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**Herb Durfee**

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**From:** John Pepper <johnpepper91@gmail.com>  
**Sent:** Sunday, June 04, 2017 9:56 AM  
**To:** Herb Durfee; Miranda Bergmeier  
**Subject:** Fwd: Conversion of Route 5 Parcel to Agricultural Usage  
**Attachments:** Conversion of Route 5 Parcel to Agricultural Usage.pdf; ATT00001.htm

herb and miranda,  
I received this correspondence from Judy Phillips and would like it to be shared with the rest of the Select Board as soon as possible.  
Thank you!

Begin forwarded message:

**From:** Judy Phillips <[jphillips729@earthlink.net](mailto:jphillips729@earthlink.net)>  
**Subject:** Conversion of Route 5 Parcel to Agricultural Usage  
**Date:** June 1, 2017 at 6:53:06 PM EDT  
**To:** John Pepper <[seabird37@gmail.com](mailto:seabird37@gmail.com)>

John,

I've been meaning to reach out to you and send this proposal I drafted in the fall. It's a discussion document.

I'm unable to attend the mtg as I'm away on assignment. I've sent the attached to Stuart et al.

I hope this idea has merit. It needs further research, and if considered feasible, I'd be happy to contribute time to further study.

Regards,

Judy Phillips

TO: Town of Norwich Selectboard

FROM: Judy Phillips  
PO Box 872, Norwich

RE: Conversion of Route 5 Parcel to Agricultural Use  
Proposal Alternative Plan: Low Density Development Of A Farming  
Collective

DATE: November 22, 2016

Proposal: Explore alternate use of Route 5 parcel, to retain Norwich's rural character and provide economic opportunity to local farmers.

Explore financing options to purchase parcel: Public/private funding

Usage: Farming collective vs. sole farmer

Land purchased by town/ state or UVLT: to be designated for farm use.

Farmer: Initial investment (% land value to reimburse town) & letter of intent: must commit to farming land for period of 4 years (3 growing seasons). Investment to be applied to future purchase if that is an option.

Research state financial aid or incentives for restoration of land for agricultural use

Farmer or farming collective restore(s) land at own expense of time and labor. Housing and other farm buildings (barn, coops, farm stand) constructed by farmers with assistance from state/local incentives and abatements, Habitat for Humanity, other volunteer carpenters and skilled tradesmen.

Education Center: building designated for community use: classes offered in organic gardening, cheese-making; healing herbs; quilting/knitting/fabric arts in winter: adds to public purpose. Classes charge fee for participation; all fees accrue to farmers and other instructors. Classroom facility can be rented as event space; rental income accrues to farmer(s).

Enlist local private sponsors - King Arthur, etc. to assist in underwriting costs of project

Produce from farm to be sold for profit (farm stand, Coop, Dan & Whit's) and, over time with increasing yield and profitability for donation (the Haven, Willing Hands, other entities). Profits accrue to farmer(s). CSA shares offered.

Farmer's (s') financial obligation: after period of 4 years that farm is fully operational, reasonable lease fee to be paid to town annually - payment in lieu of taxes. Options: (a) Town to retain ownership to subsidize farming and preserve land for agricultural use in perpetuity; (b) farmer offered lease-to-purchase with restriction that land designated solely for agricultural purpose. Farmer(s) to submit quarterly statements to town re: yield and profitability.

Financing:

State grant

Town grant

UVLT

Preservation Trust of Vermont

Vermont Economic Development Authority

Initial investment of farmer(s)  
Small bond issue

Community participation:

Architects, carpenters, etc. donate expertise

Judy Phillips: public finance expertise: concept, draft proposal & initial research

Questions/further research :

Owner:

Parcel size:

Assessed value:

Current zoning requirements:

Potential crops:

Judy Phillips  
PO Box 872  
Norwich

November 22, 2016

[jphillips729@earthlink.net](mailto:jphillips729@earthlink.net)

Handout 6/7/17

106

June 6, 2017

From: Norwich Housing Corporation  
("Norwich Senior Housing")

To: Herb Durfee, Town Manager  
Selectboard Chair and Members

Dear Herb Durfee, Madame Chair and Selectboard Members,

Re: Public Safety Building and our neighboring borders

Since the Selectboard meeting April 26, 2017 we have received clear up- dates and a working relationship with the Town Manager and the Select board. We appreciate that. We are writing to summarize the plans discussed and actions expected during and throughout the project.

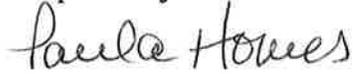
1. Safety. Thank you for eliminating the practice fire hydrant from the project. Thank you for keeping our Senior Residents in your conversations with the Contractors to keep their safety and consideration a priority during the entire project.
2. Trees. Thank you for prioritizing the preservation of the mature shade trees (Black Cherry and Maples) on town property closest to the Norwich Senior apartments. We will place reminder signs, per the request of the Town Manager, which identifies specific trees that we do not want harmed. **We would ask that the town marks the "Limits of Clearing" and the town mark the trees that will remain after construction is finished.**
3. Right of Way from Hazen St. The Norwich Housing Corporation received the legal paperwork from Herb Durfee recommending that we grant permission to run a water line along side the west side of the access road where possible, or underneath the road staying within the 20 foot access perimeter. He verbally stated that he and the Contractors will do their best to remain watchful of protecting our leach fields and mature pine tree stand adjacent to the access road on the East side. We have submitted the legal document to our council and will reply as soon as possible.
4. Scrub/ Hedge/ Trees on the East side of the Public Safety Building on both Town land and Norwich Housing Corp land. The area sits to the East of the current parking lot traditionally used for Police vehicles. We plan to work with the Town Manager and the Norwich Conservation Commission (NCC) to formalize/ finalize the removal of the entire hedge of invasive plants and unhealthy trees that will likely be damaged during the clearing of the hedge on the town property. As safety is our main concern we would ask that the hedge be removed completely minus one healthy maple tree on the southern end of the hedge. A formal request by the NCC was made to the Select board and Acting town Manager on April 26<sup>th</sup> to ask that the town use their

equipment to remove the entire hedge and dead trees. We will work with the town, NCC and Norwich Housing Corp. to formalize what the new screening and hedge will look like after the Public Safety Building is complete. The NCC has made proposals and plans. However, NHC wants to work with the Town and NCC to finalize those plans for planting on Norwich Senior Housing property of a salt tolerate, decorative hedge of non- invasive plants for screening.

5. Drainage. Thank you for hearing our concerns about potential run-off damage to the Norwich Senior Housing due to poor drainage soil. Thank you for considering not paving part of the parking lot or investigating porous options to decrease run off water onto neighboring properties.

Thank you for collaborating to find the best results possible in the important details and responsibilities of this project in our neighborhood.

Respectfully on behalf of the Board of Directors.



Paula Howes, President  
Board of Directors



Onita Connington  
Member, Board of Director



Tracey Hayes  
Treasurer, Board of Director and Norwich Resident

**Herb Durfee**

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**From:** Menees, Todd <Todd.Menees@vermont.gov>  
**Sent:** Friday, June 09, 2017 1:52 PM  
**To:** Herb Durfee; Crocker, Jeff; Kirn, Rich  
**Cc:** LaFlamme, Pete; Langhus John; John Pepper; Linda Cook; Mary Layton; Stephen Flanders; Miranda Bergmeier; Kline, Mike  
**Subject:** RE: Norwich Dam/Pool  
**Attachments:** SA-05-043-2015-R Norwich Pool Dam Removal.pdf

Herb –

Norwich and the town’s consultants conducted an evaluation of options for reconstructing the Norwich Pool Dam that have been thoroughly reviewed by the Agency. The Agency conclusion remains that there is no viable option to address all of the given concerns that you have outlined below that would meet the statutory requirements for a Stream Alteration Permit.

The town and consultant pursued a dam removal and stream remediation project which was reviewed and initially permitted on 12/23/15. In August and September, 2016, FEMA sent letters requesting clarification of the work scope necessary to make the site safe and secure.

I have attached the revised permit SA-05-043-2015-R dated 9/26/16 to reflect the Norwich reply to the FEMA inquiry. We appreciate the advance notice of the project start in summer 2017, and I look forward to working with the town again on this flood resiliency project.

Thank you -

**Todd Menees, P.E., P.H., River Management Engineer**  
**Watershed Management Division, Rivers Program**  
**Vermont Department of Environmental Conservation**  
**1 National Life Drive, Main Building – 2<sup>nd</sup> Floor**  
**Montpelier, VT 05620-3522**  
**802-345-3510 / [todd.menees@vermont.gov](mailto:todd.menees@vermont.gov)**  
**On the Web @ [www.dec.vermont.gov/watershed](http://www.dec.vermont.gov/watershed)**



**VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**WATERSHED MANAGEMENT DIVISION**

**From:** Herb Durfee [mailto:HDurfee@norwich.vt.us]  
**Sent:** Friday, June 09, 2017 1:14 PM  
**To:** Crocker, Jeff <Jeff.Crocker@vermont.gov>; Menees, Todd <Todd.Menees@vermont.gov>; Kirn, Rich <Rich.Kirn@vermont.gov>  
**Cc:** LaFlamme, Pete <Pete.LaFlamme@vermont.gov>; Langhus John <johnlanghus@gmail.com>; John Pepper <johnpepper91@gmail.com>; Linda Cook <lcook2825@gmail.com>; Mary Layton <marydlayton@gmail.com>; Stephen Flanders <stephen.n.flanders@gmail.com>; Miranda Bergmeier <MBergmeier@norwich.vt.us>  
**Subject:** Norwich Dam/Pool

Jeff/Todd/Rich,

As the new Town Manager in Norwich, please understand I am aware of the following:

1. Hurricane Irene “blew out” the Norwich Dam/Pool (i.e., the community’s pride & joy).
2. In Dec 2011, the Selectboard discussed using FEMA funding to repair the pool dam.
3. In Apr 2012, the Selectboard authorized hiring DuBois & King to provide consulting services for repair/reconstruction of the pool dam and recreation area.
4. On Sept 16, 2104, staff met with ANR where it was learned that ANR has serious reservations on whether the Town can meet requirements needed for a permit for the dam to reconstruct the pool.
5. In Dec 2014, the Selectboard (3-2-0) agreed to add \$25,000 to the proposed budget for possible litigation on the pool.
6. In Jan 2015, after meeting with then-Secretary Deb Markowitz, the Selectboard (3-2-0) agreed to put the \$25,000 litigation services back into the proposed budget. The Board, also, agreed by consensus not to have an advisory committee at that time.
7. In Jan 2015, the Selectboard received the pool committee’s recommendations regarding the pool dam design. Also, at that time, the Board authorized the Town Manager to proceed with making a permit application for the pool dam.
8. In Jun 2015, the Board authorized the Town Manager to submit an application to rebuild the pool structure.
9. In Sept 2015, the Board approved a letter to the ANR Secretary re: permit for replacing the pool dam.
10. On Oct 20, 2015, a letter to the Town Manager was written from Pete LaFlamme denying a Stream Alteration Permit to replace the breached dam and creating an impoundment for swimming. In essence, the permit denial was based on the conclusion that the project, as proposed, failed to demonstrate that it will not adversely affect public safety and damage the rights of riparian landowners. The project also failed to demonstrate that it will not result in adverse impacts to water quality, aquatic habitat, aquatic habitat connectivity and aquatic biota. Thus, the application did not meet the standards in 10 VSA Section 1023(a).
11. On Oct 28, 2015, the Board met to discuss whether or not to appeal the denial.
12. On Nov 10, 2015, the Board continued its deliberation and, due to two failed motions, opted not to appeal the permit denial.
13. During 2016, significant consulting work was completed to obtain a Stream Alteration Permit.
14. On Sept 26, 2016, a Stream Alteration Permit was issued allowing removal of the dam and stream remediation to remove imminent public safety hazards and to improve flood storage upstream of the Town village.
15. On Sept 28, 2016, in a letter to the Interim Town Manager, ANR clarified the Town would not be stabilizing the eroding bank and, thus, the Stream Alteration Permit was amended to indicate this in the project scope.
16. In a Dec 7, 2016 e-mail from Jeffrey Tucker (DuBois & King) to the Interim Town Manager, it was indicated that a side channel pond adjacent the site of the former pool dam likely would result in significant costs, given the volume of excavation necessary, the likely need to line the bottom of the pond or improve the soils to hold water combined with the limiting volume of water regulators will allow to divert into it during the summer months. Given this information, DuBois & King did not evaluate/quantify the technical issues associated with a side channel pond. And, further, if a side channel pond was an alternative option, then, the consensus of the Town and DuBois & King was that construction of a conventional Town pool somewhere else in Town may be more practical.
17. Based on discussion with FEMA, the Town remains committed to carrying out the “reclamation” project currently permitted at the former pool dam site, likely in July/August 2017 (subject to the weather and brook levels).

Given all of the above (including, I’m sure, info that isn’t listed above), the question that remains outstanding to the Selectboard is whether or not there is any chance that the pool dam can ever be rebuilt, and, if so, what steps would need to be taken. We understand the answer may be no, but we’d like to confirm that with ANR, so we can move on. Thanks in advance for any insight. It’s appreciated.

Herb

Herbert A. Durfee, III

Town Manager  
Town of Norwich  
PO Box 376  
Norwich, VT 05055  
802-649-1419 ext. 102  
802-649-0123 (fax)

**Vermont Department of Environmental Conservation**

Watershed Management Division

Springfield Regional Office

100 Mineral Street, Suite 303

Springfield, VT 05156

www.watershedmanagement.vt.gov

*Agency of Natural Resources*

[phone] 802-885-8855

[fax] 802-885-8890

[cell] 802-345-3510

**AUTHORIZATION TO CONDUCT STREAM ALTERATION ACTIVITIES**

Pursuant to Section C.2.2.6 of the VT Stream Alteration General Permit (activities to restore floodplain connectivity)

Project Number: **SA-05-043-2015-R Norwich Pool Dam Removal**

FEMA # PA-01-VT-4022-PW-02334

Applicant Name: Selectboard, Town of Norwich, Vermont

Contact: Dave Ormiston or Andy Hodgdon

Mailing Address: Town of Norwich, PO Box 376, Norwich, Vermont 05055

Phone: (802) 649-1419 or (802) 649-2209

Project Location: Dam Removal/Stream Remediation Charles Brown Brook Email: [dormiston@norwich.vt.us](mailto:dormiston@norwich.vt.us) or[ahodgdon@norwich.vt.us](mailto:ahodgdon@norwich.vt.us)

The Secretary of the Vermont Agency of Natural Resources (VT ANR) has determined that:

1. This project authorizes the removal of a dam damaged by T.S. Irene and the stream remediation of Charles Brown Brook to remove an imminent public safety hazard and improve flood storage upstream of the village of Norwich.
2. The proposed activity is eligible for coverage under the VT ANR Stream Alteration General Permit.
3. The proposed activity will meet the terms and conditions of the General Permit provided:
  - a) The project will be completed and approved as shown on the attached plans undated, prepared by the town of Norwich as revised 9/26/16 and approved by the VT ANR herein.
  - b) The project will not adversely affect the public safety by increasing flood hazards.
  - c) The project will not significantly damage fish life or wildlife.
  - d) The project will not significantly damage the rights of riparian owners.
  - e) The project will not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.
  - f) The project is conducted in a manner which minimizes or avoids any discharge of sediment or other pollutants to surface waters in violation of the VT Water Quality Standards.
  - g) The ANR River Management Engineer is notified by phone or email when construction begins and when the project is complete. All tree cutting shall be reviewed and approved by the River Management Engineer.
  - h) In-stream working dates for all GP activities are from June 1<sup>st</sup> through October 1<sup>st</sup>; any in-stream work outside these dates will require an Individual Stream Alteration Permit authorization by the River Management Engineer.
  - i) This authorization has been posted for three days public comment. This authorization constitutes final approval.

If there are any changes in the project plan or deviation in construction from the plan, the Permittee must notify the River Management Engineer immediately.

If the project is constructed as you have described, as shown on the above referenced approved plans and according to the above conditions, there is no reason to expect any violation of Vermont Water Quality Standards.

Signed this 26<sup>th</sup> day of September, 2016

This permit expires October 1, 2018.

Alyssa B. Schuren, Commissioner

Department of Environmental Conservation

by



Todd Menees, P.E., P.H., River Management Engineer

## Norwich Pool Dam Area Restoration Project

### Phase I: Secure the area **completed 12/23/15**

- Meet with Wade Masure, Senior Loss Control Consultant for the Vermont League of Cities and Towns, to determine what needs to be done to make the area safe and secure.

### Phase II: Debris Removal

- Remove rubble (pieces of concrete) and debris that is in the brook.

### Phase III: Complete the restoration of the area

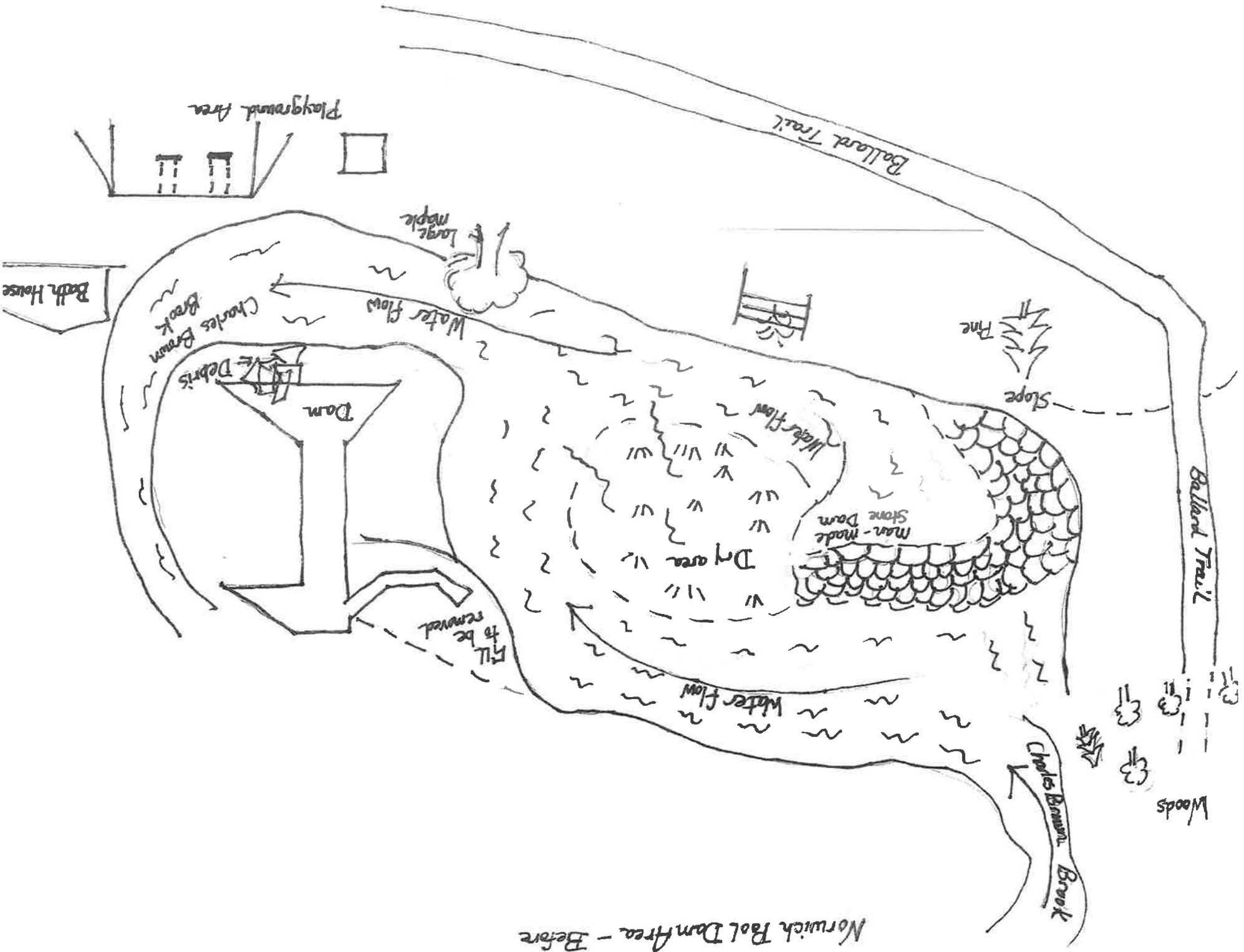
- Demolish the existing concrete pool dam.
- Remove hand-laid stone dam that is diverting the stream to the left side.
- Stabilize and armor the right bank, descending to a height of 4' with stone from the hand-laid stone dam. **deleted from work scope 9/26/16**
- Finish stabilizing the bank with the material from the far side and slope the bank. This will utilize the old-growth maple and root system it provides for future bank stabilization, eliminating the disturbance of any archeological artifacts. Seed and mulch. **deleted 9/26/16**
- Take remaining fill from the far side of the brook to create a level recreation area leading to the Ballard Trail.
- Place some of the larger stones from the hand-laid dam to make a set of natural stone steps from the Ballard Trail to the brook where people may want to access the brook for recreational purposes.
- Place a few large rocks in various places within the stream to create natural swirl-pools for fish and other aquatic life.
- Seed and mulch all disturbed areas.

### Other considerations:

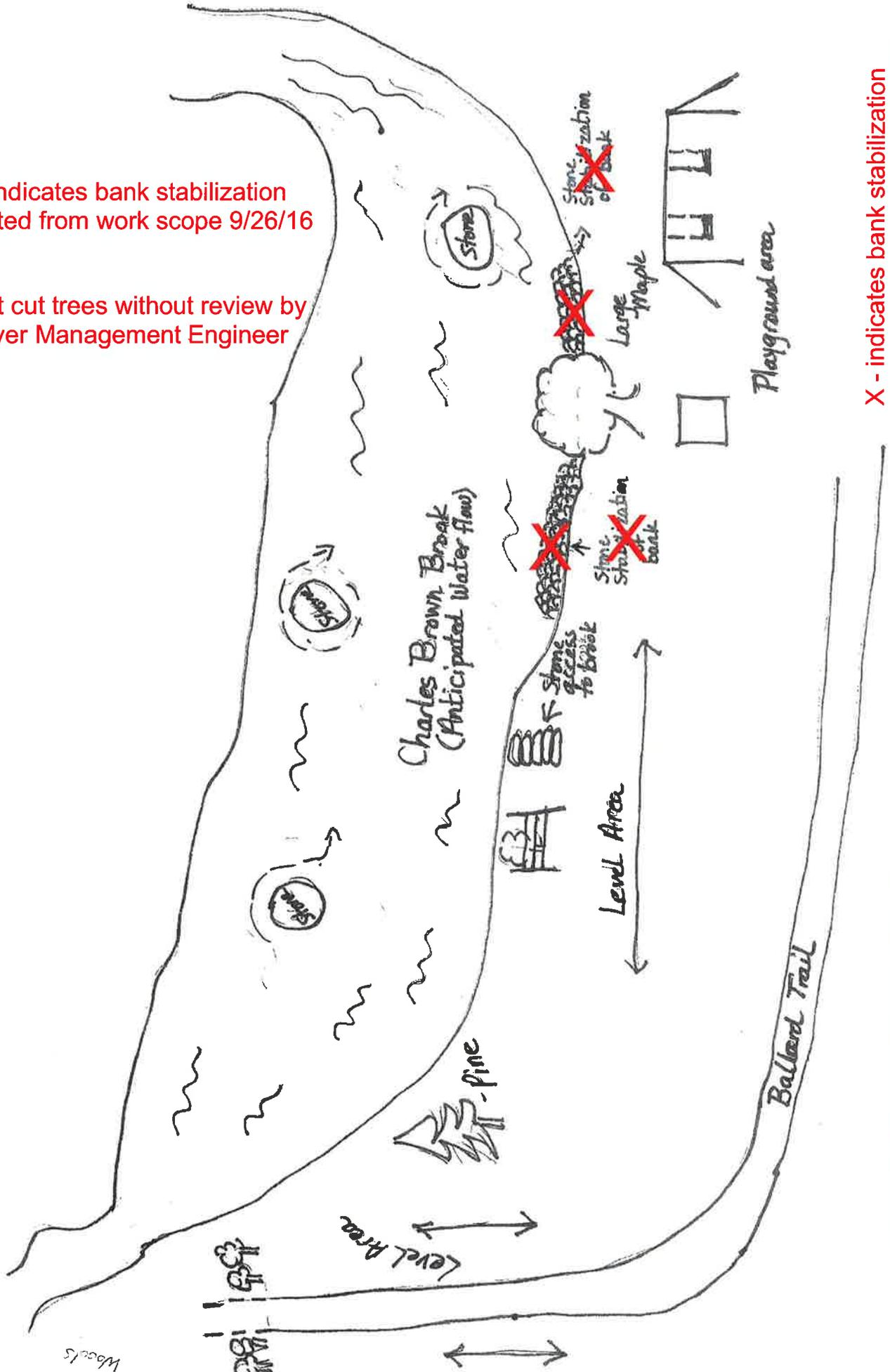
- Demolish the existing bath house which has partially caved in.
- Reestablish the gravel path from the parking lot to the woods.

December 22, 2015

Norwich Pool Dam Area - Before



Norwich Pool Dam Area - After



X - indicates bank stabilization deleted from work scope 9/26/16

Do not cut trees without review by VT River Management Engineer

X - indicates bank stabilization deleted from work scope 9/26/16

Do not cut trees without review by VT River Management Engineer