent and harmonious with the historic settlement patterns, scale, size, and mass in its respective zoning district.

B. Applicability. Planned Unit Development (PUD) provisions may be applied, at the request of an applicant, to any sized parcel within the Rural Residential District, or the Village Residential I and II Districts, and any other subsequently created district which expressly so provides. Any change to an approved PUD shall require an amendment to the prior approval in accordance with this section. Adjoining landowners may combine all or a portion of contiguous parcels for the purpose of submitting a joint PUD application provided such property owners intend that each of their properties will:

(1) Be subject to all requirements and conditions of PUD approval issued in accordance with this section, and

(2) Upon approval of the application, be subject to the terms and conditions established by the Development Review Board in approving the official development plan.

C. Application procedures and coordination with other review processes. Applications for PUDs shall be reviewed in accordance with the following procedures:

(1) One or more pre-application conferences are encouraged at which the Development Review Board and interested municipal officials may exchange information with the applicant and understand the nature and scope of the applicant's proposal.

(2) Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

(3) Application for a PUD shall be filed with the Zoning Administrator simultaneously with additional applications for subdivision review, variances, and Conditional Use, if needed. All PUD applications will be reviewed under the criteria for subdivisions in the Norwich Subdivision Regulations, Site Plan Review in NZR Section 5.03, and PUDs in this section. In addition to the application materials set forth in Table 2.2 of the subdivision regulations, the application for a PUD must include the following:

(a) A narrative master plan which, together with all required submission materials, shall comprise the official development plan for the PUD. Such master plan shall include a brief summary of the project and how it meets the standards set forth in this section. In addition, the master plan shall describe the nature of all proposed modifications or changes of existing land use and development regulations, including those in § 215-3.3 of the Subdivision Regulations, and all proposed standards and criteria for the design, bulk and spacing of buildings and sizes of lots and open spaces.

(b) Application materials required for Site Plan Review set forth in Table 5.1.

(c) Any additional materials required by the Board under subsection (C) or (D).

(d) Applications of PUDs may be reviewed simultaneously with applications for subdivision review in accordance with the requirements and procedures set forth in the Norwich Subdivision Regulations. If a subdivision is not proposed, the PUD application shall be subject to subdivision review standards set forth in Article III of the Norwich Subdivision Regulations. PUD applications shall also be subject to site plan review standards set forth under NZR Subsections 5.03(C) and (D). Approval granted by the Development Review Board under this section for a PUD involving a use which requires site plan in accordance with Section 5.03 may be exempted from

such review should the Board find in the course of granting PUD approval that the proposed PUD meets applicable site plan review standards.

(e) Approval granted by the Development Review Board under this section for a PUD involving one or more conditional use under Section 5.04 shall not exempt the proposed development from such review. The Board may, however, conduct the conditional use review concurrently with PUD review.

(f) Within 45 days after the close of the final public hearing, the Development Review Board shall approve or deny the PUD application. This Decision shall include a clear indication of all approved modifications of developmental standards. The Development Review Board may, as a condition of granting approval, impose such restrictions and conditions related to the location, scale, density, intensity or overall design of future development within the PUD as the Board deems necessary. Subdivision, site plan, or conditional use approval may be granted simultaneously with approval of the PUD application. The applicant shall be notified by certified mail of the Development Review Board's decision.

(g) Nothing herein permitting a PUD shall be construed to limit the right of the Development Review Board to grant special exceptions or variances which are permitted by these regulations or by statute. Approval of a PUD application does not nullify or change any existing zoning regulation affecting the project land not specifically modified in connection with the Development Review Board's approval of that application.

D. Standards. All Planned Unit Developments (PUDs) shall meet the following standards:

(1) Any residential use permitted in the district in which the PUD is located is permissible under the PUD, including home occupations as provided in Section 4.08. A PUD may include, at the discretion of the Development Review Board, dwelling units of varied types, including single- and two-unit dwellings and multi-unit dwellings in districts where permitted.

(2) Certain nonresidential uses, designed primarily to service the residents of a PUD, also are permitted. Examples of such uses include: recreational facilities; day care facilities; and accessory uses.

(3) The PUD shall be an effective and unified treatment of the development possibilities on the site, and the development plan shall make appropriate provision, where applicable, for the protection of: wetlands; steep slopes, prominent knolls and ridgelines; wildlife habitat and natural areas; historic and cultural resources; farm land; forest resources; scenic areas and other unique features as described in Section 3.13.

(4) The overall density of the project shall not exceed: a) in the case of property within the Rural Residential District: the number of units permitted based upon maximum allowable density calculated pursuant to Section 3.2 of the Subdivision Regulations; or b) in any other district, the number of units permitted if the land were subdivided into lots in accordance with the standards for the district(s) in which the land is situated; provided, however that, in each of the above instances, the permitted density so determined may be increased as permitted below to reflect:

(a) A density bonus of up to 25% of the permitted overall density in the Rural Residential

District in instances in which not less than 60% of the total acreage is set aside in the deed as open space in accordance with Section 3.10 of the Subdivision Regulations; or

(b) A density bonus of up to 25% of the permitted overall density in the Village Residential I District in instances where the PUD complies with the standards set forth in subsection (10) below; or

(c) Except in the Village Residential II District, a density bonus of 25% of the permitted overall density, in accordance with Section 4407(3) of the Act, in instances in which not less than 20% of the total number of dwelling units created are affordable housing units, as defined in Section 7; or

(d) Except in the Village Residential II District, a density bonus of up to 50% of the permitted overall density, in accordance with Section 4407(12) of the Act, in instances in which not less than 50% of the total number of dwelling units created are affordable housing units, as defined in Article VII, or a density bonus of up to 195% of the permitted overall density in the Village Residential II District in instances in which not less than 70% of the total number of dwelling units created are affordable housing units or moderate-income housing units as defined in Article VII, which housing shall remain affordable in perpetuity.

(d) Note: Fractional density bonuses are not rounded up.

(5) A greater concentration or intensity of residential development may be located within some portion(s) of the site offset by open space areas designed to enhance the scenic qualities of the site and the neighborhood with reference to historic settlement patterns, the working landscape, and natural resource features.

(6) The PUD shall be consistent with the goals and objectives of the Town Plan.

(7) The PUD shall result in no greater burden on present and planned municipal services and facilities than would result from traditional development of the parcel with the same number of units as proposed in the PUD. The available public or private facilities and services, including schools, streets, emergency services, and utilities, will be adequate to provide service to the proposed PUD. The Development Review Board shall require written certification from Town departments that the Town has adequate resources to support any proposed PUD with five or more units, and may require this certification for any proposed PUD with less than five units.

(8) The Development Review Board may restrict points of access to state or Town highways and, subject to Norwich Selectboard approval, where necessary, require improvements to roads to meet Town road or private highway specifications.

(9) The layout, number, configuration of lots and placement of buildings shall be consistent with the historic pattern, size, mass, and scale of development found within the applicable district and support the goals of the Town Plan.

(10) In addition to the standards set forth in subsections (1) through (9) above, a PUD within the Rural Residential District shall be designed to blend new development into the rural landscape and maintain important natural, scenic and cultural resources as described in the Town

Plan. Accordingly, PUDs in that district are encouraged to be designed in accordance with the standards for either crossroads hamlets or farmstead clusters, as described below:

(a) Crossroads hamlet. A proposed PUD may be designed in a manner which replicates a traditional crossroads hamlet, characterized by a concentration of residential buildings and one or more prominent cultural, community or civic structures, located at a road intersection.

(b) Farmstead cluster. A proposed PUD may be designed in a manner which replicates a traditional Vermont farmstead, characterized by a variety of building scales, which visual character is typified by the appearance of a principal dwelling and a mix of agricultural buildings (e.g., barns and outbuildings) located within a compact area surrounded by open farmland. Such a farmstead cluster shall be designed to include:

[1] A contiguous grouping of dwellings within a compact area, in which the inclusion of multi-unit, affordable housing and moderate-income housing is encouraged;

[2] No fewer than three dwelling units within a single farmstead cluster. Multiple farmstead clusters may be placed on a single parcel provided they are separated by adequate open space;

[3] No fewer than 25% of the units being affordable housing or moderate-income housing as defined in Section 7.02; and

(c) Not withstanding Section 5.06(D)(1), farmstead clusters may include multi-unit dwellings.

(11) In addition to the standards set forth under (1) through (7) above, a PUD within any Village Residential District shall be, at a minimum, designed in the following manner:

(a) Development envelopes should be established so that buildings front upon and are oriented toward roads or common areas.

(b) Roads and driveways shall be laid out in a manner that reflects historic village street design characterized by a well defined streetscape comprised of street trees, sidewalks and/or a consistent building setback.

(c) Adequate provision for open space and common areas shall be included in the design.

(12) All PUDs shall be three units or more.

§ 240-5.07. Development envelope review.

A. Purpose. Designating Development Envelopes on undeveloped lots prior to granting permits for construction of a one-unit or two-unit dwelling structure in the Rural Residential District will limit adverse effects on significant natural, scenic, and cultural resources.

B. Applicability. This section shall apply to any undeveloped lot prior to obtaining a permit for construction of a one-unit or two-unit dwelling unless a Development Envelope has already been designated for the lot by an approved subdivision decision.

C. Administrative review. If after reviewing the complete application, the zoning administrator determines that the proposed development will have no impact on farm lands, forest lands

or scenic areas as defined in Section 3.13(B), the zoning administrator shall issue a permit waiving the requirement for Development Envelope Review under this section.

D. Review process. Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

E. General standards. The Development Envelope will identify and limit the location of principal and accessory structures, parking areas, and associated site development including road and utility rights-of-way or easements on one or more portions of a lot to limit adverse impact of proposed development on any of the features in Section 3.13. The Development Review Board shall consider and may impose appropriate safeguards, modifications and conditions relative to the standards in Section 3.13. A sketch depicting the location and size of the Development Envelope shall be attached to the written decision of the Development Review Board. This sketch shall also include measurements from known points on a recorded survey, Tax Maps, or on the ground to reasonably allow determination of the location of the Development Envelope.

F. Application requirements. Applicants for Development Envelope Review shall submit:

(1) A plan drawn to scale based on a survey or the latest Norwich Tax Map showing a north arrow, scale, legal property boundaries for the property and the approximate location of the proposed development envelope(s).

(2) Plans depicting the location of any of the following features or overlay districts listed in Section 3.13 that the proposed development envelope may impact. Delineation of these features may be based in Norwich GIS data or field data.

(a) Wetlands: as defined in the Vermont Wetlands Regulations.

(b) Aquifer Protection Zone(s).

(c) Floodplains.

(d) Shoreline Protection.

(e) Ridgeline Areas.

(f) Steep Slopes.

(g) Endangered species.

(h) Open farm land and areas with "prime" and "statewide" agricultural soils.

(i) Scenic resources.

(3) Narrative addressing impact of any of the features or overlay districts listed in (2) above.

G. Development Envelopes approved under this section shall remain effective until such time as amended by the DRB after a new hearing.

§ 240-5.08. Ridgeline protection review.

A. Purpose. Review the potential visual impact, as seen from public roads, of new development within the Ridgeline Protection Overlay District prior to granting permits for construction. For the purposes of this section, public roads shall include Class I, II, and III Town highways, state highways and interstate highways within the Town.

B. Applicability. This section shall apply to development within the Ridgeline Protection Overlay (RPO) District other than exempt uses in Table 2.9(E).

C. Review process. Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for Ridgeline Protection Review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

D. General standards. Proposed development shall comply with the standards in Table 2.9 (F) and (G).

E. Application requirements. Applicants for Ridgeline Protection Review shall submit:

(1) A plan drawn to scale based on a survey prepared by a licensed surveyor or the latest Norwich Tax Map showing a north arrow, scale, legal property boundaries for the property and the location of the proposed development.

(2) Plans depicting the location of the following based on Norwich GIS data or field data:

(a) Ridgeline Protection Overlay District boundaries;

(b) Contours with intervals of 20 feet or less;

(c) Scenic Resources Area boundaries;

(d) Public and private roads; and

(e) Existing development.

(e) Note: These plans are available from the Norwich Planning Office.

(3) The applicant shall select one or more specific vantage points along public roads from where the proposed development may be seen. These vantage points shall be shown on a plan. The plan shall also depict areas where existing trees will be maintained or new trees will be planted to provide screening.

(4) The applicant may either submit a specific plan for a new or enlarged structure at a specific location or may designate a development envelope for all future structures.

(5) Any additional information describing the visual impact of the development as seen from public roads and measures to minimize this impact shall be submitted.

F. Ridgeline Protection Review approval under this section shall remain effective until such time as amended by the DRB after a new hearing.

ARTICLE VI
Administration and Enforcement

§ 240-6.01. Zoning permit requirements.

A. Applicability.

(1) No development, as defined in Article VII (with the exception of the exemptions listed in Section 6.02) may commence without issuance of a zoning permit by the Zoning Administrator.

(2) No development requiring a wastewater disposal system may commence until all required permits for the wastewater disposal system have been issued by the state. (See Vermont on-site septic regulations.)

B. Application requirements. An application for a zoning permit shall be submitted to the Zoning Administrator on forms provided by the Town, along with any application fees as established by the Selectboard. In addition, the following information, certified by the applicant to be correct to the best of the applicant's knowledge and belief, will be required as applicable:

(1) Permitted uses.

(a) Applications for permitted uses shall include a statement of the existing and intended use of land and structures, and be accompanied by a sketch plan, no smaller than 8 1/2 inches by 11, inches drawn to scale, that accurately depicts and includes:

[1] The dimensions of the lot, including existing and proposed property boundaries;

[2] The location, footprint, and height of existing and proposed structures and additions;

[3] The location of existing and proposed easements, rights-of-way and utilities;

[4] Setbacks from property boundaries, rights-of-way, surface waters, and wetlands;

[5] The location and type of existing and proposed water supply, sewage treatment and disposal, and surface water drainage systems;

[6] Description of existing and intended use of each building, lot, or part thereof, including the number of bedrooms and/or proposed occupancy (e.g., number of families, lodgers, employees);

[7] A surveyor's plot plan, if available; and

[8] Such other information as may be needed to determine compliance with these regulations.

(b) Note: The Zoning Administrator may waive the requirement for any of the above information if not needed to determine compliance with these regulations.

(c) An applicant signature on the application for a zoning permit is deemed to be the owner's consent to an inspection of the real estate that is the subject of the application by the Zoning Administrator and the Development Review Board.

(2) Uses requiring development review board approval. An application for development that requires approval under site plan review, conditional use, planned unit development, Development Envelope Review or flood hazard area review prior to the issuance of a zoning permit shall include, in addition to the application information under Subsection (B), application materials prepared in accordance with the applicable requirements set forth in Article V. The Zoning Administrator shall not consider any application for a zoning permit to be complete until such time as all necessary Development Review Board approvals have been granted.

C. Issuance of permits. In accordance with the Act [§§ 4443, 4464] and the following requirements:

(1) The Zoning Administrator shall determine whether an application for a zoning permit is in literal compliance with a permitted use or action as defined by these Regulations. If the Zoning Administrator determines that it is in compliance, the application for permit shall be approved and the permit issued.

(2) In the event the Zoning Administrator determines that the application is not in literal compliance with a permitted use or action as defined by these regulations, the application shall be denied. The Zoning Administrator shall so notify the applicant in writing, stating the reasons for the denial and including a statement of the applicant's right to appeal that denial within 15 calendar days of the date on the written notice. The applicant may appeal the denial to the Development Review Board, as set forth below.

(3) The Zoning Administrator shall act to issue or deny the application within 30 days of the date of receipt of a complete application. A complete application includes all materials, fees, and required approvals from the Town. For uses subject to state agency referral (e.g., flood hazard area review), an application is not complete until a response has been received from the applicable state agency, or the expiration of 30 days following the submission of the application to the state, whichever is less. If the Zoning Administrator fails to act with regard to an application for

a permit within 30 days, the permit shall be deemed issued on the 31st day.

(4) If public notice has been issued by the Selectboard for their first public hearing on a proposed amendment to these regulations, the Zoning Administrator shall issue a zoning permit for development that is subject to the proposed amendment only in accordance with the requirements of the Act [§ 4449(d)].

(5) Within three days following the issuance of a zoning permit, the Zoning Administrator shall deliver a copy of the permit to the listers of the Town and post a copy of the permit in at least one public place in the Town for at least 15 calendar days from the date of issuance of the permit.

D. Effective date. No zoning permit shall take effect and development may not commence until the time for appeal under Section 6.03(A) has passed or, in the event that a notice of appeal is properly filed, until final adjudication of said appeal by the DRB.

E. Permit display. In accordance with the Act [§ 4449], the notice of a zoning permit must be displayed within view from the public right-of-way nearest to the property until the time for appeal under Section 6.03(A) has passed.

F. Permit expiration. A zoning permit shall remain valid for two years from the date it is issued. In addition:

(1) If the zoning permit authorizes only a change in the use of any building or other structure, or in the use of land, the change in use must occur prior to the two-year expiration date of the zoning permit. At the expiration date of the permit, it shall become null and void and the permit is not renewable.

(2) If the zoning permit authorizes construction, reconstruction, conversion, relocation, alteration or enlargement of any building or structure, said construction activity must be initiated prior to the two-year expiration date of the zoning permit. If the construction activity is not begun, the permit shall become null and void and is not renewable.

(3) If the zoning permit authorizes construction, reconstruction, conversion, relocation, alteration or enlargement of any building or other structure (either with or without a change of use), and if said construction activity has been initiated before the two-year permit expiration, the applicant may file an application to renew the permit, without fee, with the Zoning Administrator. The application to renew must be received by the Zoning Administrator at least 30 calendar days prior to the expiration date of the original permit. A zoning permit authorizing construction activity may be renewed in this manner for up to two consecutive twelve month periods to allow for completion of construction. No zoning permit allowing construction activity shall be valid after the expiration date of the original or renewal permit, nor longer than a total of four consecutive years if renewal applications are timely applied for and issued. If construction is not completed by the end of four consecutive years, the zoning permit and any renewals thereof shall become null and void.

(4) The expiration of a zoning permit under this subsection shall include the expiration of all associated zoning approvals, and at its expiration, any land development on the lot must cease.

All subsequent land development, if desired, must be approved after the submission of a new application for a zoning permit and all laws and ordinances then in effect will be applicable.

G. Compliance inspections.

(1) Site plan verification. The Zoning Administrator or the DRB, as a permit condition, may require inspections at specific phases of development to verify that the development is proceeding according to the approved plan.

§ 240-6.02. Exemptions.

Not withstanding Section 6.01, no zoning permit shall be required for the following:

A. Modifications of building interiors if no change of use is proposed; repairs and minor alterations (including chimneys, re-roofing or re-siding) to existing structures not resulting in any change to the exterior dimensions or height of the structure. Modifications to buildings in the Flood Hazard Overlay District may not be exempt if the modifications constitute "substantial improvement." (See Section 5.05(H)).

B. Maintenance of existing roads, driveways and infrastructure within their existing and/or approved configuration. This includes associated ditching, resurfacing, and/or relocation within existing or approved right-of-way or easement areas.

C. Site work incidental to permitted development including clearing, grading, and foundation excavation; and, minor grading and excavation associated with road and driveway maintenance (including culvert replacement and re-surfacing) and yard improvements associated with accessory uses to existing principal uses (contouring yards, establishing garden and landscape areas) that has all impacts contained within the development envelope or that does not impact any of the features listed in Section 3.13(A). Impacts shall include but are not limited to erosion or siltation from stormwater runoff.

D. Residential accessory structures such as a dog house, child's play house, shed, solar panels or similar structure, for each of which the floor area does not exceed 100 square feet and the height does not exceed 12 feet, provided that such accessory structures comply with all setback requirements for the district in which they are located and are completely contained within the development envelope or do not impact any of the features listed in Section 3.13(A).

E. The construction, repair and maintenance of residential stone walls and fences provided that they do not exceed a height of four feet and do not extend into or obstruct public rights-of-way, or interfere with corner visibility or sight distances for vehicular traffic, and provided that the construction of new fences or stone walls does not impact any of the features listed in Section 3.13(A). See Section 3.07(E) and Section 7.02 Definition - Structure.

F. Garage sales, yard sales, auctions, or related activities not exceeding three consecutive days or more than 12 days in any calendar year.

G. Accepted Agricultural Practices (AAPs) and Best Management Practices (BMPs), including farm structures, as defined by the Commissioner of Agriculture, Food and Markets in accordance with the Act [§ 4413(d)]; however, pursuant to associated state rules as most recently

amended:

(1) Prior to the construction of farm structures, the farmer must notify the Zoning Administrator in writing of the proposed construction activity. The notification must contain a sketch of the proposed structure, including setbacks from adjoining property lines, road rights-of-way, and surface waters.

(2) The proposed structure shall comply with all setback requirements for the district in which it is located unless, upon written petition, the Secretary of Agriculture has approved other setbacks for the specific farm structure being constructed or expanded. Such approval shall be attached to the notification filed with the Zoning Administrator.

(3) Violations of the AAPs or BMPs may be reported to the Secretary of Agriculture for enforcement action.

H. Accepted Management Practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§ 4413(d)].

I. Home offices that meet the specific standards set out in Section 4.08(A).

§ 240-6.03. Appeals.

(A) Interested person. In accordance with the act [§ 4465(a)], in addition to the applicant the definition of an "interested person" includes the following:

1. The Town of Norwich or an adjoining municipality;
2. A person owning or occupying property in the immediate neighborhood of the property that is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interests under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of the Town;
3. Any 10 voters or property owners within the Town who, by signed petition to the Board, allege that any relief requested by a person under these regulations, if granted, will not be in compliance with the plan or bylaw of the Town; and
4. Any department or administrative subdivision of the state owning property or any interest therein within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

A. Decisions of the zoning administrator. In accordance with the Act [§ 4465], the applicant or any other interested person may appeal a decision or act of the Zoning Administrator by filing a notice of appeal with the Clerk of the Development Review Board, or the Town Clerk if no Secretary has been elected, within 15 days of the date of such decision or act. A copy of the notice of appeal also shall be filed with the Zoning Administrator.

(1) As required by the Act [§ 4468], the Development Review Board shall hold a public hearing on a notice of appeal within 60 days of the filing of the appeal. The Board shall give public notice of the hearing as required under Section 6.06(D), and shall mail a copy of the hear-

ing notice to the appellant at least 15 days prior to the hearing date.

(2) The Board may reject an appeal or request for reconsideration without hearing and render a decision, which shall include findings of fact, within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant [§ 4470].

(3) All appeal hearings shall be open to the public in accordance with the Act [§ 4468]. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes [3 V.S.A. § 810]. The hearing may be adjourned by the Board from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.

(4) A decision on appeal shall be rendered within 45 days after the adjournment of the hearing, as required under the Act [§ 4464(b)]. Failure to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. A decision shall be issued in writing and shall include a statement of the factual bases on which the Board has made its conclusions, and a statement of conclusions. The decision shall also include a statement of the time within which appeals may be taken under Subsection (B). The decision shall be sent by certified mail to the appellant within the forty-five-day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Town Clerk as part of the public records of the municipality [§ 4464(b)(3)].

B. Decisions of the development review board. The applicant, appellant or other interested person who has participated in a regulatory proceeding of the Development Review Board may appeal the decision rendered by the Board within 30 days of such decision, to the Vermont Environmental Court, in accordance with the Act [§ 4471].

(1) "Participation" in a board or commission proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.

(2) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Norwich Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

C. Notice of appeal. Pursuant to the Act [§ 4466], a notice of appeal shall be in writing and include:

(1) The name and address of the appellant;

(2) A brief description of the property with respect to which the appeal is taken;

(3) A reference to applicable bylaw provisions;

(4) The relief requested by the appellant, including any request for a variance from one or more provisions of these regulations;

(5) The alleged grounds why such relief is believed proper under the circumstances; and

(6) Any request for a stay of enforcement which may be granted or denied by the DRB in accordance with the Act [§ 4466].

§ 240-6.04. Variances.

A. The Development Review Board shall hear and decide upon requests for variances pursuant to the Act [§ 4469(a)] and appeal procedures under Section 6.03. The Board may grant a variance, and render a decision in favor of the appellant, only if all of the following facts are found, and the findings are specified in its written decision:

(1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the regulations in the neighborhood or district in which the property is located;

(2) Because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is necessary to enable the reasonable use of the property;

(3) The unnecessary hardship has not been created by the appellant;

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

(5) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

B. In addition to the requirements under Subsection (A), variances for development within the Flood Hazard Overlay District shall be granted by the Development Review Board only:

(1) In accordance with the Act [§ 4424] and the criteria for granting variances found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations;

(2) Upon determination that during the base flood discharge, the variance will not result in increased flood levels; and

(3) Upon determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

C. On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure, the Board may grant such variance only if it finds that all of the facts listed in the Act [§ 4469(b)] are found in the affirmative and specified in its decision.

D. In granting a variance, the Development Review Board may attach such conditions as it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect.

§ 240-6.05. Violations and enforcement.

A. Violations. The commencement or continuation of any land development or use that does not meet the requirements of these regulations shall constitute a violation. A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions 24 V.S.A. § 1974a and § 1977 as amended, et seq. and as described below:

(1) A penalty of $100 shall be imposed for the initial violation of any provision of this Ordinance. The penalty for the second offense within a one-year period shall be $250, and the penalty for each subsequent violation within a one-year period shall be $500. As per statute, in cases where a violation is not contested, a "waiver fee" shall be paid in the amounts of: $50 for the first offense, $125 for the second offense within a one-year period, and $250 for each subsequent offense within a one-year period. Each day that a violation continues will constitute a separate violation of this Ordinance.

(2) If the above enforcement strategy is not sufficient to deter violations, enforcement proceedings may also be initiated pursuant to 24 V.S.A. §§ 4451 and/or 4452, as they exist or are hereafter amended or revised. These additional penalties may be up to $100 per day (with each day constituting a separate violation), and issuance of injunctions.

(3) Issuing officials authorized to enforce this Ordinance include the Norwich Zoning Administrator and Town Manager.

B. Notice of violation. No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists, as required under the Act [§ 4451]. The notice of violation also shall be recorded in the land records of the Town within 30 days of the issuance. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

C. Limitations on enforcement. An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act [§ 4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the en-

forcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality under Section 6.06(E).

§ 240-6.06. Municipal administrative requirements.

A. Appointments. The following appointments shall be made in association with the administration and enforcement of this bylaw as provided for in the Act:

(1) Zoning administrator. The Zoning Administrator shall be first nominated by the Planning Commission and then approved by the Selectboard in accordance with the Act [§ 4448]. In the absence of the Zoning Administrator, an Acting Zoning Administrator may be nominated by the Planning Commission and then approved by the Selectboard. The Zoning Administrator shall administer and enforce these regulations literally and shall not have the power to permit any land development which is not in conformance with these regulations. In so doing, said officer shall have the power to inspect developments, and shall maintain records and perform all other tasks necessary to carry out the literal provisions of these regulations.

(2) Development review board. There shall be a Development Review Board, the members and alternates of which shall be appointed by the Selectboard for specified terms in accordance with the Act [§ 4460]. The Board shall adopt rules of procedure to guide its official conduct as required under the Act and Vermont's Open Meeting Law [1 V.S.A., § 310-314] and shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and decide:

(a) Appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the administration of these regulations;

(b) Requests for site plan approval in accordance with Section 5.03;

(c) Requests for Planned Unit Development approval in accordance with Section 5.06;

(d) Requests for subdivision approval in accordance with the Norwich Subdivision Regulations;

(e) Requests for a conditional use approval in accordance with Section 5.04;

(f) Requests for variance in accordance with Section 6.04; and

(g) Requests for development envelope review in accordance with Section 5.07.

(3) Planning commission. There shall be a Planning Commission whose members, as well as their number and term of office, shall be determined by the Selectboard in accordance with the Act [§ 4321]. The Planning Commission shall have the following duties;

(a) Prepare amendments to these regulations and other regulations as permitted by the Act;

(b) Prepare and update the Town Plan every five years and prepare amendments to the Plan as necessary;

(c) Undertake studies and make recommendations on matters related to land development,

transportation, economic development, historic and scenic preservation, natural resource protection and related areas; and

(d) Perform other acts or functions as it may deem necessary or appropriate to fulfill the intent and purposes of the Act.

B. Fee schedule. The Selectboard shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering administrative costs. In accordance with the Act [§ 4440], the fee schedule may include provisions which require applicants to pay for reasonable costs of an independent technical review of their applications.

C. Application forms. The planning commission is hereby authorized to prepare and revise application forms from time to time, in consultation with the Zoning Administrator. In no case shall the introduction of a new or revised form have the effect of, or be construed as, amending these regulations. Application forms will be made available at the Norwich Town Office during regular business hours.

D. Hearing notice requirements.

(1) In accordance with the Act [§ 4464(a)], a warned public hearing shall be required for conditional use review, appeals and variances, PUD review. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

(a) Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the Town;

(b) Posting of the same information in three or more public places within the municipality, including posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;

(c) Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and

(d) For hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the Clerk of the adjoining municipality.

(2) Public notice of all other types of development review hearings, including site plan review (Section 5.03) and development envelope review (Section 5.06) shall be given not less than seven days prior to the date of the public hearing, and shall at minimum include the following:

(a) Posting of the date, place and purpose of the hearing in three or more public places within the municipality, and

(b) Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of

the proposed project, information that clearly informs the recipient where additional information may be obtained and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

(3) The applicant or appellant shall be required to bear the cost of public warning and the cost and responsibility of notifying adjoining landowners, as required under Subsections (C)(1) and (C)(2). The applicant shall be required to demonstrate proof of delivery to adjoining landowners, as determined from the most recent municipal grand list, either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

(4) No defect in the form or substance of any required public notice under this section shall invalidate the action of the DRB where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Court, the action shall be remanded to the Board to provide new posting and notice, hold a new hearing, and take a new action.

(5) Public hearings concerning proposed amendments to these regulations shall be noticed and warned in accordance with the Act [§§ 4441, 4444].

E. Recording requirements. The Zoning Administrator shall keep on file and available to the public during regular business hours a full and accurate record of all applications received, permits issued, plats approved, and violations committed during his or her term of office.

(1) Within 30 days of the issuance of a municipal land use permit or notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of the municipal land use permit or notice of violation to the Town Clerk for recording in the land records of the Town generally as provided for in 24 V.S.A. § 1154(a) and (c), and file a copy in the Town Office in a location where all municipal land use permits shall be kept, as required under the Act [§ 4449(c)]. The applicant may be charged for the cost of the recording fees.

(2) For development within the Flood Hazard Area Overlay District, the Zoning Administrator shall also maintain a record of:

(a) Permits issued for development in areas of special flood hazard;

(b) Elevation certificates that show the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings;

(c) The elevation, in relation to mean sea level, to which buildings have been floodproofed;

(d) All floodproofing certifications required under this regulation; and

(e) All variance actions, including the justification for their issuance.

§ 240-6.07. Role of advisory commissions in development review.

A. The Norwich Conservation Commission or any other advisory commission that has been established through Section 4433 of Chapter 117 of this Title and that has been granted authority

under the bylaws, by ordinance, or by resolution of the legislative body to advise the Development Review Board, applicants, and interested parties, shall perform the advisory function.

B. The zoning administrator shall provide the advisory commission copies of applications subject to review by the advisory commission at least 15 days before the public hearing.

C. The advisory commission shall perform the advisory function as follows:

(1) The advisory commission may review the application and prepare recommendations on each of the review standards within the commission's purview for consideration by the appropriate municipal panel at the public hearing on the application. The commission or individual members of the commission may meet with the applicant, interested parties or both conduct site visits, and perform other fact-finding that will enable the preparation of recommendations. The applicant may choose to meet with the advisory commission prior to submitting an application for a permit.

(2) Meetings by the advisory commission on the application shall comply with the open meeting law, Subchapter 2 of Chapter 5 of Title 1, and the requirements of the commission's rules of procedure, but shall not be conducted as public hearings before a quasi-judicial body.

(3) The advisory commission's recommendations may be presented in writing at or before the public hearing of the appropriate municipal panel on the application, or may be presented orally at the public hearing.

(4) If the advisory commission finds that an application fails to comply with one or more of the review standards, it shall make every effort to inform the applicant of the negative recommendations before the public hearing, giving the applicant an opportunity to withdraw the application or otherwise prepare a response to the advisory committee's recommendations at the public hearing. Advisory commissions may also suggest remedies to correct the deficiencies that resulted in the negative recommendations.

ARTICLE VII
Definitions

§ 240-7.01. Terms and uses.

A. Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in this bylaw shall have their usual, customary meanings.

B. In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

(1) The particular controls the general;

(2) The present tense includes the future tense;

(3) The word "shall" is mandatory; the word "may" is permissive; the term "generally shall" indicates that it is mandatory unless the Development Review Board, Planning Commission or other applicable body deems otherwise in accordance with these regulations;

(4) The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual, unless otherwise specifically defined herein;

(5) The word "structure" includes "building;" and

(6) The word "lot" includes "parcel."

C. For the purposes of flood hazard area regulation under Article V, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein and in Section 5.05(H).

D. Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Development Review Board under Section 6.03 for a written declaratory ruling. In such cases, the Board shall base its ruling upon the following definitions, state statute, and the need for reasonable and effective implementation of this bylaw. The Board shall publish and update from time to time such rulings of interpretation, to ensure consistent and uniform application of the provisions of this bylaw.

§ 240-7.02. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCEPTED AGRICULTURAL PRACTICES (AAPs) — Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Commissioner of Vermont Department of Agriculture, Food and Markets in accordance with the Act [§ 4413 (d)].

ACCESSORY DWELLING STRUCTURE — A second one-unit dwelling on a lot that is not attached to the primary residence and conforms to Section 4.14. See Detached Apartment.

ACCESSORY STRUCTURE — A structure that is incidental and subordinate to the primary structure on a lot. Examples include garages and storage sheds.

ACCESSORY USE — A use which is customarily incidental and subordinate to the principal use of a lot or parcel of land, is located on the same lot as the primary use, and is clearly related to the principal use.

ADAPTIVE RE-USE — The use of a historic building or structure for other than its originally intended use or purpose, in a manner which maintains its historic features and character, in accordance with the requirements of these regulations.

AFFORDABLE HOUSING — Housing that is either (1) owned by its inhabitants whose gross annual household income does not exceed 80% of the Windsor County median income, and having a total annual cost, including principal, interest, taxes, insurance, and condominium association fees of not more than 30% of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 80% of the county median income, as defined by the United States Department of Housing and Urban Development, and having a total annual cost, including rent, utilities, and condominium association fees, of not more than 30% of the household's gross annual income. "Perpetually affordable" shall mean housing

that meets the affordability requirements of these regulations for a minimum of 99 years from the date of first sale or lease. See also Moderate Income Housing.

AFFORDABLE HOUSING DEVELOPMENT — Housing development of which at least 20% of the units or a minimum of five units, whichever is greater, are affordable housing units.

AGRICULTURE — The growing and harvesting of crops; raising of livestock, raising of horses, operation of orchards, including maple orchards or sugar bushes; and the sale of farm products that have been grown, produced and processed on the premises. See also Accepted Agricultural Practices.

AGRICULTURAL BUILDING OR STRUCTURE — A building or structure primarily used for agriculture.

ALTERATION — Structural change, change of location, or addition to a building or structure, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area. See also Improvement, Substantial Improvement.

ANTENNA — A device attached to a tower or other structure for transmitting or receiving electromagnetic waves.

APPLICANT — The owner of land or property proposed to be developed in accordance with these regulations, and/or his or her duly authorized representative. Any party with a legal interest in land development may apply in cooperation with the owner of the property.

BED AND BREAKFAST — A single-family dwelling occupied by the owner or operator, in which not more than six double occupancy rooms within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; food and beverage service shall be limited to overnight guests. The bed-and-breakfast shall function as a private home with house guests.

BUFFER — Any space between adjoining land uses or between a land use and a natural feature which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

BUILDING — A structure used for the shelter or accommodation of persons, animals, goods, personal property, or equipment, which has a roof supported by columns or walls;

BUILDING HEIGHT — Vertical distance measured from the average elevation of the proposed finished grade around a building to the highest point of the roof. The distance measured is exclusive of chimneys, lightning rods, antennas, or rooftop solar collectors less than 10 feet high. Average grade is determined by dividing the perimeter of the building into two or more equal sections, determining the proposed finished grade of each section, and calculating the average.

BUILDING LINE — The line parallel to the lot line transecting that point in the principal or ac-

cessory dwelling face which is closest to the lot line, including porches, whether enclosed or unenclosed, but excluding steps. See also Lot Line, Street Line.

BUILDING ORIENTATION — The location on a lot of a building or other structure in relation to roads, rights-of-way, parks, and building or street lines.

BULK FUEL STORAGE — A structure used for the safekeeping and containment of a mass or aggregate of fuel which is counted, weighed, or measured for subsequent sharing, parceling out, allotting, dispensing, or apportioning, excluding fuel storage of less than 1,050 gallons for use by the owner or occupant of the property on which the fuel is stored.

CAMPER — Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or is towed by a motor vehicle. This definition includes recreational vehicles and travel trailers, but specifically excludes mobile homes. See Mobile Home.

CAMPGROUND — A parcel of land upon which two or more campsites are located for occupancy by a tent, cabin, lean-to, or similar structure as temporary living quarters for recreation, education, or vacation purposes. "Primitive" campgrounds are further characterized as campgrounds which are limited to substantially unimproved camp sites intended for tenting use only.

CEMETERY — Land used or dedicated to the burial of the dead, including as accessory structures mausoleums, columbariums, or maintenance facilities, but excluding crematoriums. An individual or family burial site on private land, registered with the Norwich Town Clerk in accordance with state law, is exempted from this definition.

COMMUNITY CENTER — A building owned by a public or nonprofit entity or a homeowners or similar community association which is used for recreational and social activities and is intended primarily to serve the population of the community in which it is located.

CONDITIONAL USE — A use which is permitted only after review by the Development Review Board in accordance with Section 5.04.

CONTRACTOR'S YARD — A parcel of land with or without buildings thereon to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction and related trades.

CROSSROAD HAMLET — See Section 5.06(D)(10)a.

CULTURAL FACILITY — A structure used for cultural or educational purposes, such as a school, library, or museum. See Section 4.12.

DAY CARE FACILITY — A state registered or licensed day care facility, other than home day care, including any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is the protection, care, and supervision of more than six persons outside their homes for periods of less than 24 hours a day by a person other than the person's own parent, guardian or relative. See also Home Day Care.

DEGREE OF NONCONFORMITY — The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. The extension of a structure which results in an additional encroachment of the non-complying feature/element, including the expansion of the volume or area of a structure within a building setback, would increase the degree of nonconformity. (Nonconformity, noncompliance and any variations of those words are used interchangeably and shall have the same meaning.)

DENSITY — The ratio of dwelling units or structures to land area.

DETACHED APARTMENT — A One-Unit Dwelling located in an Accessory Structure that is not attached to the primary residence. See Accessory Dwelling and Section 4.14(B).

DEVELOPMENT — The erection, construction, reconstruction, conversion, relocation or enlargement of any building, exterior sign or structure, or water recreation facilities or water storage facilities, including but not limited to public swimming pools, man-made or improved ponds, reservoirs, water tanks, sewer lagoons, or fish hatcheries; any mining, excavation or landfill activity; or any change in the use of any building or structure, including but not limited to the commencement of a home business, or any change in, or extension of, the use of any land.

DEVELOPMENT ENVELOPE — A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located.

DRIVE-THROUGH — A business establishment which includes a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.

DRIVEWAY — A minor, private travel way serving one parcel, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

DWELLING, MULTI-UNIT — A building containing three or more separate dwelling units having separate or joint entrances and covered by a common roof system.

DWELLING, ONE-UNIT — A building or structure containing one dwelling unit.

DWELLING, TWO-UNIT (DUPLEX) — Two dwelling units covered by a common roof system.

DWELLING UNIT — A space consisting of one or more rooms designed, occupied or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within that space for the exclusive use of one or more persons maintaining a household.

EXTRACTION OF EARTH RESOURCES — A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone, rock or organic substances other than vegetation, from land or water. Customary extraction operations include sand and gravel pits, rock quarries, and accessory operations such as the crushing, screening, and temporary storage of materials excavated on-site (see Section 4.04).

FAA — Federal Aviation Administration.

FAMILY CHILD CARE HOME — A home or facility where the owner or operator is to be li-

censed or registered by the state for child care.

FARM LAND — Land currently supporting crops, orchards, or grazing; or open land with significant potential to support crops based on the presence of prime or statewide agricultural soils, accessibility, adequate size and shape, and compatibility with adjacent uses.

FARM STRUCTURE — In accordance with the Act [§ 4413(d)], a building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, as "farming" is defined in T.10. V.S.A. § 6001(22). This definition includes such farm structures as barns, silos, fences and manure pits, but specifically excludes a dwelling for human habitation. See also Agriculture, Accepted Agricultural Practices.

FARMSTEAD CLUSTER — See Section 5.06(D)(10)b.

FCC — Federal Communications Commission.

FLOOR AREA — Any interior portion of a building or set of buildings which is included in rental area or which is normally used as part of the quarters of any owner, tenant, occupant or user of such premises. Areas specifically excluded are garages, entry halls or foyers, elevator shafts, stairways, room used only for electrical, mechanical, or maintenance facilities, public rest rooms, attics and basements.

FORESTRY — The use and management of woodlands for purposes of timber production and harvesting for commercial, wildlife and/or conservation purposes. This definition specifically excludes permanent sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products; but may include, as accessory uses, portable sawmills and equipment used on-site in association with timber harvesting operations.

FRONTAGE — The width of a lot abutting a road as measured at the street line.

FUNERAL HOME — A building or part thereof used for human funeral services. Such building may also contain space and facilities for preparation of the dead for interment or cremation, not including facilities for cremation; the performance of autopsies and associated surgical procedures; the storage and sale of caskets, funeral urns and related funeral supplies; and the storage of funeral vehicles.

GROUP HOME — A state licensed residential care home serving persons who have a handicap or disability as defined in 9 V.S.A. § 4501. In accordance with the Act [§ 4412(1)(G)], a group home, as defined, serving not more than 8 persons, shall be considered by right to constitute a permitted single family residential use of property except that no such home shall be considered if it is located within 1,000 feet of another existing or permitted such home.

HAZARDOUS WASTE FACILITY — A facility that stores processes, neutralizes, reclaims, treats or disposes of hazardous waste for which a notice of intent to construct has been received under state law [10 V.S.A., § 6606a].

HEIGHT — See Building Height.

HOME ADULT CARE — The care of eight or fewer persons conducted within a single unit

dwelling by a resident of that dwelling for less than 24 hours per day. See Section 4.03(A)(2).

HOME BUSINESS — A home-based business that meets the specific standards set out in Section 4.08(B) of this regulation.

HOME CHILD CARE — In accordance with the Act [§ 4412(5)], a state registered or licensed child care home serving six or fewer children on a full-time basis, and up to four additional children on a part-time basis, which is conducted within a single-family dwelling by a resident of that dwelling. A child care home as defined shall be considered a permitted use of a single-family dwelling.

HOME DAY CARE — Either Home Child Care or Home Adult Care. See Section 4.03(A).

HOME INDUSTRY — A home-based business that meets the specific standards set out in Section 4.08(C) of this bylaw. See also Home Occupation, Home Business.

HOME OFFICE — An accessory use conducted within a dwelling or accessory building by the residents thereof, which is clearly secondary to the dwelling's use for living purposes, does not change the residential character thereof and meets the specific standards set out in Section 4.08(A).

INN — A facility consisting of a building or group of buildings which offers transient lodging accommodations to the general public and additional services such as dining and meeting rooms, entertainment, and recreational facilities. This definition includes lodging facilities such as motels and tourist cabins (auto courts), but specifically excludes bed-and-breakfasts and campgrounds. A hotel or motel is not a dwelling unit. See also Bed-and-breakfast, Campground.

LAND DEVELOPMENT — See "Development."

LARGE WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity exceeding the on-site electric usage and is interconnected with the electric utility system. These systems are exempt from municipal zoning regulations and are permitted by the State under Act 148.

LIGHT INDUSTRY — The manufacture of relatively small articles (computer parts as opposed to girders), using small amounts of raw materials and resulting in limited impacts on the environment.

LOADING SPACE — An off-street space at least 12 feet wide, 35 feet long, and 14 feet high, not including the access driveway, and having direct access onto a road, which is used for the temporary parking of one licensed motor vehicle.

LOT — Any parcel of land the boundaries of which are separately described in a recorded deed or filed plat. A Town or state highway right-of-way constitutes a lot boundary.

LOT FRONTAGE — See Frontage.

LOT LINE — Property line bounding a lot (parcel).

LOW IMPACT DEVELOPMENT (LID) — Is a land planning and engineering stormwater design approach that focuses on minimizing adverse impacts of development on water quality. This approach is implemented by replicating the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining stormwater runoff close to its source.

MIXED USE — A building or parcel containing two or more principal uses which are otherwise allowed as permitted or conditional uses within the district in which the building or parcel is located, which requires conditional use review by the DRB. See Section 4.09.

MOBILE HOME — A prefabricated dwelling unit which is:

A. Designed for continuous residential occupancy; and

B. Designed to be moved on wheels, as a whole or in sections.

MOBILE HOME PARK — A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate three or more mobile homes.

MODERATE INCOME HOUSING — Housing that is either (1) owned by its inhabitants whose gross annual household income does not exceed 120% of the Windsor County median income, and having a total annual cost, including principal, interest, taxes, insurance, and condominium association fees of not more than 30% of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 120% of the county median income, as defined by the United States Department of Housing and Urban Development, and having a total annual cost, including rent, utilities, and condominium association fees, of not more than 30% of the household's gross annual income. "Perpetually affordable" shall mean housing that meets the affordability requirements of these regulations for a minimum of 99 years from the date of first sale or lease. See also Affordable Housing.

MUNICIPAL LAND USE PERMIT — As defined in the Act [§ 4303(11)] to include, as issued by the municipality:

A. Final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development;

B. Septic or sewage system permits;

C. Final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals;

D. Certificates of occupancy, compliance or similar certificates; and

E. Any amendments to the previously listed permits, approvals and/or certificates.

NONCONFORMING STRUCTURE — A structure or part thereof lawfully in existence as of the effective date of these regulations, but not in compliance with the provisions of these regulations, including but not limited to building bulk, height, setbacks, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of these regulations. (Nonconformity, non-

compliance and any variations of those words are used interchangeably and shall have the same meaning.)

NONCONFORMING USE — The use of land or a structure lawfully in existence as of the effective date of these regulations, which does not conform with these regulations (including but not limited to allowed uses within the district in which it is located), where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of these regulations. (Nonconformity, noncompliance and any variations of those words are used interchangeably and shall have the same meaning.)

OBJECTIONABLE ODORS — Odors which because of persistence or character would be considered offensive in a particular location by a reasonable person.

OFFICE — A room, suite of rooms or building used for conducting the affairs of a business, profession or government. The on-premise retail sale of goods is specifically excluded from this definition.

PARKING AREA — A portion of a lot designated for vehicle parking related to the primary use of the lot.

PARKING FACILITY — A lot whose primary use is parking and on which there is no structure for which off street parking is required.

PERMANENT — Being in position or in use whether movable or fixed for 30 or more days or portions of days in a calendar year.

PERMITTED USE — A use that requires a permit issued by the Zoning Administrator in accordance with Section 6.01.

PERSON — An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

PLAN — A municipal plan adopted under section 4385 of V.S.A. 24.

PLANNED UNIT DEVELOPMENT (PUD) — An allowed method of land development for mixed use development in which an area of land, consisting of one or more parcels, is developed as a single entity, to allow two or more uses allowed within the designated zoning district and accessory structures and facilities. In a PUD, zoning district dimensional standards under these regulations (Table 3.2), including lot size, density, coverage, frontage and setback requirements, may be modified by the Development Review Board to provide flexibility in subdivision and site design in order to promote desired types and patterns of residential development.

PLANNING COMMISSION — A planning commission for a municipality created under Subchapter 2 § 4303, 24 V.S.A.

PRE-EXISTING — A use or structure that was legally in existence as of the effective date of these regulations.

PRINCIPAL STRUCTURE — A building or structure within which the main or primary use of the lot on which the building is located is conducted. See also Accessory Uses and Structure,

Structure.

PRIVATE CLUB — A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only.

PRIVATE HIGHWAY — A privately owned access road serving two or more lots or dwelling structures.

PROPERTY LINE — For that portion of a property not abutting a road or highway property line means lot line. For that portion of a property abutting a public road or highway, property line means the edge of the right-of-way.

PUBLIC ROAD — A road (street, highway) constructed within the boundaries of an officially deeded and municipally accepted public right-of-way (Town highway) or a designated state road.

RECREATIONAL FACILITY [INDOOR] — A building or structure designed, equipped and used for sports, leisure, and other recreational activities, except for such facilities which are an Accessory Use to an approved educational facility or a residential use. This includes, but may not be limited to bowling alleys, skating rinks, gymnasiums, and indoor swimming pools. See also Community Center, Cultural Facility.

RECREATIONAL FACILITY [OUTDOOR] — A facility for outdoor recreation, including but not limited to a tennis or basketball court, athletic field, in-ground swimming pool, or cross-country skiing center, except for such facilities which are an Accessory Use to an approved educational facility, public park, or a residential use. This definition specifically excludes golf courses and public parks and shooting ranges.

RENEWABLE ENERGY RESOURCES — Energy available for collection or conversion from direct sunlight, wind, running water, and such fuels as wood, agricultural products, waste materials, waste heat, and geothermal sources.

RESEARCH AND DEVELOPMENT FACILITY — An establishment, consisting of a building or group of buildings, for carrying out scientific investigations in the natural, physical or social sciences, which may include laboratory testing, engineering, product development, and pilot plant operations, but not facilities for the manufacture or sale of products except as incidental to the principal research.

RESIDENTIAL CARE FACILITY — A facility licensed by the state which provides primarily non-medical residential care services to seven or more individuals who may need personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, on a twenty-four-hour-a-day basis.

RESTAURANT — Licensed premises where food and drink are prepared, sold, served and consumed primarily within the principal building.

RETAIL — Premises where goods, services, or merchandise are offered for retail sale or rent to

the general public for personal, business, or household consumption and services incidental to the sale of such goods are provided. This definition specifically excludes the retail sale of gasoline or motor vehicles and other separately regulated retail uses defined herein.

RIDGELINE — The uppermost points on a profile of a hill, cliff, slope or face. Ridgelines used to delineate the Ridgeline Protection Zone are those depicted on the Ridgeline Protection Zone map. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

SCREENING — The use of planted vegetation, fencing, walls, natural topography or earthen berms to visually shield or obscure a structure or use from neighboring structures, properties, rights-of-way, and/or designated public vantage points.

SERVICE AREA — An area designated on-site to accommodate customary accessory services to a principal use or structure, including but not limited to recycling and waste disposal facilities, snow storage, cart and bicycle storage, emergency service areas (e.g., fire lanes), and transit services.

SETBACK — The horizontal distance from the edge of a road right-of-way, lot line, boundary or other delineated feature (e.g., a stream bank, shoreline, or wetland area), to the nearest structural element of a building, structure, or parking area on the premises.

SIGN — Any structure, display, device, or representation, which is designed or used to advertise, direct to, or call attention to any thing, person, business activity or place, and is visible from any public highway or other public vantage point. This definition does not include the flag of any nation, state, or municipality. See Section 3.11.

SLOPE — The inclination of a surface. The gradient of a slope is defined as the ratio of the "rise" divided by the "run" between two points on a line expressed as a percentage.

SMALL WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity appropriate to the on-site electric usage of the end-user and is not interconnected with the electric utility system.

STORMWATER MANAGEMENT — The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating or filtering of surface water and/or runoff, together with applicable non-structural management techniques.

STREAM — See Table 2.7(A).

STREET LINE — The boundary of an existing or proposed road (street) right-of-way. Where the width of a public road right-of-way is not established, the street line shall be considered to be 25 feet from the center of the road.

STRUCTURE — An assembly of materials for occupancy or use including but not limited to a building, a mobile home or trailer, in-ground swimming pool, tennis court, billboard sign, wall, or fence, but not including the following: a fence or wall four feet tall or less; a fence or wall on an operating farm; a wire mesh fence used to enclose a dog run; a swing set; a sandbox; a retain-

ing wall; a flower trellis; a mailbox; a public phone and its support; hazard driveway entry indicators; or solar panels, sheds or playhouses which have a footprint of less than 100 square feet of floor area, are 12 feet or less high, are not on a permanent foundation and are not within the setbacks.

SUBDIVISION — Division of any lot or parcel of land into two or more lots of any size. Any transfer, conveyance or sale of land held in one-ownership, but already divided into lots by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations.

SUBSTANTIALLY COMPLETED — The completion of a permitted building or structure to the extent that it may be safely occupied for its intended use.

TOWER — A structure more than 20 feet in height above the ground elevation built for the purpose of supporting, elevating, or placement of antennas for broadcast services or wireless services.

USE — The purpose for which a building, structure, or parcel of land is designed, intended, occupied or utilized.

VANTAGE POINT — A point located on a public highway or public water body in Norwich from which proposed development will be visible.

VARIANCE — As set forth in the Act [§ 4469]. See Section 6.04.

VERNAL POOL — Is a seasonal body of standing water that typically forms in the spring from melting snow and other runoff, dries out completely in the hotter months of summer, and often refills in the autumn. Vernal pools range from broad, heavily vegetated lowland bodies to smaller, isolated upland bodies with little permanent vegetation. They are free of fish and provide important breeding habitat for many terrestrial or semi-aquatic species such as frogs, and salamanders.

WAREHOUSE/STORAGE — One or more structures used for the storage of goods and materials, and not as a primary location or outlet for business or retail uses.

WETLANDS — (State of Vermont Definition) "Wetlands" means those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

WINDMILL — A machine designed to convert the kinetic energy of the wind into mechanical energy for water pumping, grinding grain, or other uses.

WIRELESS TELECOMMUNICATION FACILITY — Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives electromagnetic frequency waves carrying FCC licensed Wireless Telecommunication Services.

YARD — The area on a lot defined by front, side or rear setback distances which is not occupied by a building or structure. See also Setback.

YARD SALE — The casual sale of personal property open to the general public and generally denoted by the terms "garage sale" "attic sale," "lawn sale," "flea market," "barn sale" or similar phrase. [See Section 6.02F].

ZONING ADMINISTRATOR — The Norwich Administrative Officer.

APPENDIX

Chapter A300

FEES

§ A300-1. List of fees.

The following fees are charged for items and services by the Town of Norwich:

Code Chapter/Section	Fee for	Amount
Chapter 12, Animal Control		
§ 12-5	Dog/Wolf hybrid license	See V.S.A. § 3581
§ 12-5A(3)	Transfer tag	$1
§ 12-8B(4)	Collection of animal by Animal Control Officer or Norwich police officer	$50
Chapter 86, Street Vendors and Door-to-Door Solicitors		
§ 86-3	Vending permit	
Chapter 103, Vehicles and Traffic		
§ 103-32	Administrative costs associated with collection of fines	
Chapter 215, Subdivision of Land		
§ 215-2.3	Preliminary plan review	
§ 215-2.5	Final plan review	
§ 215-4.2	Administrative fees	
Chapter 240, Zoning		
§ 240-6.06B	Administrative fees	
§ 240-6.06E	Recording fees	

Norwich Fire Department

11 Firehouse Lane
P.O. Box 376
Norwich, VT 05055-0376
Phone: 802-649-1133
Chief: Stephen Leinoff sleinoff@norwich.vt.us Fax: 802-649-1775

To: Herbert Durfee III, Town Manager
From: Stephen Leinoff, Chief
Subject: Fire Department and Emergency Management Monthly Reports
Date: September 5, 2017

Fire and FAST Department

The framing and roof sheathing is nearly complete on the new building. The vent pipe for the firehouse plumbing system was extended through the roof which repaired a chronic odor condition in our building.

Engine 2 was pump tested at a pond on Union Village RD where we are hoping to install a dry hydrant. We are optimistic that we will receive a grant from the VT Rural Fire Protection Task Force that will fund 75 percent of the cost. Our 25 percent match can be the value of "in kind" services.

Dingee Machine replaced the pump controller on Tanker 1 and the water level gage on Engine 1. Sabil and Sons installed a new fuel pump on Tanker 1. The Department of Public Works mechanic assessed the problem but lacked the special tools needed to replace it.

We welcome Daniel King to the Department as a new firefighter. Dan will join three other new members at a Firefighter 1 training course.

Call Types	Month	Year to Date	Prior Year to Date
Structure Fires	1	10	7
Auto Fires	0	0	2
Wildland Fire	0	4	5
Other Fires	0	0	0
Medical	12	66	51
Vehicle Crashes	1	13	18
Hazardous Conditions no fire	2	14	32
Service Calls	2	15	23
Good Intent Calls	0	25	14
False Alarms	2	18	22
Flood assessment through 8/30	0	8	0
Total	**20**	**173**	**174**

Training

Three members attended Tactical Emergency Casualty Care (TECC). TECC uses lessons learned from our military and applies them to the civilian world of tactical medicine. This 16-hour course covered topics designed to decrease preventable death in the tactical situation. The regular FAST training was "Ready Check Inject" which trains our EMTs to provide epinephrine to patients with allergic reactions. VT Emergency Medical Services developed protocols to permit EMTs to use low-cost injection methods instead of the EpiPen® (epinephrine injection) which became extraordinarily expensive.

Fire training was on portable pumps and rural water supply.

Emergency Management

The Tracy Hall generator was leaking fuel and repairs were $3,883. We spent nearly $6,000 in repairs on this generator in 2017. This generator has a history of expensive repairs.

VERMONT

RECEIVED
SEP 14 2017
TOWN MANAGER'S OFFICE

6
FYI

Vermont Department of Environmental Conservation
Watershed Management Division
1 National Life Drive, Main 2
Montpelier, VT 05620-3522

Agency of Natural Resources

[phone] 802-490-6152

PUBLIC NOTICE

The Agency of Natural Resources (ANR) hereby provides public notice of the draft General Permit 3-9040 for Stormwater Discharges from Municipal Roads. The draft MRGP General Permit covers stormwater discharges from all municipal roads, Classes 1-4.

Upon issuance of the final MRGP, municipalities are required to submit a Notice of Intent (NOI) to the Agency by July 31, 2018 to obtain coverage under the MRGP.

The public is invited to provide written comment on the draft MRGP through the close of business (4:30pm) on October 27, 2017.

Written comments on the draft MRGP should be emailed to Jim Ryan at jim.ryan@vermont.gov or mailed to:

Jim Ryan
DEC Stormwater Program
1 National Life Drive, Main 2
Montpelier, VT 05620-3522

Public information meetings will be held on the following dates, times, and locations:

- Tuesday October 10, 2017 from 6:00-8:00, Central Vermont Regional Planning Commission office, 29 Main Street Suite 4 Montpelier
- Wednesday October 11, 2017 from 2:00-4:00 Johnson Town Offices, 293 Lower Main Street (Route 15) Johnson
- Monday October 16, 2017 from 2:00-4:00 Martin Memorial Building, Ascutney
- Tuesday October 17, 2017 from 2:00-4:00 Brandon Town Hall, 1 Conant Square, Brandon
- Wednesday October 18, 2017 from 2:00-4:00 Northern Vermont Development Association, 36 Eastern Avenue St. Johnsbury

A copy of the MRGP and related documents may be downloaded from:
http://dec.vermont.gov/watershed/public-notices/mrgp-public-notice

Hard copies of the draft General Permit and related documents may be obtained upon request. Requests and questions should be sent to the email above or directed to 802-490-6140.

VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

FACT SHEET

VERMONT POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT 3-9040 FOR STORMWATER DISCHARGES FROM MUNICIPAL ROADS (MRGP)

I. Program Background

The Vermont Agency of Natural Resources (Agency) is proposing to issue a National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from all municipal roads including Class 1-4 town highways, and municipal stormwater infrastructure associated with municipal roads, within and outside the municipal right-of-way.

The draft permit is referred to as the Municipal Roads General Permit (MRGP). The MRGP is being issued pursuant Vermont's Act 64 (2015), known as the Vermont Clean Water Act, which requires the Agency to issue a permit to address stormwater runoff from municipal roads. In order to meet the requirements of the Lake Champlain Phosphorus total maximum daily loads (TMDLs) and to ensure water quality protection across the entire State, the permit requires municipalities to inventory their roads, and develop Road Stormwater Management Plans (RSWMPs) to address runoff and bring all municipal roads up to the standards established in the permit.

The development and implementation of the MRGP is the fulfilment of a critical *Lake Champlain TMDL Phase 1 Implementation Plan* (2016) commitment and Act 64 (2015) legislative requirement. Pursuant to the *TMDL Phase 1 Implementation Plan*, standards were developed for various road types, and the required standards will apply to all hydrologically-connected road segments. The required best management practices (BMPs) were developed based on best available local and national information, and are intended to achieve requisite improvements to water quality.

The Agency formed a MRGP Technical Team composed of scientists and engineers from both ANR and the Vermont Agency of Transportation (VTrans). The Team reviewed the existing *VTrans Road and Bridge Standards* (2013), the *VTrans Better Backroads Practice Manual* (2009), UVM road research of individual BMP effectiveness, and literature review of road BMPs being used across the country to develop those BMPs included in the MRGP. The MRGP principles are based upon stormwater disconnection and infiltration, stable conveyances, properly sized and installed drainage culverts, and turning drainage outlets away from water resources.

Municipalities will be required to inventory all of their hydrologically-connected road segments by December 2020 to establish baseline road conditions. The Road Erosion Inventory (REI) results "score" each 100-meter road segment into one of three categories: *Fully Meets, Partially Meets,* and *Does Not Meet* MRGP standards. The REI template is based on evaluating whether necessary road BMPs (standards) are in place and assessing erosion levels.

During the development of the Lake Champlain TMDLs, EPA assumed a 50% phosphorus (P) reduction would be achieved on 65-100% of hydrologically connected roads, depending the lake segment, which roughly corresponds to the percent of road miles that are municipally controlled and will be subject to the MRGP standards. Phosphorus load reductions have been assigned to each of the three MRGP compliance categories, based upon the UVM field research of Dr. Beverley Wemple. The *Partially Meets* condition corresponds with a 50% reduction in P from *Does Not Meet* levels, while *Fully Meets* corresponds with an 80% P reduction from *Does Not Meet* conditions. The *Does Not Meet* condition will not be assigned any P reductions. Municipalities will be required to bring 100% of their hydrologically connected roads to the *Fully Meets* condition by January 1, 2037.

Municipalities are required to develop Implementation Plans and Schedules to ensure that BMPs are being applied systematically on high priority road segments. Each year municipalities will be required to implement a minimum number of road segment upgrades to keep on track to full implementation of practices and in compliance with the MRGP. Additionally, all connected road segments *Not Meeting* MRGP standards on slopes greater than 10%, will be required to meet standards by December 2025. The Agency will be monitoring progress on road BMP implementation through both MRGP annual reporting requirements and through REI assessments every 5 years. Towns will also be held accountable for the maintenance of BMPs through annual reporting and regular REIs.

High priority locations for BMP implementation will be incorporated into the Agency's watershed project database and sub-basin tactical plans, by lake segment, as part of the Phase 2 Implementation Plans. The tactical basin plans will present best available estimates of phosphorus reductions by allocation category and through phosphorus tracking as municipal roads are brought up to MRGP standards.

II. General Permit Authority

This general permit is issued in accordance with the following state and federal laws and rules: the Vermont Water Pollution Control statute, 10 V.S.A. Chapter 47, including §§ 1258, 1259, and1264; the federal Clean Water Act (CWA), as amended, 33 U.S.C.A. § 1251 et seq., including 33 U.S.C.A. § 1342(p); and regulations of the United States Environmental Protection Agency (EPA) including but not limited to 40 CFR Part 122.

III. Purpose of the Draft Permit

The MRGP is issued pursuant to 10 V.S.A. Chapter 47 §1264, which requires the Secretary to issue a general permit for discharges of regulated stormwater from municipal roads. This permit is intended to achieve significant reductions in stormwater-related erosion from municipal roads, both paved and unpaved. Under this permit, municipalities shall implement a customized, multi-year stormwater management plan to stabilize their road drainage system and prevent erosion and the transport of sediment.

IV. Permit Organization and Applicability

The MRGP is organized into sections that define both general permit conditions and specific road stormwater management standards that must be met on all municipal roads by January 1, 2037. Part 1, Background and Authority; Part 2, Coverage Under This Permit; Part 3, Application Requirements; and Part 4, Road Stormwater Management Plan, applies to all permittees subject to coverage under this General Permit. All municipalities, defined as incorporated Cities, Town, and Villages, must apply for coverage under this General Permit by July 31, 2018. Authorization under the General Permit covers discharges of regulated stormwater from municipal roads, which include all Class 1-4 town highways and their rights-of-way, as well as municipal stormwater infrastructure associated with town highways, within and outside of the municipal right-of-way.

The following Sections outline the Management Plans municipalities must develop and comply with pursuant to their authorization under the MRGP, as well as the technical standards that must be met in order to achieve full compliance with the requirements of the MRGP:

Part 4 is the Road Stormwater Management Plan (RSWMPs). RSWMPs include road erosion inventories (REIs) and Implementation Plans and Schedules. REIs will be conducted on all hydrologically-connected municipal roads to establish a baseline compliance condition in meeting MRGP Standards. Hydrologically-connected roads segments are those road segments where the Secretary of the Agency has determined that road and drainage characteristics indicate a likelihood of discharges to surface waters, including those road segments identified as connected on the ANR Atlas. The Secretary has developed a hydrologically-connected road segment layer using GIS analysis of roadway distance to receiving waters. The REIs will evaluate all connected road segments and identify each segment as *Fully Meets, Partially Meets,* or *Does Not Meet* the standards outlined in this General Permit. REIs must be conducted by each municipality every five years. Towns will be required to bring all non-complying road segments up to MRGP Standards no later than January 1, 2037. Municipalities will be required to report annually to DEC their proposed implementation schedule and progress made over the previous year in bringing road segments up to MRGP Standards.

The MRGP incorporates a 20-year compliance schedule, from the date of issuance of the Lake Champlain TMDL, allowing municipalities until 2037 to bring all hydrologically-connected road segments up to the Standards imposed in the permit. The Agency has determined 20 years to be

an appropriate schedule in light of the fact that the general permit imposes new BMP requirements on previously unregulated discharges. Municipalities have not had previous opportunities to implement the new Standards, nor would it be feasible for the majority of municipalities to bring all road segments into compliance with the new Standards in a shorter time period, given the number of noncompliant road segments and financial constraints.

Part 6 is the Road Stormwater Management Standards. The MRGP Standards are required to be met for all "hydrologically-connected" municipal road segments within the road ROW, and municipal stormwater infrastructure associated with municipal roads. The Standards constitute the Best Management Practices (BMPs) that must be implemented pursuant to this permit. Part 7 are Discharge Requirements. Applicable water quality standards are the Vermont Water Quality Standards that are in place upon the date an application for coverage under this permit is deemed administratively complete.

Part 8 are Standard Permit Conditions. The permittee shall at all times properly operate, inspect, and maintain all stormwater collection, treatment, and control systems and BMPs which are used to achieve compliance with this permit. Any permit noncompliance shall constitute a violation of 10 V.S.A. Chapter 47, the federal Clean Water Act, and related rules and regulations and may be cause for an enforcement action; revocation and reissuance, modification, or termination of the permittee's authorization to discharge under this permit; or denial of a permit renewal application. Violations of the terms and conditions of this permit are subject to civil and criminal penalties pursuant to 10 V.S.A. §§ 1274 and 1275 and administrative enforcement pursuant to 10 V.S.A. § 1272 and Chapters 201 and 211. The Secretary may require any municipality that files an application for coverage or who is already covered under this permit to apply for an individual permit.

Part 9 are Appeals. Pursuant to 10 V.S.A. Chapter 220, any appeal of this General Permit must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of the decision.

IV. Public Notice and Comment Period

The Secretary will provide a 46-day public comment period on the draft general permit from September 11, 2017 through October 27, 2017. Interested parties submitted written comments on the general permit to the Department at the address given below by 4:30 p.m. on October 27, 2017. All relevant comments were considered by the Secretary in finalizing this general permit.

Public information meetings will be held on:

- Tuesday October 10, 2017 from 6:00-8:00, Central Vermont Regional Planning Commission office, 29 Main Street Suite 4 Montpelier
- Wednesday October 11, 2017 from 2:00-4:00 Johnson Town Offices, 293 Lower Main Street (Route 15) Johnson

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A copy of the MRGP and related documents may be downloaded from:
http://dec.vermont.gov/watershed/public-notices/mrgp-public-notice

At the meeting, Department staff will be available to answer questions concerning the general permit.

Hard copies of the General Permit and related documents may be obtained upon request.

VT Agency of Natural Resources
DEC Stormwater Management Program
c/o Jim Ryan
1 National Life Drive, Main 2
Montpelier, VT 05620-3522

Or electronically to jim.ryan@vermont.gov

Or call: 802-490-6140

(9)

Grade and Step Plan
Town of Norwich

FY18 Hourly - 1.12%

Grade	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	10.82	11.03	11.26	11.48	11.71	11.94	12.18	12.43	12.68	12.93	13.19	13.45	13.72	13.99	14.27	14.56	14.85
2	11.37	11.59	11.83	12.06	12.30	12.55	12.80	13.06	13.32	13.58	13.86	14.13	14.42	14.70	15.00	15.30	15.60
3	11.94	12.18	12.42	12.67	12.93	13.18	13.45	13.72	13.99	14.27	14.56	14.85	15.14	15.45	15.76	16.07	16.39
4	12.55	12.80	13.05	13.31	13.58	13.85	14.13	14.41	14.70	14.99	15.29	15.60	15.91	16.23	16.55	16.89	17.22
5	13.18	13.44	13.71	13.99	14.27	14.55	14.84	15.14	15.44	15.75	16.07	16.39	16.72	17.05	17.39	17.74	18.10
6	13.85	14.13	14.41	14.70	14.99	15.29	15.60	15.91	16.23	16.55	16.88	17.22	17.56	17.91	18.27	18.64	19.01
7	14.55	14.84	15.14	15.44	15.75	16.06	16.39	16.71	17.05	17.39	17.74	18.09	18.45	18.82	19.20	19.58	19.97
8	15.29	15.59	15.90	16.22	16.55	16.88	17.21	17.56	17.91	18.27	18.63	19.01	19.39	19.77	20.17	20.57	20.98
9	16.06	16.38	16.71	17.04	17.38	17.73	18.09	18.45	18.82	19.19	19.58	19.97	20.37	20.78	21.19	21.61	22.05
10	16.87	17.21	17.55	17.91	18.26	18.63	19.00	19.38	19.77	20.16	20.57	20.98	21.40	21.83	22.26	22.71	23.16
11	17.73	18.08	18.44	18.81	19.19	19.57	19.96	20.36	20.77	21.19	21.61	22.04	22.48	22.93	23.39	23.86	24.34
12	18.62	19.00	19.38	19.76	20.16	20.56	20.97	21.39	21.82	22.26	22.70	23.16	23.62	24.09	24.57	25.07	25.57
13	19.57	19.96	20.36	20.77	21.18	21.60	22.04	22.48	22.93	23.39	23.85	24.33	24.82	25.31	25.82	26.34	26.86
14	20.56	20.97	21.39	21.82	22.25	22.70	23.15	23.61	24.09	24.57	25.06	25.56	26.07	26.59	27.13	27.67	28.22
15	21.60	22.03	22.47	22.92	23.38	23.85	24.32	24.81	25.31	25.81	26.33	26.86	27.39	27.94	28.50	29.07	29.65
16	22.69	23.15	23.61	24.08	24.56	25.05	25.56	26.07	26.59	27.12	27.66	28.22	28.78	29.36	29.94	30.54	31.15
17	23.84	24.32	24.80	25.30	25.81	26.32	26.85	27.39	27.93	28.49	29.06	29.64	30.24	30.84	31.46	32.09	32.73
18	25.05	25.55	26.06	26.58	27.11	27.66	28.21	28.77	29.35	29.93	30.53	31.14	31.77	32.40	33.05	33.71	34.39
19	26.32	26.84	27.38	27.93	28.49	29.06	29.64	30.23	30.83	31.45	32.08	32.72	33.38	34.04	34.72	35.42	36.13
20	27.65	28.20	28.77	29.34	29.93	30.53	31.14	31.76	32.39	33.04	33.70	34.38	35.07	35.77	36.48	37.21	37.96
21	30.52	31.13	31.75	32.39	33.03	33.70	34.37	35.06	35.76	36.47	37.20	37.95	38.71	39.48	40.27	41.07	41.90
22	33.69	34.36	35.05	35.75	36.46	37.19	37.94	38.70	39.47	40.26	41.06	41.89	42.72	43.58	44.45	45.34	46.25
23	37.18	37.93	38.69	39.46	40.25	41.05	41.88	42.71	43.57	44.44	45.33	46.23	47.16	48.10	49.06	50.05	51.05
24	41.04	41.87	42.70	43.56	44.43	45.32	46.22	47.15	48.09	49.05	50.03	51.03	52.05	53.10	54.16	55.24	56.35
25	45.31	46.21	47.14	48.08	49.04	50.02	51.02	52.04	53.08	54.14	55.23	56.33	57.46	58.61	59.78	60.97	62.19
26	50.01	51.26	52.54	53.85	55.20	56.58	57.99	59.44	60.93	62.45	64.02	65.62	67.26	68.94	70.66	72.43	74.24
27	55.20	56.58	57.99	59.44	60.93	62.45	64.02	65.62	67.26	68.94	70.66	72.43	74.24	76.09	78.00	79.95	81.94
28	60.93	62.45	64.02	65.62	67.26	68.94	70.66	72.43	74.24	76.09	78.00	79.95	81.94	83.99	86.09	88.25	90.45
29	67.26	68.94	70.66	72.43	74.24	76.09	78.00	79.95	81.94	83.99	86.09	88.25	90.45	92.71	95.03	97.41	99.84
30	74.24	76.09	78.00	79.95	81.94	83.99	86.09	88.25	90.45	92.71	95.03	97.41	99.84	102.34	104.90	107.52	110.21

*per board member request

9/15/2017

Grade and Step Plan
Town of Norwich

FY18 Annual 1.12%

Grade	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V
1	22,502.37	22,952.42	23,411.47	23,879.70	24,357.29	24,844.44	25,341.32	25,848.15	26,365.11	26,892.42	27,430.26	27,978.87	28,538.45	29,109.22	29,691.40	30,285.23	30,890.93	31,508.75	32,138.93	32,781.70	33,437.34	34,105.09
2	23,641.55	24,114.38	24,596.67	25,088.61	25,590.38	26,102.18	26,624.23	27,156.71	27,699.85	28,253.84	28,818.92	29,395.30	29,983.21	30,582.87	31,194.53	31,818.42	32,454.79	33,103.88	33,765.96	34,441.28	35,130.10	35,832.71
3	24,838.41	25,335.17	25,841.88	26,358.72	26,885.89	27,423.61	27,972.08	28,531.52	29,102.15	29,684.20	30,277.88	30,883.44	31,501.11	32,131.13	32,773.75	33,429.23	34,097.81	34,779.77	35,475.36	36,184.87	36,908.57	37,646.74
4	26,095.85	26,617.77	27,150.12	27,693.13	28,246.99	28,811.93	29,388.17	29,975.93	30,575.45	31,186.96	31,810.70	32,446.91	33,095.85	33,757.77	34,432.92	35,121.58	35,824.01	36,540.49	37,271.30	38,016.73	38,777.06	39,552.60
5	27,416.95	27,965.29	28,524.60	29,095.09	29,676.99	30,270.53	30,875.94	31,493.46	32,123.33	32,765.80	33,421.11	34,089.54	34,771.33	35,466.75	36,176.09	36,899.61	37,637.60	38,390.35	39,158.16	39,941.32	40,740.15	41,554.95
6	28,804.94	29,381.04	29,968.66	30,568.03	31,179.39	31,802.98	32,439.04	33,087.82	33,749.57	34,424.57	35,113.06	35,815.32	36,531.62	37,262.26	38,007.50	38,767.65	39,543.01	40,333.87	41,140.54	41,963.35	42,802.62	43,658.67
7	30,263.19	30,868.45	31,485.82	32,115.54	32,757.85	33,413.00	34,081.26	34,762.89	35,458.15	36,167.31	36,890.66	37,628.47	38,381.04	39,148.66	39,931.63	40,730.26	41,544.87	42,375.77	43,223.28	44,087.75	44,969.50	45,868.89
8	31,795.26	32,431.17	33,079.79	33,741.38	34,416.21	35,104.54	35,806.63	36,522.76	37,253.22	37,998.28	38,758.25	39,533.41	40,324.08	41,130.56	41,953.17	42,792.23	43,648.08	44,521.04	45,411.46	46,319.69	47,246.08	48,191.01
9	33,404.90	34,072.99	34,754.45	35,449.54	36,158.53	36,881.70	37,619.34	38,371.72	39,139.16	39,921.94	40,720.38	41,534.79	42,365.48	43,212.79	44,077.05	44,958.59	45,857.76	46,774.92	47,710.42	48,664.63	49,637.92	50,630.68
10	35,096.02	35,797.94	36,513.90	37,244.18	37,989.06	38,748.84	39,523.82	40,314.29	41,120.58	41,942.99	42,781.85	43,637.49	44,510.24	45,400.44	46,308.45	47,234.62	48,179.31	49,142.90	50,125.76	51,128.27	52,150.84	53,193.85
11	36,872.75	37,610.21	38,362.41	39,129.66	39,912.26	40,710.50	41,524.71	42,355.20	43,202.31	44,066.35	44,947.68	45,846.64	46,763.57	47,698.84	48,652.82	49,625.87	50,618.39	51,630.76	52,663.37	53,716.64	54,790.97	55,886.79
12	38,739.44	39,514.23	40,304.51	41,110.60	41,932.81	42,771.47	43,626.90	44,499.44	45,389.43	46,297.21	47,223.16	48,167.62	49,130.97	50,113.59	51,115.87	52,138.18	53,180.95	54,244.56	55,329.46	56,436.05	57,564.77	58,716.06
13	40,700.62	41,514.63	42,344.93	43,191.83	44,055.66	44,936.77	45,835.51	46,752.22	47,687.26	48,641.01	49,613.83	50,606.11	51,618.23	52,650.59	53,703.61	54,777.68	55,873.23	56,990.70	58,130.51	59,293.12	60,478.98	61,688.56
14	42,761.09	43,616.31	44,488.64	45,378.41	46,285.98	47,211.70	48,155.93	49,119.05	50,101.43	51,103.46	52,125.53	53,168.04	54,231.40	55,316.03	56,422.35	57,550.80	58,701.81	59,875.85	61,073.37	62,294.83	63,540.73	64,811.55
15	44,925.87	45,824.39	46,740.88	47,675.69	48,629.21	49,601.79	50,593.83	51,605.70	52,637.82	53,690.57	54,764.39	55,859.67	56,976.87	58,116.40	59,278.73	60,464.31	61,673.59	62,907.06	64,165.21	65,448.51	66,757.48	68,092.63
16	47,200.24	48,144.25	49,107.13	50,089.28	51,091.06	52,112.88	53,155.14	54,218.24	55,302.61	56,408.66	57,536.83	58,687.57	59,861.32	61,058.55	62,279.72	63,525.31	64,795.82	66,091.74	67,413.57	68,761.84	70,137.08	71,539.82
17	49,589.76	50,581.55	51,593.18	52,625.04	53,677.55	54,751.10	55,846.12	56,963.04	58,102.30	59,264.35	60,449.63	61,658.63	62,891.80	64,149.64	65,432.63	66,741.28	68,076.11	69,437.63	70,826.38	72,242.91	73,687.77	75,161.52
18	52,100.24	53,142.24	54,205.09	55,289.19	56,394.97	57,522.87	58,673.33	59,846.79	61,043.73	62,264.61	63,509.90	64,780.10	66,075.70	67,397.21	68,745.16	70,120.06	71,522.46	72,952.91	74,411.97	75,900.21	77,418.21	78,966.57
19	54,737.81	55,832.57	56,949.22	58,088.20	59,249.97	60,434.97	61,643.67	62,876.54	64,134.07	65,416.75	66,725.09	68,059.59	69,420.78	70,809.20	72,225.38	73,669.89	75,143.28	76,646.15	78,179.07	79,742.65	81,337.51	82,964.26
20	57,508.91	58,659.09	59,832.27	61,028.92	62,249.50	63,494.49	64,764.38	66,059.66	67,380.86	68,728.47	70,103.04	71,505.10	72,935.21	74,393.91	75,881.79	77,399.42	78,947.41	80,526.36	82,136.89	83,779.63	85,455.22	87,164.32
21	63,479.08	64,748.66	66,043.63	67,364.51	68,711.80	70,086.03	71,487.75	72,917.51	74,375.86	75,863.38	77,380.64	78,928.26	80,506.82	82,116.96	83,759.30	85,434.48	87,143.17	88,886.04	90,663.76	92,477.03	94,326.57	96,213.10
22	70,069.03	71,470.41	72,899.81	74,357.81	75,844.97	77,361.87	78,909.10	80,487.29	82,097.03	83,738.97	85,413.75	87,122.03	88,864.47	90,641.76	92,454.59	94,303.68	96,189.76	98,113.55	100,075.82	102,077.34	104,118.89	106,201.26
23	77,343.09	78,889.96	80,467.75	82,077.11	83,718.65	85,393.03	87,100.89	88,842.90	90,619.76	92,432.16	94,280.80	96,166.42	98,089.74	100,051.54	102,052.57	104,093.62	106,175.49	108,299.00	110,464.98	112,674.28	114,927.77	117,226.32
24	85,372.30	87,079.75	88,821.34	90,597.77	92,409.73	94,257.92	96,143.08	98,065.94	100,027.26	102,027.81	104,068.36	106,149.73	108,272.72	110,438.18	112,646.94	114,899.88	117,197.88	119,541.84	121,932.67	124,371.33	126,858.75	129,395.93
25	94,235.05	96,119.75	98,042.15	100,002.99	102,003.05	104,043.11	106,123.97	108,246.45	110,411.38	112,619.61	114,872.00	117,169.44	119,512.83	121,903.08	124,341.15	126,827.97	129,364.53	131,951.82	134,590.86	137,282.67	140,028.33	142,828.89

*per board member request

9/15/2017

8a

DRAFT Minutes of the Selectboard Meeting of Wednesday, September 13, 2017 at 6:30 pm

Members present: Mary Layton, Chair; John Pepper, Vice Chair; Linda Cook; Stephen Flanders; John Langhus (via teleconference); Herb Durfee, Town Manager; Miranda Bergmeier, Assistant to the Town Manager.

There were about 9 people in the audience.

Also participating: Cheryl Lindberg, Robert Johnson, Kris Clement, Dennis Kaufman, John Carroll, Ernie Ciccotelli, and Andy Hodgdon.

Layton opened the meeting at 6:30 pm.

1. Approval of Agenda (Action Item). Selectboard agreed to proceed with the agenda after moving items 6d and 7c to the end of the meeting, because those items would possibly require executive session.

2. Public Comments (Discussion Item). Cheryl Lindberg offered to answer any questions regarding her quarterly Town Treasurer report, previously provided to the Selectboard. Lindberg also notified the board that an RFP for banking services was released on September 16, 2017. Linda Cook asked Town Manager, Herb Durfee, to offer a quick report on the town's road repairs and FEMA process. Durfee said that the FEMA process has begun, and a conference call with FEMA and VT State officials had occurred on September 16, 2017. The next step will be a site visit on September 19, 2017. The Town will go out to bid for road repairs as soon as possible. The first priority work is Turnpike Road. Andy Hodgdon, DPW Director, is working continually with the town crew as much as possible, and 70-80% of the road repair work needs to be done by bidding contractors who have the necessary equipment and personnel. The Town wants to rebuild to a higher standard than the VTrans basic standard, so that town roads will be more resilient in the next storm event.

3. Recreation Council Vacancy (Discussion/Action Item). Robert Johnson, applicant for the Recreation Council vacancy, discussed his interest in coaching and helping the community through the Recreation Council. Flanders **moved** (2nd Pepper) to appoint Robert Johnson to the Recreation Council for the remainder of an unexpired term ending March 2019. **Motion passed unanimously.**

4. Lister Vacancy (Discussion/Action Item). Kris Clement, applicant for the Board of Listers vacancy, discussed her efforts to learn about the job of Lister and her interest in becoming a Lister. After some discussion, Cook **moved** (2nd Pepper) to appoint Kris Clement to the Board of Listers for the remainder of an unexpired term ending March 2018. **Motion passed 3 to 2 (Cook, Layton, Pepper-yes; Flanders, Langhus-No).**

5. Board to Sign Accounts Payable/Warrants (Discussion/Action Item). Flanders **moved** (2nd Pepper) to approve Check Warrant Report #18-7 for General Fund in the amount of $2,059,940.20; and for the Public Safety Facility Fund in the amount of $354,256,32. **Motion passed unanimously.**

6. Selectboard Vision/Goals (Discussion/Action Item).
   a. Property Assessment. Flanders summarized his memos and survey results, and

the proposed policy – all of which were included in the Selectboard meeting packet. Selectboard members then discussed options for assessment, including continuing with the current system of having a Board of Listers and a contracted Assessor. Another option would be an assessor-only system, eliminating the Board of Listers, which would have to happen by town-wide vote. Dennis Ernie Ciccotelli spoke about Norwich's history and experience of contracting with an assessor. Kaufman and Ciccotelli expressed support to continuing the current system of having a Board of Listers and contracted assessors. John Carroll talked about the supervision of contracted assessors, and said that the assessors should report to the Board of Listers, rather than to the Town Manager. Lindberg said that she is confident that the current Board of Listers will be able to work effectively with the current contract assessor. Clement and Kaufman agreed. Durfee said that he will continue to aid this process however possible.

b. Codification of Ordinances status. Selectboard members agreed to defer this topic to a future meeting.

c. Capital Facilities Improvement; Equipment Replacement Funds. Durfee introduced the Capital Facilities Improvement plan. Durfee has started the planning process of developing a six-year capital budget plan; the Equipment Replacement Funds will be a separate process. The capital budget plan will serve as a planning tool.

d. Negotiated Agreement. This item was moved to later in the meeting (per discussion under Approval of Agenda, agenda item #1).

7. Town Manager Report (Discussion/Action Item). Durfee said that the Town will post Turnpike Road as closed to all but local traffic as soon as the ordered signs are delivered. DPW staff have worked to keep the road in as good shape as possible.

a. DPW Garage Addition Status. Durfee reported that the DPW garage project should break ground on September 18, 2017. FEMA has granted an extension for completion of the project; DPW staff have moved necessary items to make space for the construction work; costs of the building continue to be cut as much as possible.

b. Durfee summarized the DPW purchase request. After some discussion, Flanders **moved** (2nd Pepper) to authorize the expenditure of $91,321.00 from the DPW Equipment designated fund for the purchase of a 2017 Ford F-550 truck with dump body and snowplow equipment. **Motion passed 4 to 1 (Cook-no).**

c. Personnel. This item was moved to later in the meeting (per discussion under Approval of Agenda, agenda item #1).

8. Correspondence (Discussion/Action Item). Flanders **moved** (2nd Pepper) to receive correspondence from David Sargent regarding outdoor storage of junk and junk vehicles; from Claudette Brochu regarding major issues facing the town; from John Carroll regarding property assessment models; and from Ernie Ciccotelli regarding the Norwich office of Listers. **Motion passed unanimously.**

9. Pepper's "End of Meeting Debriefing" (Discussion Item). Selectboard members agreed to debrief after other business was concluded.

10. a. Approval of the minutes of the 8/23/2017 Selectboard meeting (Action Item). Flanders **moved** (2nd Pepper) to approve the minutes of the August 23, 2017 Selectboard meeting, with revisions put forward. **Motion passed unanimously.**

6d. Negotiated Agreement. (Discussion/Action Item). This agenda item was moved, per earlier agreement of the Selectboard. Flanders **moved** that the Selectboard finds that premature public

knowledge would clearly place the Town of Norwich at a substantial disadvantage under 1 VSA §313(a)(1)(B). **Motion passed unanimously.** Flanders then **moved** (2nd Pepper) to enter executive session to discuss the negotiated agreement and personnel policies. **Motion passed unanimously.**
The Selectboard moved into executive session at 9:38 pm.

Flanders **moved** (2nd Pepper) to enter public session. **Motion passed unanimously.**
The Selectboard moved into public session at 10:06 pm. No action taken.

7c. Personnel (Discussion/Action Item). This agenda item was moved, per earlier agreement of the Selectboard. Flanders **moved** (2nd Pepper) to enter executive session to discuss a personnel matter. **Motion passed unanimously.**
The Selectboard moved into executive session at 10:06 pm.

Flanders **moved** (2nd Pepper) to enter public session. **Motion passed unanimously.**
The Selectboard moved into public session at 10:15 pm. No action taken.

9. Pepper's "End of Meeting Debriefing" (Discussion Item). Selectboard members offered ideas and thoughts about what had worked well in the meeting and suggestions for moving forward.

10. Selectboard (Discussion/Action Item).
b. Review of Next Agendas. The Selectboard agreed on the following items for the September 13, 2017 agenda:
Church Street Sidewalk
Selectboard Vision/Goals – Codification of Ordinances
Banking Services RFP
Quarterly Town Treasurer Report
Trails Committee Report to Selectboard
Meeting Debrief Discussion

At 10:24 pm, Cook **moved** (2nd Flanders) to adjourn. **Motion passed unanimously.**

Meeting adjourned at 10:24 pm.

by Miranda Bergmeier, Assistant to the Town Manager

Approved by the Selectboard on _____.

_____
Mary Layton, Selectboard Chair

Next Meeting –September 27, 2017 at 6:30 PM

PLEASE NOTE THAT CATV RECORDS ALL REGULAR MEETINGS OF THE NORWICH SELECTBOARD.

8a

Revisions to the 9/13/2017 Select board meeting minutes

From Linda Cook

9/21/2017

*revisions in bold *

6. a. .....Another option would be an assessor-only system, eliminating the Board of Listers, which would have to happen by town-wide vote. Dennis **Kaufman** spoke about Norwich's history and experience of contracting with an assessor. **Ernie** Ciccotelli expressed support to continuing the current system of having a Board of Listers and Contracted assessors. John Carroll talked about the supervision of contracted assessors. **The Board acknowledged that it does not have authority to set policy or determine method for elected officials of the Town, such as the Town Clerk and the Board of Listers. Carroll observed that the Town Manager is the Board's agent and the Board cannot delegate to him authority it does not have,** so the assessors should report to the Board of Listers, rather than to the Town Manager. **Carroll also noted that there were a number of errors in the Flanders survey and questioned the reliability of any conclusions drawn from the survey.**

7. b. Durfee summarized the DPW purchase request. **Cook questioned the lack of additional bids as required in the Purchasing Policy**. After some discussion, Flanders moved.....

handout from 9/13/17 Selectboard mtg.

TOWN OF NORWICH
DEPARTMENT OF PUBLIC WORKS
26 New Boston Road
Norwich, VT 05055
802-649-2209 Fax: 802-296-0060
Ahodgdon@norwich.vt.us

To: Herb Durfee, Town Manager
From: Andy Hodgdon, Public Works Director
Subject: Public Works Fleet
Date: September 9, 2017

Public Works Fleet:
In response to recommendations outlined in the DPW Review Committee's Final Report dated October 25, 2011, I prepared two memos outlining the DPW fleet. The first memo titled "Public Works Fleet 2012" lists all of the trucks that make up our main fleet with their uses. These vehicles are part of the Public Works/Highway Equipment Replacement Plan. The second memo is titled "Public Works Vehicles 2012" and lists vehicles not on the Equipment Replacement Plan with their uses. These lists have not changed much over the past five years. I noted any changes in red and am including these memos in an email to you.

Replacement of Truck #1:
The current proposal to replace Truck #1, the 2007 5500 GM, was part of the Public Works/Highway Equipment Replacement Plan that was approved by the Town Manager, Selectboard, and voters as part of the budget process last year.

One determining factor in the decision to replace this truck was that this model was discontinued by GM in either 2008 or 2009. This makes it very difficult to obtain parts in a timely manner, creating problems during winter months when this vehicle is needed for plowing, sanding, and salting. Another consideration is that the snowplow equipment on this truck has been used on three trucks and is rusted and worn out.

This truck is not ideal for Public Works/Highway use at this point, but may fit the needs of the Fire Department as a Forestry Truck.

Decision to keep the 1987 Dodge one-ton pickup (Former B&G Truck #9:
The 1987 Dodge one-ton pickup is equipment with a water tank and pump. This equipment is very important for maintaining gardens and trees in the Town's park and recreation areas.

Since 2008 Buildings and Grounds has been responsible for lining the playing fields for lacrosse, soccer, etc. The Recreation Department purchases 4-5 pallets of paint per year for this purpose. The paint is sold in pallets that contain 33, 2.5-gallon boxes of paint at a cost of $1,000 per pallet.

The machine that we have been using to line the playing fields has worn out and we have purchased a used Toro machine to replace it. The Toro machine will use concentrated paint sold in 5-gallon pails that we will dilute with water. The water tank in the 1987 Dodge will be used for this purpose. Depending on how we mix the paint, the cost savings will be between $500 and $700 per pallet. We will be using about 300 gallons of water for paint-mixing and cleaning up the machine each time the fields are lined.

DPW/Highway will also use this truck and water tank to wash bridges and possibly to flush culverts. The Town has owned this truck for a long time. It is still in satisfactory condition, passing Vermont State Inspection. It will continue to be useful to us for these limited duties.

With the previous sale of the 1996 L8000 Louisville and the proposed sale of the 1985 K2500 GM pickup, we will not be expanding our fleet if we trade the 2007 Chevrolet 5500 with the Fire Department for their current 2000 Ford Forestry Truck. Our fleet will remain the same size as it was in 2012.

TOWN OF NORWICH
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Norwich, VT 05055
802-649-2209 Fax: 802-296-0060
Norwich_highway@earthlink.net

To: Neil Fulton, Town Manager
From: Andy Hodgdon, Public Works Director
Subject: Public Works Vehicles
Date: November 5, 2012

The following is a list of Public Works vehicles that are not on the equipment replacement plan.

- 1985 K2500 GM Pickup: This truck was given to us through the military donation system. The body on the back of the truck was given to us by the Norwich Water Department. This vehicle is 27 years old. It has a fuel tank and generator in the back and is used by one of our grader operators to fuel up the grader and rotate the grader blades. It is also used by the roadside mowing tractor operators for transportation and fuel. (I'm proposing selling this)
- 1981 L900 Ford Louisville: This truck was given to us by the Norwich Fire Department. At the time it was given to us, the motor needed to be rebuilt, which we did. It is used to spread organic dust control. This truck is used to spread organic dust control. This truck is now 31 years old.
- 1997 2500 GMC: This truck was given to us from the Town of Windsor. They had scrapped it because it had had a snowplow on it, which caused the frame to break. We repaired the frame and made other various repairs to it. It is equipped with a fuel tank and generator. It is used by the second grader operator to fuel the grader, rotate the blades and transportation to and from work sites. It is also used by the roadside mowing operators and backhoe operator for transportation and fuel. It is now 15 years old.
- 1989 Ford: This truck was given to us by the Fire Department. It has a mechanic's body on the back. It is equipped with a portable welder/generator combination, a set of torches, a fuel tank, and hydraulic lift gate. This is used exclusively by our mechanic to make outside repairs for all departments- such as welding, cutting, or mechanical repairs-rather than trying to get the equipment back to the shop or hiring a truck and low-bed to

get it back. He also uses it for blade rotations and to fuel up the grader. This truck is now 23 years old.

- 1996 L8000 Ford Louisville. This is equipped with a plow, wing, and sander. It is used as a spare truck in case one of the other plow trucks breaks down. It is now 16 years old. (This truck was sold)

These vehicles cost very little to maintain throughout the year, but save us a great deal of money. By using these vehicles to travel back and forth to job sites, instead of running equipment back to the shop every night, we save fuel, time, and wear and tear on tires. The equipment operators are able to work later in the afternoon because they can get back to the shop quicker at the end of the day.

Having these trucks available for rotating grader blades also saves time and money. On some of our well-traveled roads we end up rotating our grader blades twice per day because of the hardness of the road surface. We rotate the blades every day, regardless. It takes a generator with electric impact to do this. The graders also need to be fueled up every day, which can be done with the trucks that are equipped with fuel tanks.

We have two mowing tractors that have blades that need to be sharpened every day. The trucks with generators in the back are needed to run an electric impact gun to remove the blades and then sharpen them with an electric 4" grinder that also gets plugged into the generator. The mowing tractors also need to be fueled daily.

There is a huge cost savings from reducing the wear on equipment tires alone. The following is a list of tire costs for our equipment:

- 2 Graders: 6 tires each @ $1,575 each = $18,900
- Backhoe: 2 back tires @ $1,250 each =$2,500
  2 front tires @ $695 each = $1,390
- 5410 Mowing tractor: 3 back tires @ $1,500 each = $4,500
  2 front tires @ $250 each = $500
- 6415 Mowing tractor: 2 back tires @ $1,500 each = $3,000
  2 front tires @ $1,200 each = $2,400
- 6-wheel dump truck: 6 tires @ $750 each = $4,500

TOTAL: $37,690

TOWN OF NORWICH
DEPARTMENT OF PUBLIC WORKS
26 New Boston Road
Norwich, VT 05055
802-649-2209 Fax: 802-296-0060
Norwich_highway@earthlink.net

To: Neil Fulton, Town Manager
From: Andy Hodgdon, Public Works Director
Subject: Public Works Fleet
Date: November 7, 2012

The following is a list of Public Works vehicles that make up our main fleet:

Truck #1: 2007 5500 GM
Body capacity: 3 yards
Equipped with: Plow, wing, tailgate sander, and water tank
Functions:

- Plowing, salting, and sanding a designated route (Route #2) in the winter. This truck is smaller than our other trucks, so is used in areas where our other trucks don't fit very well. It is used for hilly, unimproved roads that are narrow in nature. Most of the roads on this route require a smaller truck.
- Patching along our paved roads during the summer
- Water tank is used by Buildings and Grounds to water trees and plantings
- Pulling a trailer to deliver culverts, small equipment, etc. to job sites.
- Used in emergency situations as needed, most recently during Tropical Storm Irene.

Truck #4: 2010 M2 Freightliner
Body capacity: 7-8 yards
Equipped with: Plow, wing, and in-body sander
Functions:

- Plowing, salting, and sanding a designated route (Route #3) in the winter.
- Assisting the grader in spring, summer, and fall--hauling gravel and ledge products during mud season and gravel for resurfacing.
- Assisting the backhoe during ditching operations
- Pulling the chipper for brush removal operations

- Cleaning up after storm events –picking up downed trees
- Used when reestablishing shoulders after paving.
- Hauling snow in the winter
- Used in emergency situations as needed, most recently during Tropical Storm Irene.

Truck #5: 2003 FL80 Freightliner

Body capacity: 7-8 yards
Equipped with: plow, wing, and in-body sander
Functions:

- Plowing, salting, and sanding a designated route (Route #4) in the winter.
- Assisting the grader in spring, summer, and fall—hauling gravel and ledge products during mud season and gravel for resurfacing.
- Assisting the backhoe during ditching operations
- Pulling the chipper for brush removal operations.
- Used when reestablishing shoulders after paving.
- Hauling snow in the winter.
- Used in emergency situations as needed, most recently during Tropical Storm Irene.

Truck #6: 2006 3500 Dodge pickup:

This truck was purchased used from a guardrail company that was downsizing. It is used by me, as I am on call 24 hours per day, 7 days per week, and 365 days per year.

Truck #8: 2012 M2 Freightliner:

Body capacity: 7-8 yards
Equipped with: plow, wing, and in-body sander
Functions:

- Plowing, salting, and sanding a designated route (Route #5) in the winter.
- Assisting the grader in spring, summer, and fall—hauling gravel and ledge products during mud season and gravel for resurfacing.
- Assisting the backhoe during ditching operations.
- Pulling the chipper for brush removal operations.
- Used when reestablishing shoulders after paving.
- Hauling snow in the winter.
- Used in emergency situations as needed, most recently during Tropical Storm Irene.

Truck #10: 2007 M2 Freightliner: (Now a 2015 M2 Freightliner)
Body capacity: 7-8 yards
Equipped with plow, wing, and in-body sander
Functions:

- Plowing, salting, and sanding a designated route (Route #6) in the winter.
- Assisting the grader in spring, summer, and fall—hauling gravel and ledge products during mud season and gravel for resurfacing.
- Assisting the backhoe during ditching operations.
- Pulling the chipper for brush removal operations.
- Used when reestablishing shoulders after paving.
- Hauling snow in the winter.
- Used in emergency situations as needed, most recently during Tropical Storm Irene.

Truck #12: 2003 F350
Body: Enclosed van-type
Equipped with: snow plow
Functions:

- Plowing (Route #7) in the winter. This truck is also tailored to hilly, narrow roads.
- Parking lot cleanup after snowstorms
- Scraping shoulders after snowstorms

**Please note: The addition of this truck, operated by our Buildings and Grounds Technician, has eliminated 80% of our contracted winter services. We were able to reduce our Winter Purchased Services Line items by $19,500 starting with the fiscal year 2011/2012 budget.
(The Buildings and Grounds Technician multi-tasks by also maintaining the sidewalks during the winter with the Holder sidewalk machine.)

*All plow, sand, and salt routes are listed on the Town's website.

VERMONT LEAGUE OF CITIES & TOWNS

Member Name: Norwich Town
PACIF ID: 455
Policy #: P4552017
Coverage Period: 01/01/2017 - 01/01/2018

2017 Vehicle and Mobile Equipment Schedule

Line #	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location	Valuation Type	APD / AL	Veh#
1	1986	JOHN DEERE TRACTOR & MOWER 2350	All Other Mobile Equipment 547861	Buildings & Grounds	26 NEW BOSTON RD NORWICH, VT 05055	MACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?	2008	Dodge 2500	Pickup Truck	Buildings & Grounds	26 New Boston Rd. Norwich, VT 05055	ACV	Full Coverage	
☒Add		Model Ram 2500	VIN 3D7KS26D38G205169					
2	1987	DODGE W350	Pickup Truck 1B6MW3452HS494793	Buildings & Grounds	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					
3	2013	FORD UTILITY INTERCEPTOR	Police Cruiser 1FM5K8AR1DGC20994	Fire	11 FIREHOUSE LANE NORWICH, VT 05055	ACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					
4	1991	SPARTAN AERIAL FIRE TRUCK	All Other Road Vehicles 4S7ET9BOXMC004591	Fire	11 FIREHOUSE LN NORWICH, VT 05055	MACV	Full Coverage	LADDER1
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					

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Line #	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location	Valuation Type	APD / AL	Veh#
5	2003	FREIGHTLINER FL80 TANKER	Fire Pumper/Tanker 1FVABXBS83HK44642	Fire	11 FIRE HOUSE LANE NORWICH, VT 05055	MACV	Full Coverage	TANKER1
☐ Delete? ☐ Change?	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location		APD / AL	Veh#
6	2001	FORD F550 FORESTRY	All Other Road Vehicles 1FDAF57F51EB21651	Fire	11 FIRE HOUSE LANE NORWICH, VT 05055	MACV	Full Coverage	FORESTRY
☐ Delete? ☐ Change?	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location		APD / AL	Veh#
7	1938	FORD PUMPER	Fire Pumper/Tanker BBK430765	Fire	11 FIRE HOUSE LANE NORWICH, VT 05055	MACV	Full Coverage	
☐ Delete? ☐ Change?	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location		APD / AL	Veh#
8	1999	FREIGHTLINER PUMPER	Fire Pumper/Tanker 1FV6JLCB4XHA27937	Fire	11 FIRE HOUSE LANE NORWICH, VT 05055	MACV	Full Coverage	ENG2
☐ Delete? ☐ Change?	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location		APD / AL	Veh#
9	2004	HME FIRE TRUCK	Fire Pumper/Tanker 44KFT42864WZ20451	Fire	11 FIRE HOUSE LANE NORWICH, VT 05055	MACV	Full Coverage	ENG1
☐ Delete? ☐ Change?	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location		APD / AL	Veh#

Full Coverage means both APD & AL

Line #	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location	Valuation Type	APD / AL	Veh#
10	2004	CATERPILLAR 143H MOTOR GRADER	Grader APN00454	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	MACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					
11	~~2004~~	~~CATERPILLAR~~ ~~430D BACKHOE LOADER~~	~~Loader/Backhoe/Excavator~~ ~~BML04879~~	~~Highway / DPW~~	~~26 NEW BOSTON RD~~ ~~NORWICH, VT 05055~~	~~MACV~~	~~Full Coverage~~	
☒Delete?	Year	Make Caterpillar	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model 430F2 Backhoe Loader	VIN HWG00347	Highway/DPW	26 New Boston Road Norwich, VT 05055	MACV	Full Coverage	
☒Add								
12	2004	CATERPILLAR 938G LOADER	Loader/Backhoe/Excavator CRD00999	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	MACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					
13	2010	FREIGHTLINER M2 106 V	Dump Truck 1FVAC3BS2ADAR0846	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					
14	2006	DODGE 3500 P/U	Pickup Truck 3D7LX38C86G127582	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					

Line #	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location	Valuation Type	APD / AL	Veh#
15	2007	CHEVROLET 5500 WITH 2016 GILLETTA BUCHER SANDER	Dump Truck 1GBESC3277F402924	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete? ☐Change?	Year	Make Model	Vehicle Type VIN	Department	Garage Location		APD / AL	Veh#
16	1985	CHEVROLET CARGO P/U	Pickup Truck 1GCGD34J2FF419870	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete? ☐Change?	Year	Make Model	Vehicle Type VIN	Department	Garage Location		APD / AL	Veh#
17	2015	FREIGHTLINER DUMP TRUCK	Dump Truck 1FVAG5CY6FHGN8647	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete? ☐Change?	Year	Make Model	Vehicle Type VIN	Department	Garage Location		APD / AL	Veh#
18	2012	FREIGHTLINER M2106V	Dump Truck 1FVAC3BSXCHBT6208	Highway / DPW	26 NEW BOSTON ROAD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete? ☐Change?	Year	Make Model	Vehicle Type VIN	Department	Garage Location		APD / AL	Veh#
19	2007	FREIGHTLINER M2 DUMP TRUCK	Dump Truck 1FVAC3DJ17HY02069	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete? ☐Change?	Year	Make Model	Vehicle Type VIN	Department	Garage Location		APD / AL	Veh#

Full Coverage means both APD & AL

Line #	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location	Valuation Type	APD / AL	Veh#
20	1998	JOHN DEERE TRACTOR & MOWER 5410	All Other Mobile Equipment LV5H105142722	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	MACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					
21	2012	JOHN DEERE 672G MOTOR GRADER	Grader 1DW672GXCBE639726	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	MACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					
22	2009	JOHN DEERE 6415 4WD TRACTOR	All Other Mobile Equipment I06415BN523694	Highway / DPW	26 New Boston Road Norwich, VT 05055	MACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					
23	1981	FORD L900 TRUCK	Pickup Truck 1FDXN90P8BVJ04977	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					
24	1989	FORD F350	Pickup Truck 2FDKF38G8KCB20999	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete?	Year	Make	Vehicle Type	Department	Garage Location		APD / AL	Veh#
☐Change?		Model	VIN					

Line #	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location	Valuation Type	APD / AL	Veh#
25	2002	FORD F350 P/U	Pickup Truck 1FTSF31F43EA50824	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete? ☐Change?	Year	Make Model	Vehicle Type VIN	Department	Garage Location		APD / AL	Veh#
26	1997	GMC 2500 P/U	Pickup Truck 1GTGK24R6VE543098	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	ACV	Full Coverage	
☐Delete? ☐Change?	Year	Make Model	Vehicle Type VIN	Department	Garage Location		APD / AL	Veh#
27	2007	HOLDER C4.74 SIDEWALK TRACTOR	All Other Mobile Equipment 204000177	Highway / DPW	26 NEW BOSTON RD NORWICH, VT 05055	MACV	Full Coverage	
☐Delete? ☐Change?	Year	Make Model	Vehicle Type VIN	Department	Garage Location		APD / AL	Veh#
28	2013	FORD UTILITY INTERCEPTOR	Police Cruiser 1FM5K8AR2DGC11074	Law Enforcement	10 HAZEN STREET NORWICH, VT 05055	ACV	Full Coverage	
☐Delete? ☐Change?	Year	Make Model	Vehicle Type VIN	Department	Garage Location		APD / AL	Veh#
29	2013	FORD INTERCEPTER	Police Cruiser 1FAHP2M80DG199872	Law Enforcement	10 HAZEN STREET NORWICH, VT 05055	ACV	Full Coverage	
☐Delete? ☐Change?	Year	Make Model	Vehicle Type VIN	Department	Garage Location		APD / AL	Veh#

Line #	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location	Valuation Type	APD / AL	Veh#
30	2013	FORD INTERCEPTER	Police Cruiser 1FAHP2M89DG199871	Law Enforcement	10 HAZEN STREET NORWICH, VT 05055	ACV	Full Coverage	
☐Delete? ☐Change?	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location		APD / AL	Veh#
31	~~2006~~	~~CHEVROLET IMPALA~~	~~Police Cruiser 2G1WB55K769358893~~	~~Law Enforcement~~	~~10 HAZEN ROAD NORWICH, VT 05055~~	~~ACV~~	~~Full Coverage~~	
☒Delete? ☐Change?	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location		APD / AL	Veh#
☒Add?	Year 2017	Make Ford / Model Explorer	Vehicle Type police / VIN 1FM5K8ARXHGA63407	Department Law Enforcement	Garage Location 10 Hazen Road Norwich, VT 05055	Cost New	APD / AL	Veh#
☐Add?	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location	Cost New	APD / AL	Veh#
☐Add?	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location	Cost New	APD / AL	Veh#
☐Add?	Year	Make / Model	Vehicle Type / VIN	Department	Garage Location	Cost New	APD / AL	Veh#

Milton CAT

SALES INVOICE

INVOICE NUMBER INV0684806
INVOICE DATE 06/29/2016
PO NUMBER 7141267

BILL TO
Town of Norwich
300 Main St
PO Box 376
Norwich, VT 05055
USA

SHIP TO
Town of Norwich Highway Dept.
26 New Boston Rd.
Norwich, VT 05055
USA

SALES ORDER	DOC DATE	INVOICE ACCOUNT	ORDER ACCOUNT	PAGE
SO01646157	06/29/2016	4991250	4991250	1 of 2

SALES REP	STORE	DIVISION
Slade, Jeff	Richmond	General Line

QTY	DESCRIPTION		PRICE
1	430F 2	430F 2	162,900.00

Backhoe Loader

MAKE: CATERPILLAR MODEL: 430F 2 PIN/VIN: CAT0430FCHWG00347
EQ ID: EQ048230 SERIAL NO: HWG00347

add this

ENTERED

1	1002123_WR	BHL XLS SWINGER COUPLER	0.00

07-5-700322.00

MAKE: CATERPILLAR MODEL: ATTACHMENT-B
EQ ID: EQ058328 SERIAL NO: 194062

ACCOUNT 01-5-~~703601~~
AMOUNT $132,900.00
APPROVAL RAH
DATE 8-7-16
From PO # 7141267

1	100391824_WR	BHL WAIN ROY 24in HD BUCKET	0.00

MAKE: CATERPILLAR MODEL: ATTACHMENT-B PIN/VIN:
EQ ID: EQ058329 SERIAL NO: 194063

1	1020134_WR	420/430 WAIN ROY 24in JAW BUCKET FOR XLS QUICK COUPLER	0.00

MAKE: CATERPILLAR MODEL: ATTACHMENT-B PIN/VIN:
EQ ID: EQ058331 SERIAL NO: 194064

1	2511794	420/430 1.5 CY GP BUCKET FOR IT COUPLER	0.00

MAKE: CATERPILLAR MODEL: ATTACHMENT-B PIN/VIN:
EQ ID: EQ056294 SERIAL NO: CY151203986

Title to and right of possession of items hereon shall remain vested in the seller until any indebtedness and all sums due or to become due from the purchaser, whether evidenced by note, open account, judgement or otherwise shall have been fully paid.

It is understood that no warranties of any kind, whether expressed or implied including any warranty of merchantability or fitness for a particular purpose, have been made or authorized by Southworth-Milton, Inc., with respect to any machinery, equipment or other products described herein except as set forth on the related lease, contract or warranty certificate if any.

Continued

Milton CAT

SALES INVOICE

INVOICE NUMBER INV0684806
INVOICE DATE 06/29/2016
PO NUMBER 7141267

BILL TO
Town of Norwich
300 Main St
PO Box 376
Norwich, VT 05055
USA

SHIP TO
Town of Norwich Highway Dept.
26 New Boston Rd.
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USA

SALES ORDER	DOC DATE	INVOICE ACCOUNT	ORDER ACCOUNT	PAGE
SO01646157	06/29/2016	4991250	4991250	2 of 2

SALES REP	STORE	DIVISION
Slade, Jeff	Richmond	General Line

QTY	DESCRIPTION			PRICE
1	3691542	H75ES HYDRAULIC HAMMER		0.00
	MAKE: CATERPILLAR EQ ID: EQ048872	MODEL: ATTACHMENT-B SERIAL NO: X9E01210	PIN/VIN:	
1	4622948_WR	BHL/308 48" DC BUCKET XLS		0.00
	MAKE: CATERPILLAR EQ ID: EQ058330	MODEL: ATTACHMENT-B SERIAL NO: 193764	PIN/VIN:	
-1	MATRADE	Trade - Machines		-30,000.00
	MAKE: AA EQ ID: S038474	MODEL: 430D SERIAL NO: BML04879	PIN/VIN:	delete this
1	MAEXTENDWARR	Extended Service Coverage Premier 60 mos 7500 hrs Parts & Labor Quoted $8990.00		0.00
1	MATRANS	Transportation - Machines		0.00
			Subtotal Before Tax	$132,900.00

Milton CAT is an equal opportunity employer and federal contractor or subcontractor. Consequently, the parties agree that, as applicable, they will abide by the requirements of 41 CFR 60-1.4(a), 41 CFR 60-300.5(a) and 41 CFR 60-741.5(a) and that these laws are incorporated herein by reference. These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, or national origin. These regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability. The parties also agree that, as applicable, they will abide by the requirements of Executive Order 13496 (29 CFR Part 471, Appendix A to Subpart A), relating to the notice of employee rights under federal labor laws.

Title to and right of possession of items hereon shall remain vested in the seller until any indebtedness and all sums due or to become due from the purchaser, whether evidenced by note, open account, judgement or otherwise shall have been fully paid.

It is understood that no warranties of any kind, whether expressed or implied including any warranty of merchantability or fitness for a particular purpose, have been made or authorized by Southworth-Milton, Inc., with respect to any machinery, equipment or other products described herein except as set forth on the related lease, contract or warranty certificate if any.

Pay This Amount	$132,900.00
Credit Amount	

Payment Terms: Charge - Net10 Prox

To insure proper credit, please detach this portion and return with ...

Buildings & Grounds - new vehicle

SALES DIVISION
KINGSTON, N.H.

NH DEALER NO. 152
77 ROUTE 125 KINGSTON, NH 03848
(603) 642-7997 • FAX (603) 642-8449
earlyandsons@comcast.net

MOTOR VEHICLE PURCHASE CONTRACT

DATE APRIL 25TH 20 14 ORDER NO. _____ STOCK NO. 1679 SALESMAN FERNANDO NEUMONE

PURCHASER'S NAME(S): TOWN OF NORWICH
STREET ADDRESS: 26 BUSTON ROAD
CITY/STATE/ZIP: NORWICH, VT 05055
HOME PHONE: [illegible]
BUSINESS PHONE:

ENTER MY ORDER FOR (QUANTITY) NEW ☐ USED ☒
FORMER USE (if applicable): DEMONSTRATOR ☐ FORMER LEASED CAR ☐ POLICE CAR ☐ FORMER DAILY RENTAL ☐ TAXICAB ☐

YEAR	Make	Model Name	Body Style/Type	Model No.	Transmissions (Speeds)	Cyl.	Pass	Doors
2008	DODGE 2500	[illegible]	[illegible]		Standard ☐ Automatic ☐	8		

Vehicle Identification No.	Color 1st / 2nd / 3rd	Interior 1st / 2nd / 3rd	Top	Odometer mi. ☐ km. ☐	Approx. Delivery Date
[illegible]	SILVER			23067	

TRADE IN: Year / Make / Model / Type / Color
V.I.N.
Odometer mi. ☐ km. ☐
*Transmission ☐ Standard (Speeds) ☐ Auto
No. of Cyl. / Pass / Doors
Title No. / State
PREVIOUS OWNER
City/State/Zip
LIENHOLDER
Address
City/State/Zip
Acct. No. / Check No.
Balance due $

Additional Information/Vehicle Purchased
LIENHOLDER
Address
City/State/Zip
INSURANCE CO.
Agent/Branch
Address/City

WARRANTY INFORMATION

☐ This vehicle carries an express warranty. You may obtain a copy of such warranty from the dealer upon request. [ ]

☐ This vehicle does not carry an express warranty [ ]

(Initial Applicable Statement)

REGISTRATION FEE/TITLE FEE
SALES TAX
(2 checks required)

Application for Title ☐
Application for Reg. ☐ New ☐ Transfer
Registration No.
Registration Fee $ N/A
Title Fee $ N/A
Mass. Sales Tax $ N/A
(Pay to Commonwealth of Massachusetts)

*Sales Tax amount is included in right hand column only when dealership check is issued in payment of Mass. Sales Tax.

Price of Unit	$ 20,994.00
Additional Equipment/Items	N/A

In the event I fail to take delivery of the vehicle purchased by me within forty-eight (48) hours after I have been notified by you that it is ready for delivery and pay the total contract price in the manner indicated, my deposit in the amount of $ 20,994.00 may, at your option, be retained by you to compensate you in whole or in part for any losses sustained by you. Your right to retain my deposit shall be in addition to and not instead of any other right or remedy provided by applicable law including, without limiting the generality of the foregoing, the sale of the car or truck I agree to purchase. If the amount of my deposit exceeds actual damages sustained by you, you will promptly refund the difference to me.

[ ] *Purchaser's Initials*

SS#
Authorization for Credit Ck —

AS IS UNSAFE
NO WARRANTY
Customer accepts responsibility for cost of all repairs

43-5-704601.00

X _____

This contract is not binding upon either dealer or purchaser until signed by dealer or its authorized representative. PURCHASER MAY CANCEL THIS CONTRACT AND RECEIVE A FULL REFUND AT ANY TIME UNTIL S/HE RECEIVES A COPY OF THIS CONTRACT SIGNED BY AN AUTHORIZED DEALER REPRESENTATIVE. PURCHASER MUST GIVE WRITTEN NOTICE OF CANCELLATION TO THE DEALER.

1. Total Price		$ 20,994.00
2. Credit/Over Allowance	$ N/A	
3. Trade In Allowance	$ N/A	
4. Trade Difference (line 1 lines 2 & 3)		$ 20,994.00
5. *Mass Sales Tax (5.25% line 4)		$ N/A
6. Title Preparation		$ 25.00
7. Documentary Preparation (itemize)		$ N/A
8. Other		$ 0.00
9. TOTAL CONTRACT PRICE (total of lines 4, 5, 6, 7 and 8)		$ 20,994.00
10. Balance Due on Trade In		$ N/A
11. Total lines 9 and 10		$ 20,994.00
12. Deposit	$ N/A	
13. Amount to be Financed	$ 0.00	
14. Cash due on Delivery	$ 20,994.00	
15. TOTAL PAYMENT (total of lines 12, 13 and 14; line 15 must equal line 11)		$ 20,994.00

The front and back of this order comprise the entire agreement between the dealer and purchaser and no other agreement or understanding has been made or entered into. Purchaser represents and warrants that no credit other than that stated above has been extended to him/her by dealer. Purchaser represents and warrants that s/he has read and understands the materials printed on this motor vehicle purchase contract. Purchaser acknowledges receipt of a signed copy of this motor vehicle purchase contract.

Purchaser's Signature

Co-Purchaser's Signature

Approved — Authorized Dealer Representative

Buildings & Grounds

7b

September 21, 2017

RE: September 13 Selectboard meeting; Listers practice of sales chasing

Dear Selectboard and Listers

If the Town wants to continue using elected Listers (and I hope it does), then the Listers must appreciate proper assessment practices and learn from past mistakes. That does not seem to be the case with respect to the improper assessment practice known as sales chasing.

In 2011, the Valuation Appeal Board ("VAB") determined that Norwich had engaged in an improper assessment practice when its Listers used MLS real estate listings as a trigger to reassess those properties. I was extremely disappointed when watching the video of the September 13 Selectboard meeting. One of the Listers in essence stated that the Norwich Listers had been "accused of sales chasing" but that the Listers "never chased sales", that that the Listers "chased information about houses", and that the Listers office had received approval for its approach. (See video at approximately 1:29:00).

As you may recall, this issue is important to me as the practice described by the VAB was the basis of my pro se litigation against the Town, which has been settled. It is alarming to think that the Listers might continue the practices ruled improper by the VAB. I have reviewed numerous public records from the Listers office from 2007 through 2011 and never saw a letter that approved of the practice.

In fact, the decision of the VAB says the contrary at page 2:

> While part of their job is to watch the real estate sales market and follow the MLS listings, the MLS cannot be the trigger the listers to go out, inspect a property and use what they learn to change the Grand List value. Sure, such methods will result in more accurate Grand List valuations, but they will only be more accurate for the taxpayers with property on the MLS, and that is the problem.

(emphasis added)

It gets worse. The Town's position before the VAB was that each house was inspected and adjustments only made for improvements. With respect to my property, no inspection occurred and no improvements had been made. The claim that the Listers "chased information about houses" was a sham in my case. I doubt I am the only one. What I found was that the Listers went into the computer and manipulated data to get the value desired. That practice is wrong. Allen v Town of West Windsor, 2004 VT 51, 852 A.2d 627 (2004).[1]

Perhaps, part of the Listers past practices reflects a misunderstanding of the Listers duty. It is NOT just to list property at fair market value. In fact by statute, the Listers oath of office

[1] "It is apparent from the evidence before the state appraiser that the town used inputs for taxpayers' properties that increased the value resulting from the software computation, and that value was equivalent to the sales price taxpayers paid when they bought their properties. In contrast, properties that had not been the subject of recent sales were not treated in a similar manner. " Allen at ¶12.

requires that property be listed "without discrimination on a proportionate basis... ." 32 V.S.A. § 3431.[2] Discrimination is why sales chasing violates the Equal Protection Clause of the United States Constitution according to the United States Supreme Court decision in Allegheny Pittsburgh Coal Co. v. Commission of Webster County, 488 U.S. 336 (1989).

Uniformity is as important as fair market value. The Listers would not dream of selecting 100 properties totally at random to inspect for interior and exterior improvements, while ignoring the remaining 3000 parcels in Town. That would be arbitrary and discriminatory. That is what happens when the Listers single out for reassessment, properties on the market for sale. Call it "sales chasing" or "chasing information"; it is a form of selective or spot reassessment that violates the United States and Vermont Constitutions. See Town of Castleton v. Parento, 2009 VT 65, 988 A. 2d 158 (2009).[3]

It took me some time to understand the assessment process and constitutional issues. I think the Listers should make sure they are on firm ground before using novel or aggressive tactics. The BCA is not equipped to handle constitutional challenges. Residents should not need to hire a lawyer when their assessment jumps.

The point of this letter is not to rehash past practices of the Listers. I want to call to the attention of the Selectboard and Listers the decision of the VAB. I also ask that the Listers abide by that ruling and consult with the Division of Property Valuation and Review before testing novel theories of property assessment. I support the lister-assessor model, am glad the Listers want to reset their relationship with the contract assessor, and hope the assessor is of the same view.

---

[2] Section 3431 states in part:
(a) Each lister shall take and subscribe and file in the town clerk's office, before entering upon the duties of his or her office, the following oath...:

"I, _____, do solemnly swear (or affirm) that I will appraise all the personal and real property subject to taxation in the town (or city) of _____, so far as required by law, at its fair market value, will list the same without discrimination on a proportionate basis of such value for the grand list of such town (or city), will set the same in the grand list of such town (or city) at one per cent of the listed value and will faithfully discharge all the duties imposed upon me by law. So help me God." (or, "under the pains and penalties of perjury.")

(b) When the listers violate such oath, they shall each be guilty of perjury and punished accordingly.

[3] In Town of Castleton, the Town focused on 35 properties. The Court observed: "[T]he Town did not reassess the homesite and lakefront parcels of numerous other similarly situated property owners, including those whose properties abutted or were in close proximity to taxpayer's, rendering the reappraisal constitutionally suspect." At ¶16.

Attached is a copy of the 2011 VAB decision as well as the 2010 ruling of the Division of Property Valuation and Review appealed from. Pages 1-3 of the VAB decision and pages 1-2 of the PVR letter ruling address the matter at hand. Please note this letter does not constitute legal advice.

I hope this letter is helpful. Thank you in advance for your consideration of my views.

Sincerely,

Christopher Katucki
47 Old Coach Road
Norwich, VT 05055
802-649-7224

State of Vermont
Department of Taxes
133 State Street
Montpelier, VT 05633-1401

Agency of Administration

June 17, 2010

Charles Merriman, Esq.
Tarrant, Gillies, Merriman & Richardson
44 East State Street
PO Box 1440
Montpelier, Vermont 05601-1440

Re: Redetermination of the Town of Norwich 2010 EEPV and COD (Derived from 2009 Grand List)

Dear Mr. Merriman:

On April 23, 2010, I heard Norwich's appeal of its equalized education property value (EEPV) and coefficient of dispersion (COD). Charles Merriman, Esq. and lister Dennis Kaufman appeared for the Town. Mark Paulsen, Bill Tobin, and Assistant Attorney General Suzanne Monte represented Property Valuation and Review (PVR). Judith Henkin was hearing officer by designation of William E. Johnson, Director of PVR.

First, the Town maintains that the study should include property values that it adjusted based on information garnered from viewing the properties' real estate listings. The Town argues that such changes are essential grand list maintenance. In advance of hearing, the Town provided PVR with a list of nine properties which it contends should be included in the study at the values set by the Town, rather than at their prior assessed values.

In response, PVR contends that by using real estate listings as the prompt for adjusting values, sold properties are treated differently than unsold properties – they are more likely to be reassessed, with the resulting value tellingly close to the sales price – and that the Town is thus engaging in sales chasing. In support of its position, PVR presented a document entitled "Treatment of Sold Properties" that illustrates the likelihood of sold property being assessed, versus unsold properties.

Review of the documentation supports PVR's position, as does the Town's testimony at hearing. "Sales chasing is the practice of using the sale of a property to trigger a reappraisal of that property at or near the selling price." IAAO Standard on Ratio Studies at 43 (July 2007). Here, the Town acknowledged that it routinely scrutinizes MLS listings to find discrepancies with grand list values, and thereafter adjusts values to reflect what it claims are changes and improvements to the property. The Town presented no

evidence, however, that unsold properties were similarly reviewed and reassessed, and PVR's analysis – showing the frequency of change in value of sold properties, versus unsold, at more than two to one in three of the last five years, and the close proximity of assessed value to sales price – is sound and persuasive. While the Town intimates that PVR's failure to inspect the properties impugns its conclusion, the Town itself did not inspect all of the challenged properties before changing the values. In addition, property values were consistently adjusted based on purported changes to static features – for example, topography, view, and grading – which strongly suggests that the change was not a physical one, but a subjective call on the part of the listers. In short, the Town has not shown that PVR's dismissal of the updated listed values – values plainly triggered by real estate listings – was unreasonable.

Next, the Town contends that it reappraised its commercial category in 2008 and that PVR wrongly rejected the newly adjusted values on three sales. Citing the lack of promulgated regulations, the Town also takes issue with PVR's claim that the Town was required to notify PVR prior to conducting a partial reappraisal. In response, PVR maintains that it did not need to promulgate a formal rule because the authority was conferred by statutory directive to the commissioner. Further, PVR asserts that the Town failed to meet its guidelines for conducting a reappraisal, having conducted too few assessments to be representative of the category.

It is not to be summarily presumed that an agency is required to conduct rulemaking. *See State v. Wuerslin*, 174 Vt. 570, 570 (2002) (mem.) (agency "not required to enact regulations to carry out what its authorizing statute specifically directs it to do.") Here, the Town has not shown a violation of its citizens' substantive rights – despite its assertion otherwise – nor has there been a request for rulemaking. *See* 3 V.S.A. § 831. Further, the legislature unambiguously charged the commissioner with the broad task of annually determining the equalized education property tax grand list and coefficient of dispersion for each of Vermont's municipalities, 32 V.S.A. § 5405(a), and conferred to the commissioner wide latitude to employ any "appropriate" method to determine the fair market value of property, "in view of the resources available for that purpose." 32 V.S.A. § 5405(d). Under PVR guidelines, the Town has not conducted a partial reappraisal, and has failed to show error with PVR's decision not to use the adjusted commercial category values. PVR did not err in its refusal to use the adjusted values in the study.

Last, the Town requests that PVR include in the study the Town's appraisal value for the Leatherwood to Rising property, rather than its former listed value. Citing *Townsend v. Middlebury*, 134 Vt. 438, 440 (1976), the Town argues that it appropriately increased the assessment after the holder of a life estate in the property died, and the ownership interests merged. PVR responds that the Town mischaracterizes its rationale for reverting to the prior value; the Town did not alter the assessed value at the time the life estate was created, so it should not now increase the value on that basis because the interest was extinguished. Moreover, PVR maintains that the Town's assessment – which more than doubled the prior assessment and was disproportionately attributed to the land – is "strikingly similar" to the ultimate sales price.

Whether or not the Town should have increased or decreased value based on the existence of a life estate is not the focal issue. If the equalization study is to reflect the Town's listing practices, Norwich has consistently demonstrated that it selectively assesses properties, and arrives at values within remarkably close range of the sales price. Furthermore, in this instance, despite its argument that the value was changed to reflect the merger of the ownership interests, the Town attributed the change in value to the property having the "best river frontage in Norwich." Again, the Town's change in value is based on a non-changing, subjective attribute, and does not warrant the dramatic increase in the assessment. The prior value will remain in the study.

I therefore certify that the values are as follows:

Equalized Education Property Value:	$767,298,000
Common Level of Appraisal:	91.40 %
Coefficient of Dispersion:	12.29 %

If the town wishes to preserve its appeal rights with the Valuation Appeal Board it must do so in writing. The appeal to the Board must be received by the Division of Property Valuation and Review by the close of business on the 30th day following this determination.

Please contact the Division if you have any questions.

Sincerely,

Judith Henkin
Designated Hearing Officer

Approved by:

William E. Johnson, Director
Property Valuation and Review

Date: 6-17-10

cc: Chair, Selectboard
Town Clerk
Chair, Board of Listers / Assessor
Chair, School Board
Superintendent of Schools: SU055
District Advisor: Bill Tobin

STATE OF VERMONT
VALUATION APPEAL BOARD

In Re:	)	**Appeal of 2010 EEPV & COD**
Appeal of Town of Norwich	)	**(Grand List 2009)**
	)	**Docket #EQ-08-1**
	)	

DECISION

The above captioned appeal came for hearing before the State of Vermont Valuation Appeal Board (VAB) on October 29, 2010 in the meeting room at the Norwich Town Hall to consider the redetermination of Norwich's 2010 equalized education property value (EEPV) and the coefficient of dispersion (COD) pursuant to 32 V.S.A. §5408(c). Present at the hearing were VAB members: Laurie A. Rowell, board chair, Sonia A. Alexander, Anne Bernhardt and Sandy Murphy, board members. Steve Wheelock, assessor, and Dennis Kaufman, chair of the board of listers, testified on behalf of the Town of Norwich. The Vermont Department of Taxes was represented by Suzanne M. Monte, Assistant Attorney General. Mark Paulsen, district advisor supervisor/overseer of the equalization study, and William Smith, consultant to the State/formerly Tax Department's statistician, testified on behalf of the State of Vermont Department of Taxes - Division of Property Valuation and Review (PVR).

PROCEDURAL HISTORY

Norwich filed a petition with the director of the division of PVR for a redetermination of the municipality's EEPV and COD based on its 2009 Grand List. The redetermination hearing was held on April 23, 2010 before Judith Henkin, hearing officer by designation of William E. Johnson, Director of PVR.

The town based its request for redetermination on three issues. The hearing officer found in favor of the State on all three issues and this appeal from the Town to the VAB followed based on the same three issues: sales chasing; partial reappraisal, and life estate property interests.

FINDINGS OF FACT: Issue One

1. The Town of Norwich underwent a town-wide reappraisal in 2004 by an outside appraisal firm.

2. Some of the data collectors for the 2004 reappraisal were inconsistent in entering their property information for Grand List valuation purposes.

3. Norwich listers and assessor have used a number of different ways to correct inaccuracies from the 2004 reappraisal and in general maintenance of the Town's Grand List.

4. One method used by the Norwich listers to correct and maintain the Grand List is to routinely check the area's Multiple Listing System (MLS) to find properties going on the market, listers then sometimes inspect the properties and, in some cases, based on the inspection adjust the property's Grand List value.

DISCUSSION: Issue One

In Norwich the listers are trying to do what Vermont statutes require of them, with the methods that they have available to them. While part of their job is to watch the real estate sales market and follow the MLS listings, the MLS cannot be the trigger the listers to go out, inspect a property and use what they learn to change the Grand List value. Sure, such methods will result in more accurate Grand List valuations, but they will only be more accurate for the taxpayers with property on the MLS, and that is the problem.

Vermont Listers' Handbook in the discussion regarding Ongoing Analysis and Maintenance states that listers, "[S]hould review sales on an on-going process to determine the ratio of the listed values to the sale prices in order to determine if any general adjustments are warranted.... Even though the statutes direct you to appraise all properties at fair market value, you must ensure the value of new or changed properties is at the same percentage of fair market value as other properties." Kachadorian v. Town of Woodstock, 144 Vt. 348 (1984). Listers' Handbook, page 21, 2008.

People place their property with a realtor for all sorts of reasons, sometimes just to find whether there is anyone out there ready and willing to purchase at their asking price. Sometimes the listing will result in a sale, sometimes after a period of time the seller will decide to take the property off the market, either way the listing should not result in a change by the Town to their property's taxable value.

When listers decide to reassess a property, or a couple of properties, outside of a town-wide reappraisal year, and without the property owner having applied for a building permit, they had better be able to justify their decision(s) or face a selective reassessment challenge. There are many Vermont cases directly on point regarding "whether a particular assessment lacks uniformity", particularly when only recently sold properties were subject to reassessment at current full fair market value. "The overriding goal [of a town's property assessment] is to ensure that, whatever the fair market value of a property might be, its listed value corresponds with the listed value of comparable properties so that no taxpayer pays more than his or her fair share of the property tax burden." Allen v Town of West Windsor, 177 Vt. 2, at 3 and 6 (2004). The year of the opinion as cited in the Listers' Handbook on page 22 is incorrect.

The facts of the Allen case are so similar to the situation in Norwich one would wonder whether the State district advisor or hearing officer ever provided a copy of the court's opinion to the Norwich listers. Perhaps PVR's website should provide a link to particular case law referenced in the Listers' Handbook. The present tax valuation appeal's process in Vermont begins with PVR, through district advisors and hearing officers, educating, counseling and advising listers, many of whom are simply townspeople trying to do the right thing. Unfortunately, though, by the time PVR and a town come before this board, both parties find themselves on opposite sides of the table. The appeal process involves a great deal of time and expense for both parties and often the Town and State do not arrive here on equal footing. The State has an obligation to assist the Towns as much as possible.

FINDINGS OF FACT: Issue Two

1. The Norwich listers reviewed the property card information and sales information for each property in the Town's Grand List's commercial category in 2008, without requesting permission of PVR to undertake a partial reappraisal.
2. The Town's commercial category consists of 66 properties (including exempt and Dartmouth parcels), 22 properties values were changed by the listeres on the 2008 Grand List.

DISCUSSION: Issue Two

Certainly if there existed a written policy, requirement, rule or recommendation that a town notify PVR when it has begun a reappraisal of a category of properties, it would have been included as part of the seventeen (17) exhibits for the VAB hearing provided by the State, but there is none to be found. Even a review of the Listers' Handbook has no such notice provision. So how would a part time, elected lister have known of such a requirement? The State in its Reply Memorandum of Law references State's exhibit #2 "Reappraisal Activity for the Equalization Study" as authority for the notification requirement without a citation to a page number. A review of the eleven page document produced no such notification requirement.

The "Reappraisal Activity Evaluation for the Equalization Study" is interesting reading, but how would one find it if they were not part of the VAB hearing last October? It is not referenced in the Redetermination hearing decision on Norwich's appeal. Again, PVR has the resources and an obligation to make data available to the towns they serve. What seems to be missing is the "towns they serve" attitude, not the towns with which they battle. Technology has made access to information easier than ever, PVR should add the "Reappraisal" document to the list of documents on the listers' page at the Tax Department's website. Go ahead and add it whether or not any town or person has asked for formal rule-making on this particular issue.

The "Reappraisal Activity Evaluation for the Equalization Study" spells out the differences between a partial reappraisal, rolling reappraisal and general Grand List maintenance and provides a clear convincing rationale. Again, this entire appeal may have been curtailed earlier, or avoided entirely, if Norwich had been provided with the proper documentation. After reviewing the document, Norwich has not met the requirements for a partial reappraisal of their commercial category, and neither did they then adjust changed valuations to the level of appraisal of the portion of town that has not been reappraised. See "Reappraisal Activity Evaluation for the Equalization Study", page 9, in bold print, (2007).

Clearly the Commissioner has the power to determine "appropriate" methods to determine fair market value. 32 V.S.A. § 5405(d). Case law puts the burden of proof and a very high standard of review on appeal squarely on the shoulders of the towns. The towns can only prevail if they can prove the State's approach is "wholly irrational and unreasonable in relation to

its intended purpose," and cannot simply impugn or question the State's methodology. *Town of Killington v. Dep't of Taxes*, 176 Vt. 70, 73 (2003). Much of the work has been done by PVR already, the State needs to make the information available to the Towns.

FINDINGS OF FACT: Issue #3

1. Property Transfer Tax Return from Mary F. Rising to her daughter Cia M. Rising dated May 28, 1998, of remainder interest, price paid for real property $130,000. Primary residence and 5.6 acres. If price paid is less than fair market value, describe circumstances: Transfer between parent and child without consideration. Recorded in Norwich Land Records on June 1, 1999.
2. Warranty deed from Mary F. Rising to her daughter Cia M. Rising dated May 28, 1999, grantor reserved a life estate: the right to possess, use and enjoy all of the real property during her lifetime, recorded in Norwich Land Records on June 1, 1999.
3. April 1999 Grand List value in the name of Mary Rising, Dwelling and 3.6 acres, total Grand List value $101,600: homestead from $95,800 to $96,000.
4. Grand List 7/13/2000, Cia Rising dwelling and 3.6 acres Total Grand List value $101,600.
5. 2005 Grand List as of April 1, 2005, Cia Rising, (building of second house started), Total Gand List value $390,000.
6. Grand List 2006 as of April 1, 2006, Cia Rising, 3.6 acres and 2 dwellings (second house completed), Total Grand List value $449,100.
7. September 3, 2006 Mary Rising died.
8. February 23, 2007, Norwich reappraised the Rising property to $963,200.
9. Warranty Deed from Cia M. Rising to David P. Leatherwood and Loretta E. Leatherwood dated June 29, 2007, in fee simple.
10. Property Transfer Tax Return from Cia M. Rising to David P. Leatherwood and Loretta E. Leatherwood dated June 29, 2007, of single family dwelling and 3.6 acres from a primary residence to camp/vacation, price paid $949,000, recorded July 2, 2007 Norwich Land Records.

DISCUSSION: Issue Three

In contrast to the State's decision in its redetermination decision at this third appeal issue, whether or not the Town should have increased or decreased the Grand List value based on the termination of a life estate is exactly the focal issue here. What is not the issue here is the State's broad characterization of Norwich's property valuation practices as selective assessments and their apparent determination as to the Town's motivation.

The May 28, 1998 transfer from Mary Rising to her daughter was irrevocable in that her daughter received a vested remainder interest. While Mary Rising retained a life estate she did give up her rights to sell her Norwich property. The Rising transfer was a common estate planning device at that time. The more recent life estate deeds offered by the State, date from 2005 and 2008, and reserve to the grantor almost all, if not all, of the attributes of ownership including but not limited to the power to sell and retain the proceeds, mortgage or otherwise encumber the property. The transfer tax returns in all three instances could accurately have stated that the grantees were receiving only contingent remainder interests. Contingent because they may very well have received nothing at all at the grantor's death, should the grantor have exercised their retained right to transfer title. Mrs. Rising had not retained such right.

Apparently, the Town did not decrease the Grand List value on the Rising property when Mrs. Rising deeded her remainder interest to her daughter in 1998, thirteen years ago. Why not? We will never know why not, may have been a different set of listers, a Grand List value very close to the transfer tax consideration value, based on legal advice, an oversight, a combination of factors - hard to say. The State claims that the issue is, "Whether the Town changes the value at all when a life estate is added." *State's Reply Memorandum of Law,* dated May 7, 2010. But that is not the issue here, in fact, there was no testimony on the rationale of the decision or lack of decision by the listers in 1999. This is an appeal based on the 2009 Norwich Grand List, not the 1999 Grand List.

This board is concerned about the hearing officer's and the State's interpretation of the third issue before the board and, in fact, with the overall attitude toward the practices of the Norwich listers. The Rising transfer is nothing like the other referenced transfers of life estates,

with powers of sale. The Rising property was encumbered by the life estate of Mrs. Rising, the remainder interest was vested. Could the Rising property have sold with such an encumberance - maybe, but it wouldn't have sold at full fair market value of property with full fee simple title. Absent any evidence of Mrs. Rising's age and the attributed increase in value to the property at her death, this board finds in favor of the Town at the Grand List value of the Rising property as entered by the Norwich listers.

CONCLUSION

In conclusion, in regards to the first issue on appeal, this board orders that the property values that were changed by Norwich based in part in on their listings in the MLS be entered into the 2010 Equalization Study at the prior year's assessments.

In regards to the second issue, this board finds that the Town of Norwich did not undertake a partial reappraisal of their Grand List's commercial category in accordance with the description as provided for by PVR publication, "Reappraisal Activity Evaluation for the Equalization Study" and, therefore, all commercial properties whose values were changed based on Norwich 2008 reassessment of their commercial properties shall be entered into the 2010 equalization study at their prior year's assessment.

In regards to the third issue, this board finds that the fair market value of the real estate did increase at the death of the life estate holder. Therefore, absent evidence to establish a different value, this board orders PVR to leave the Norwich value of the Leatherwood property as it was entered by the Norwich listers following Mrs. Rising's death, whether or not it was "strikingly similar" to anything at all.

Dated at Brattleboro, Vermont this 14th day of April, 2011.

Laurie A. Rowell

Valuation Appeal Board, Chair
Laurie A. Rowell, Esq.
C/o Fitts, Olson & Giddings, P.L.C.
16 High Street
Brattleboro, Vermont 05301

NOTICE

In accordance with 32 V.S.A. section 5408(d), a municipality or the Division of Property Valuation and Review may appeal from a decision of the Valuation Appeal Board to the Superior Court of the county in which the municipality is located. The superior court shall hear the matter de novo in the manner provided by Rule 74 of the Vermont Rules of Civil Procedure.

Sarah Nunan, Norwich Selectboard Chair
P.O. Box 376
Norwich, Vermont 05055
selectboard@norwich.vt.us

Suzanne M. Monte, Esq./Attorney for the Vermont Department of Taxes
Department of Taxes
133 State Street
Montpelier, Vermont 05633-1401

Governor Peter Shumlin
109 State Street, Pavilion
Montpelier, Vermont 05609

Felicia Martineau
Property Valuation and Review
133 State Street
Montpelier, Vermont 05633-1401

7a

September 20, 2017

Norwich Selectboard
Tracy Hall
Main Street
Norwich, VT 05055

RE: Church St. Sidewalk Project
SB Mtg - 9/27/17

Dear Norwich Selecboard,

I am submitting the following timeline in preparation for the Wednesday, September 27, 2017 Selectboard meeting addressing the Church St. Sidewalk Project:

2006 a petition was submitted to the Selectboard for several sidewalk projects around town.

Fall 2008 I first heard about a Church St. sidewalk project from former Town Mgr. Pete Webster as he was walking along the front of my property. He explained a much simpler project. He indicated that my fence would be replaced if it had to be moved.

June 2009 I stopped in to see Pete Webster for an update. On June 23 he forwarded a number of e-mails he received from the State regarding site plans, concerns, questions, etc. as he promised when I stopped in.

May 2010 I received an e-mail from Pete Webster updating Church St. sidewalk project; plans were being re-submitted with my concerns noted for Conceptual Plan development.

December 2012 As a concerned Church St. property owner, I did not receive e-mail notice of Church St. sidewalk public hearing and, consequently, did not attend.

September 25, 2015 Late Friday afternoon e-mail is sent to Church St. property owners informing us of a 4-7 pm meeting on Tuesday, September 29th to review plans/walk site. The meeting started late due to consultant delay; it was difficult to understand the plans on the wall, so it was suggested we walk the site marking location of sidewalk as Corey Mack, project engineer, explained each property involvement/impact.

December 7, 2015 There was no follow-up from the project manager regarding numerous unanswered questions we asked during this meeting, I presented a document (Sidewalk Project Questions & Considerations) at the SB meeting regarding the numerous questions that were left unanswered after our September 25 site walk.

December 2015 After not hearing further about the project, only about signing easements, Corey Mack responded to a document I e-mailed him (as well as the SB, Neil and Phil) with a phone call assuring me he was working on changes addressing residents concerns and there would be another meeting. ***No additional property owner meetings were ever scheduled.***

p 2. Project Timeline for September 27,2017 SB Mtg.

January 13, 2016 I attended the SB meeting requesting the sidewalk project be placed on the SB agenda before seeking easements.

January 27, 2016 DRAFT Minutes of SB Meeting:
6. SRTS – Church Street Sidewalk Project (Discussion/Possibile Action Item). Dechert reviewed the history of the project. Several Church Street residents spoke about their concerns with the project. After discussion, Fluton said he would continue meeting with the property owners and would let the Selectboard weigh in before proceeding with the project. ***Neither happened.***

I presented each SB member, TM and ZA a packet of information including all collected documentation presented overt time and a Church St. police safety report.

February 2, 2016 I presented a petition requesting the project be discontinued signed by most of the property owners impacted.

March 22, 2017 I attended the 2nd meeting of the new Selectboard to request the Church Street Sidewalk Project be put on a future agenda (purpose of the meeting after other business). I briefly reviewed the neighbors' concerns, Phil again stated the project history, and both new SB members questioned why this project was moving forward if there was opposition.

September 27, 2017 Church St. Sidewalk Project on Selectboard agenda.

Sincerely,

Elaine B. Waterman

Elaine B. Waterman
63 Church Street

September 20, 2017

Norwich Select Board
Tracy Hall
Norwich, VT 05055

In addition to the project time line, this is a synopsis of issues many property owners and concern citizens have discussed over time:

The proposed 5' wide sidewalk w/granite curbing will:

- put pedestrians within a giant step of four property owners steps, porch and/or front door will diminish privacy and perhaps even diminish the value of their property
- require removal of the Norwich Congregational signage and diminish the Church's drop off area
- adversely affect several large and historically prominent trees, traumatizing their root system and putting their sustainability in jeopardy
- the sidewalk will force bikers and runners (teams) to use the traffic lane
- this section of Church Street is listed on the National Historic Preservation. Citifying this small section of Church Street is an insult to historic preservation.
- the Zoning Administrator and project engineer have stated to property owners that any structures removed or damaged will not be replaced and/or moved further back on property due to lack of funds
- no pedestrian accidents on this stretch of Rt. 5N; digital records date back to May l997; prior records have yet to be digitalized. See attached report from Norwich Police Department dated December 10, 2015 which was submitted to the SB
- this project was first discussed in 2008 with some property owners and was last mentioned in the 2009 Town Report. The first official information to property owners regarding the resurgence of this project was in the October 2015 e-mail.
- lack of transparency from the very beginning when the petition that was first submitted

The October 2016 property owner meeting/walk with Corey Mac, project manager, left many unanswered questions and revealed many other specific property owner concerns which were submitted to each SB member, TM and ZA at the January 27, 2016 meeting.

Elaine Bateman

February 2, 2016

To the Town Manager and Selectboard

The scope and impact of the proposed Church Street sidewalk has unintended negative consequences, and for the following reaasons, we respectfully ask that the projet be discontinued.

19 Church Street

Proposed sidewalk would be 8 feet from the front steps of the house

Two historic trees compromised

31 Church Street

Oldest Elm tree in Norwich would die. See enclosure from Chippers Tree Service

Proposed sidewalk would be 8 feet from the front steps of the house

39 Church Street

Trees impacted

55 Church Street

40 foot Magnolia tree would die from root disturbance

Extensive landscaping and drainage issuses

63 Church Street

See enclosed documents

In addition,all mailboxes would be eliminated. The engineer suggested that the mail delivery person could drive over the curb and sidewalk to deliver mail. This is illegal.

Generations of residents, young and old, have travelled on Church Street. The speed limit is low, and there is a crossing guard before and after school. There have been no pedestrian accidents on the street. We, therefore, see no need for the proposed sidewalk project.

Susan Dana Leeland
Gerald R Leeland
Elaine B Waterman

Kristin Brun
Marsha H Biggs
Stuart Close

12/9/2015
Emailed to:
Corey Mack, Project Engineer
Neil Fulton - TM
Phil Reichert - ZA
Norwich Selectboard

Norwich Sidewalk Project Comments

Elaine B. Waterman
63 Church St. PO Box 85 Norwich

e.waterman@valley.net
649-1558

QUESTIONS left unanswered after October site visit with affected property owners:

1. Status of mailbox placement not determined; postal delivery personnel expressed concerns regarding granite edging.

2. Who is paying for replacement of fencing that has to be moved?

3. Who is paying for the certified onsite arborist? The roots of several large trees may be injured or not survive the disruption thus leaving the landowner with expensive maintenance or removal. Having an onsite arborist does not guarantee health of tree.

4. Who will be maintaining the culverts? The present culverts have been neglected for years and have been home to critters. There is a working drain on the front lawn at 55 Church which previous owners enhanced to accommodate their sump pump.

5. Each property owner has property specific concerns. Concerns at 63 Church Street include and are not limited to:

- size and maintenance of swale
- swale to shore up sidewalk installation means more of my front property is unusable (beyond scope of walk).
- utility pole on property and underground cables
- leach field on property and affect of heavy equipment
- the plan to install 10' asphalt on property beyond scope of sidewalk – (I have a circular drive) – I do not want asphalt on my property; my drive has hard pack and pavers, two 10' lengths of driveway asphalt would be unsightly, diminish/devalue the look of the front yard and add more cost to maintenance/care

OTHER CONSIDERATIONS for Town

This is a small NE village, not a city. People move here for the quaintness of the Village and/or the rural nature beyond. Why do we need to citify our town when we've chosen to purchase property and live here for those very reasons just mentioned?

Four homes will have the sidewalk in their "dooryard" and a step away from their entry.

This section of Rt. 5 is a popular biking/jogging route for individuals, groups, and HHS teams. Loss of biking/jogging space puts these folks at increased risk on the sidewalk side of the street.

Winter maintenance. Rt. 5 is well maintained by state plows with frequent trips up/down 5N. The plowed snow will now be on the sidewalk. Will the sidewalks be "plowed" with the same frequency by the town? Snow/ice covered sidewalks increases pedestrian risk when the only alternative is to walk on the cleared road until the walks are cleared.

Towns promise municipal maintenance of sidewalks until there is a budget crunch. This has happened in my former Connecticut home and has happened and is happening this year in many other New England towns with fines levied if not cleared within a certain number of hours. It is my understanding that the Fire District is no longer responsible of maintenance and repair of Village sidewalks; however, I have heard from the Prudential Committee that the Town wants to no longer have that responsibility.

How does this short stretch of sidewalk make Rt. 5N a safer route as it ends at Carpenter Street? There is no record of memory of an accident on this stretch of Rt. 5N since 1976 by long time residents. A search of digital police/accident records from 1997 has been completed; the report documenting pedestrian, bike and car accidents for this stretch of Route 5 and beyond is attached.

Most school children are driven to school and have after school pick-up plans (library, sports, activities, friends). Those few children who do walk to school do so on the other side of the street facing traffic. Few children walk home.

December 9, 2015

NORWICH POLICE DEPARTMENT

ADMINISTRATIVE SECRETARY
JUDITH W. POWELL

P.O. Box 311 ~ 10 Hazen Street ~ Norwich VT 05055 ~ 802-649-1460 ~ FAX 802-649-1775 ~ E-MAIL judith.powell@vermont.gov

TO: Elaine Waterman

FROM: Judy

DATE: December 10, 2015

SUBJECT: Motor Vehicle Crashes on Church St.

Electronic storage of our records began in May, 1997 so the data below begins at that time and continues through to today's date.

DATE	TIME	LOCATION	BRIEF DESCRIPTION
12/14/1997	12:28am	50 Church St.	1 vehicle, hit a tree
07/02/2001	8:24am	19 Church St.	1 vehicle, hit bicyclist
04/29/2006	10:33am	320 Church St.	2 vehicles, head on
12/22/2008	1:54pm	134 Church St.	2 vehicles, pulling out of drive into traffic
02/05/2009	6:25am	?? Church St.	1 vehicle, hit deer
01/12/2012	11:01am	198 Church St.	1 vehicle, slippery, slid off road
10/31/2012	4:02pm	?? Church St.	1 vehicle, hit deer
12/18/2014	8:19am	22 Church St.	2 vehicles, backed into parked vehicle

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Vermont Land Trust

CONSERVING LAND FOR THE FUTURE OF VERMONT

RECEIVED
SEP 21 2017
TOWN MANAGER'S OFFICE

8 Bailey Avenue
Montpelier, VT 05602
(802) 223-5234
(802) 223-4223 fax
info@vlt.org
vlt.org

REGIONAL OFFICES

Central Vermont
8 Bailey Avenue
Montpelier, VT 05602
(802) 223-5234

Champlain Valley
P.O. Box 850
Richmond, VT 05477
(802) 434-3079

Northeast Kingdom
171 Scott Farm Road
Newport, VT 05855
(802) 748-6089

Southeast Vermont
and Mountain Valley
54 Linden Street
Brattleboro, VT 05301
(802) 251-6008

Southwest Vermont
and Mettowee Valley
10 Furnace Grove Road
Bennington, VT 05201
(802) 442-4915

September 19, 2017

Selectboard
Town of Norwich
300 Main St.
PO Box 376
Norwich, VT 05055

Re: Acquisition of Development Rights; Polashenski Farm

Dear Members of the Selectboard:

We had notified you earlier that the Vermont Land Trust (VLT) was applying for a grant from the Vermont Housing and Conservation Board (VHCB) to acquire development rights and perpetually conserve the Polashenski farm in Norwich. VHCB subsequently approved this application on October 5, 2016.

This letter is to notify you, per Title 10 V.S.A. Section 6302(d), that the Vermont Land Trust will be closing on the purchase of the "Grant of Development Rights, Conservation Restrictions, Option to Purchase, and Right of Enforcement of the United States" (the "Grant") on 32 acres of land located east of Vermont Route 132 for $191,250.00 which will be co-held by the Vermont Land Trust, Inc. and Vermont Housing and Conservation Board.

A copy of the Grant is available upon request and will be sent to the Norwich Town Clerk for recording immediately following closing. For more information about this transaction, please contact Jon Ramsay at (802)533-7705 or JRamsay@vlt.org.

Sincerely,

Christine McShea
Paralegal