



Mary Layton, Chair
Norwich Selectboard
Town of Norwich
PO Box 376
Norwich, VT 05055

October 18, 2017

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Dear Mary and members of the Norwich Selectboard,

As representatives of this wonderful community I want to thank you for the delivery of the Library's town appropriation funds received last week. We are so grateful and deeply appreciative of the town's support.

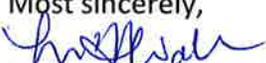
While I write this, I can hear the sounds of joyful children enjoying our "Word Play" story time. This weekly event was the first story time in the Upper Valley to be geared specifically to babies and their care givers. Now in its 17th year, it continues to draw a large audience of children each week, introducing them to the sounds and rhythms of speech, music and reading.

Upstairs the staff is helping patrons find the perfect book, log into their email and download audiobooks from NPL's digital collection. In a few short hours, the elementary kids will arrive from school thereby ensuring a dynamic afternoon with diverse ages using the library. Some call it chaos, we call it Wednesday afternoon!

Tonight, the Norwich Historical Society is presenting a lecture on mid-modern architecture in Norwich. We expect a full house. When the program ends the library will be technically closed. However, our wifi is available 24/7 and judging by our statistics, at least seventeen people will access it between the hours of 8:30pm and 10am when we reopen. As you can see, NPL is a busy place, even when we are closed!

We've just debuted our newest collection, the Cook Nook. This is a collection of specialty baking pans and small kitchen appliances available for loan. In November, we're expanding our magazine collection with a new digital subscription, thereby adding 63 new titles. These are just two ways we are working to creatively meet the needs of the community.

If you haven't visited the library recently, I enthusiastically invite you to come by. I'd love to give you a tour and show you all that happens within these four walls. Thank you again,

Most sincerely,

Lucinda H. Walker
Director

One Library, Many Stories. What's Yours?

Miranda Bergmeier

116

Subject: FW: Open Meeting Law Violations
Attachments: Violation AHSC Cure Letter 10-20-17.pdf; Cancelled Planning Commission Meeting; Dechert Open Meeting Violation Response 12-16.docx

From: Stuart Richards [mailto:srichards@globalrescue.com]
Sent: Monday, October 23, 2017 5:49 PM
To: Herb Durfee; John Pepper; John Lanhus; Linda Cook; Mary Layton; Stephen Flanders
Cc: Miranda Bergmeier; Phil Dechert; seabird37@gmail.com; johnlanghus@gmail.com; lcook2825@gmail.com; marydayton@gmail.com; stephen.n.flanders@gmail.com; gvitt@vittandassociates.com; Robert Wolfe; Jeff Goodrich; Watt Alexander; Marcia Calloway; Ernie Ciccotelli; Kris Clement; Office; Calli Guion; Colin G. Calloway; Jim Gold; Claudette; Joshua Durst; Dan Goulet; Dean Seibert; jphillips729@earthlink.net; wsmith4203@gmail.com; Cheryl Sittle; Norman Levy; Rusty Sacks; Scott McGee; george@spaneaslaw.com; Jim Kenyon; Charlotte Metcalf; psmith4203@gmail.com; John Farrell; Assessing-Clerk; Jeff Lubell; Herb Durfee; Ralph Hybels; Jeff Goodrich; Demo Sofronas; susangbrink@gmail.com; allenjaci@yahoo.com; melissahorwitz@yahoo.com; chris.brien@riverlightbuilders.com; steve@steventhoms.com; jefflubell@yahoo.com
Subject: Re: Open Meeting Law Violations

Herb,

You and the Selectboard were notified in the emails below of an Open Meeting Law violation by Phil Dechert of late delivery of Affordable Housing Sub-Committee minutes. You and apparently the Selectboard did not consider it to have been a violation and you did not respond within 10 days as per statute that you consider it a violation and you did not state that you would cure it within 14 days. The Affordable Housing Sub-Committee (AHSC) issued the attached letter curing the violation. The AHSC stated that there was a violation and that they intend to take extra measures to see that violations of the Open Meeting Law do not occur in the future.

You, the Selectboard and Planning Commission have also been notified of a meeting that was not properly cancelled as per the attached email which is another violation of the Open Meeting Law. It remains to be seen whether you the Selectboard and the Planning Commission will recognize this as an Open Meeting Law violation and take the appropriate steps to cure it as per statute.

Your explanation for these offenses not being a violation was not accepted by the AHSC and is not accepted by counsel who said "intentional" is anything that isn't "accidental." The law does not equate *intentional* with *intending to create a transgression*. It should be noted that the failure to properly cancel a Planning Commission meeting is the fifth offense by Mr. Dechert. Please see the attached Phil Dechert letter.

I hope that you, the Planning Commission and the Selectboard are able to recognize Open Meeting Law violations when they occur and provide the proper statutory cure in addition to acknowledging the past violations.

Thank you.

Stuart L. Richards

From: Herb Durfee <HDurfee@norwich.vt.us>

Date: Thursday, October 12, 2017 at 4:46 PM

To: Stuart Richards <srichards@globalrescue.com>

Cc: Miranda Bergmeier <MBergmeier@norwich.vt.us>, Phil Dechert <PDechert@norwich.vt.us>, John Pepper <Pepper@norwich.vt.us>, John Lanhus <johnlanhus@gmail.com>, Linda Cook <lcook2825@gmail.com>, Mary Layton <marydayton@gmail.com>, "stephen.n.flanders@gmail.com" <stephen.n.flanders@gmail.com>

Subject: RE: Open Meeting Law Violation

I've read and understand your e-mail. Phil well knows the Open Meeting Law and its requirements as it relates to draft minutes and their availability. The statute indicates a two-part test to ascertain violation of the law. Specifically, for a person to violate the law, they need to have "*knowingly **and intentionally***" violated the provisions of the law. (***Emphasis*** added.) In the recent situation to which you refer, Phil may have knowingly violated the law but it was not done intentionally, according to discussion with Phil. Thus, the two-part test is not met, meaning I don't think he violated the law.

Notwithstanding the above, I did speak to him about draft minutes and their availability.

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)

From: Stuart Richards [<mailto:srichards@globalrescue.com>]

Sent: Tuesday, October 10, 2017 11:34 AM

To: Herb Durfee

Cc: Miranda Bergmeier; Phil Dechert

Subject: Open Meeting Law Violation

Good morning Herb,

This email is official notification of an additional Open Meeting Law violation on the part of Phil Dechert. This morning, October 10, 2017, the minutes from the Affordable Housing Sub-Committee were posted from the meeting of Oct. 2, 2017. You are likely aware that Mr. Dechert in the past has violated the Open Meeting Law by publicly posting agendas and minutes days or even months late and it appears that this is another violation in addition to those which occurred in December, 2016 and prior. Please take corrective action so that these violations cease and so that Norwich can be in full compliance with all Vermont laws including the Open Meeting Law. Please make this email a part of Selectboard correspondence and Planning Commission and Affordable Housing Sub-Committee correspondence.

Thank you,

Stuart L. Richards

11c

Herb Durfee

From: Herb Durfee
Sent: Wednesday, October 25, 2017 9:26 AM
To: John Pepper; 'johnlanghus@gmail.com'; 'lcook2825@gmail.com'; 'marydlayton@gmail.com'; Miranda Bergmeier; 'stephen.n.flanders@gmail.com'
Cc: Miranda Bergmeier; Phil Dechert; 'ckatucki'
Subject: FW: Verizon Wireless cell antenna on Norwich Green
Attachments: VW de minimis app July 2017.PDF; ATT00001.htm; PUC Order entered 09132017.pdf; ATT00002.htm

Board Members,

Chris Katucki offered the below information to Phil regarding the Verizon cell unit that is on tonight's agenda. Chris is allowing me to share it with the Board, with the proviso that he is "no expert".

(I'll put hardcopies in your boxes, and it'll be in your correspondence for your next regular meeting, given the timing of the receipt of the information.)

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)

From: ckatucki [<mailto:kals95@gmail.com>]
Sent: Monday, October 23, 2017 3:47 PM
To: Phil Dechert
Cc: Herb Durfee
Subject: Re: Verizon Wireless cell antenna on Norwich Green

Hi Phil:

Thanks for the information.

Following your lead, I did some looking. There is provision in the CPG statute for de minimis modifications, which include, subject to other requirements, antenna that do not extend vertically more than 10 feet above the pole. See 30 V.S.A. § 248a(b)(2). In such cases, the landowner, Selectboard and DPS only get notice and absent objection a CPG gets issued. 30 V.S.A. § 248a(k). [The foregoing is NOT legal advice] For your reading enjoyment, attached are a recent petition and order regarding a Verizon Wireless antenna[29" tall] on an existing utility pole.

However, since the Town owns the ROW, Verizon Wireless needs to make a deal with the Town for permission. The Town can just say no, if it wants. Or, get free WiFi for Tracy Hall and MCS!

Kind regards,
Chris

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Docket No. _____

De Minimis Application of Bell Atlantic Mobile Systems)
of Allentown, Inc. and Cellco Partnership, each d/b/a)
Verizon Wireless, for a Certificate of Public Good,)
pursuant to 30 V.S.A. § 248a, authorizing the co-location)
of telecommunications equipment on an existing utility)
pole in Bennington, Vermont)

**DE MINIMIS APPLICATION OF BELL ATLANTIC MOBILE SYSTEMS
OF ALLENTOWN, INC. AND CELLCO PARTNERSHIP, EACH D/B/A
VERIZON WIRELESS, FOR A CERTIFICATE OF PUBLIC GOOD PURSUANT TO 30
V.S.A. SECTION 248a**

By this Application, Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless (“applicant” or “Verizon Wireless”), represent:

1. The Applicant is a “company” as defined by 30 V.S.A. § 201 and, as such, is subject to the jurisdiction of the Vermont Public Utility Commission (“Commission”) pursuant to 30 V.S.A. § 203.

2. The proposed Project involves a “telecommunications facility” as defined by 30 V.S.A. § 248a(b)(4).

3. As a part of its continuing commitment to providing quality services to its wireless telecommunication subscribers in the State of Vermont, Verizon Wireless proposes to co-locate wireless telecommunications equipment on an existing utility pole (“Utility Pole” or “Pole”). The Utility Pole is owned by Green Mountain Power (“GMP”) and FairPoint Communications (“FairPoint”) and located at 306 Park Street in Bennington, Vermont. The coordinates of the Utility Pole (referred as “Bennington SC1”) are 42°53’04.75” North and 73°11’34.49” West. GMP and FairPoint have approved Verizon Wireless’ applications for pole

attachments and will be performing the make-ready work on the Utility Pole. GMP and FairPoint will issue licenses to Verizon Wireless upon their completion of the make-ready work. The Project is described in detail below.

4. Verizon Wireless proposes to mount one (1) canister antenna and one (1) Remote Radio Head ("RRH"), with supporting equipment and cabling, on a 40' above ground level ("AGL") utility pole. The antenna, measuring approximately 28.7" tall and 12" in diameter, will be mounted directly on top of the Utility Pole. With its mounting hardware, the top of the antenna will extend approximately three (3) feet above the top of the Pole.

The RRH, measuring approximately 25.8" tall, 12" wide and 7.35" deep will be attached to the Pole at a height of 13' using a bracket that is approximately 24" tall, 12" wide and 18" deep. The RRH and bracket will extend approximately 18" horizontally from the Pole.¹

A structural analysis of the Pole, completed on April 28, 2017 by Tilson Technology, determined that the Pole is adequate to support the Verizon Wireless antenna and equipment.

The aggregate visible surface area of the antenna and RRH will be approximately 15.6 square feet for the Project. Full and accurate specifications of the proposed antenna and RRH are detailed in Exhibit AL-1.

6. GMP will supply power for the Project, and a power meter will be mounted on the Pole at 5' – 8' AGL. Power and coaxial cables will run from the meter to the antenna and RRH via 2" conduit mounted to the Pole. Rigid steel or Schedule 40 Heavy Wall PVC conduit will be used as required by Code.

¹ From time to time, equipment manufacturers may slightly alter their products or Verizon Wireless may purchase from different suppliers. Therefore, there is a possibility that the actual antennas may differ slightly from what is described in the attached specifications.

7. No ground disturbance or increase in impervious surface area will result from the installation of the antenna or the supporting equipment for the Project.

8. The proposed Project involves the co-location of wireless telecommunications equipment on an existing utility pole. The height and width of the support structure, excluding equipment, antennas, or ancillary equipment will not be increased. The antennas, equipment, or ancillary improvements on the support structure will not extend, horizontally or vertically, more than ten (10) feet from that support structure. Therefore, the Project does not increase the height or width of the support structure by more than ten (10) feet. The aggregate surface area of the faces of the new antenna and RRH will be approximately 15.6 square feet - much less than 75 square feet. There is no ground disturbance or increase in impervious surface area. Therefore, under the definition set out in 30 V.S.A. § 248a(b)(2), the proposed Project qualifies as a "de minimis modification."

9. Verizon Wireless has neither applied for, obtained, nor been denied a permit or permit amendments under applicable provisions of Title 24 or chapter 151 of Title 10 for the proposed improvements covered by the current application or substantially similar improvements.

10. The Project will promote the general good of the State by improving wireless telecommunication infrastructure to increase capacity and support state-of-the-art wireless services in the community; improving high speed data services for businesses and residents; providing competitive choices for consumers; and providing the opportunity to improve economic development within the State – all in conformance with the substantive criteria under 30 V.S.A. § 248a.

11. Concurrently with the filing of this Application, Verizon Wireless has provided a copy of this Application, with accompanying exhibits and testimony, to the Selectboard and Planning Commission of the Town of Bennington and two (2) copies to the Department of Public Service.

12. In support of this Application, the Applicants submit the Prefiled Testimony and exhibits sponsored by the following witnesses:

<u>Witness</u>	<u>Subject</u>
AJ Lanpher, RF Engineer	Description of the installation and the Project's purpose and impact on the existing Verizon Wireless network.
Eric T. Anderson, P.E.	Description of proposed Project and existing permits for this installation.

WHEREFORE, Applicant respectfully requests that the Commission:

1. Find that the Application complies with all applicable notice requirements set out in 30 V.S.A. § 248a(k);
2. Find that the Application meets the requirements set out in 30 V.S.A. § 248a(b)(2), and, therefore, qualifies as a "de minimis modification";
3. Find that the Project will promote the general good of the State of Vermont and authorize Applicant to undertake the actions as described herein and in its exhibits;
4. Issue an Order and Certificate of Public Good; and
5. Take such other measures as may be required for the expeditious review and approval of this Application.

Signature on next page

Dated in Burlington, Vermont this 14th day of July, 2017.

Bell Atlantic Mobile Systems of Allentown, Inc.
and Cellco Partnership, each d/b/a Verizon Wireless

By: _____


Brian J. Sullivan
Murphy Sullivan Kronk
275 College Street
Burlington, VT 05401
(802) 861-7000
BSullivan@mskvt.com

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 17-3626-PET

Petition of Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership for a Certificate of Public Good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment in Bennington, Vermont	
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Order entered: 09/13/2017

I. INTRODUCTION

In this Order, the Vermont Public Utility Commission (“Commission”) approves the application filed on July 14, 2017, by Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless (the “Petitioners”), pursuant to 30 V.S.A. § 248a and the Commission’s Amended Standards and Procedures Order (“Procedures Order”),¹ and grants the Petitioners a certificate of public good (“CPG”) authorizing modifications to an existing structure in Bennington, Vermont (the proposed “Project”).

II. BACKGROUND

This case involves a petition and prefiled testimony filed on July 14, 2017, requesting that the Commission issue a CPG approving *de minimis* modifications to an existing structure, pursuant to 30 V.S.A. § 248a(b)(2). Pursuant to § 248a(k), notice of the Project was provided to the host property owner, the Department of Public Service (“Department”), and the legislative body of the host municipality.

On August 14, 2017, the Department filed comments on the Project with the Commission. The Department recommends that the Commission issue an order approving the Project without further hearings or investigation.

No other comments on the application were received by the Commission.

The Commission has determined that the petition and prefiled testimony have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the

¹ *Fourth amended order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Order issued August 12, 2016.

procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. The Project involves modifications to an existing utility pole owned by Green Mountain Power Corporation and located at 306 Park Street in Bennington, Vermont. AJ Lanpher, Verizon (“Lanpher”) pf. at 1-2; Louis Hodgetts, Verizon (“Hodgetts”) pf. at 1-2.

2. The Project involves the installation of one canister antenna, measuring approximately 29” tall by 12” in diameter, on top of the existing 40’ utility pole. The Project also involves the installation of one remote radio head at a centerline height of approximately 13’, and associated ancillary equipment. Hodgetts pf. at 2.

3. The antenna and equipment will extend 3’ above the utility pole, and will extend a maximum of approximately 18” horizontally from the utility pole. The net increase in aggregate surface area of the faces of the antennas and equipment to be attached to the utility pole is approximately 16 square feet. Hodgetts pf. at 2-3.

4. The Project, excluding equipment, antennas, or ancillary improvements, does not increase the height or width of the existing structure. The Project will not increase the amount of impervious surface at the existing site. Findings No. 2 and 3, above, and Hodgetts pf. at 3.

IV. DISCUSSION AND CONCLUSION

Pursuant to 30 V.S.A. § 248a(b)(2), *de minimis* modification means:

The addition, modification, or replacement of telecommunications equipment, antennas, or ancillary improvements on a telecommunications facility or existing support structure . . ., or the reconstruction of such facility or support structure, provided:

(A) the height and width of the facility or support structure, excluding equipment, antennas, or ancillary improvements, are not increased;

(B) the total amount of impervious surface, including access roads, surrounding the facility or support structure is not increased by more than 300 square feet;

(C) the addition, modification, or replacement of an antenna, or any other equipment on a facility or support structure does not extend vertically more than 10 feet above the facility or support structure and does not extend horizontally more than 10 feet from the facility or support structure;

(D) the additional equipment, antennas, or ancillary improvements on the support structure, excluding cabling, does not increase the aggregate surface area of the faces of the equipment, antennas, or ancillary improvements on the support structure by more than 75 square feet.

Pursuant to the Procedures Order at Section II:

For purposes of this definition, where the proposed ancillary improvements will be installed on, within, or at the base of a building, the ancillary improvements may be excluded from the aggregate surface area calculation in subsection (d) provided that: (1) the ancillary improvements comply with the limitations in subsection (c) measured from the outer walls of the building (for width) and the highest existing element of the building (for height); (2) the aggregate surface area of the antennas and equipment other than ancillary improvements does not exceed 75 square feet; and (3) any other additions, modifications, or replacements associated with the facility otherwise comply with subsections (a) and (b).

Further, pursuant to § 248a(k) and Section VIII of the Procedures Order, regarding *de minimis* modifications:

If no objections to the classification of the project are timely filed with the Board, a CPG shall be issued without further proceedings.

The proposed Project will consist of modifications to an existing structure that, excluding equipment, antennas, or ancillary improvements, will not increase the height or width of the structure, and will not create impervious surfaces surrounding the structure. The net increase in aggregate surface area of the faces of the antennas attached to the existing structure will not exceed 75 square feet, and the antennas will not extend vertically or horizontally from the structure by more than 10 feet. Therefore, the Project qualifies as “*de minimis* modifications” to an existing structure pursuant to § 248a(b)(2). Further, no objection to the classification of the Project as *de minimis* modifications has been filed with the Commission.

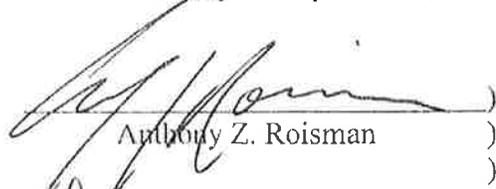
Based upon all of the above evidence, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission of the State of Vermont that the modifications to the structure at the location specified in the above findings, by Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless, in accordance with the evidence and plans submitted in this proceeding, will

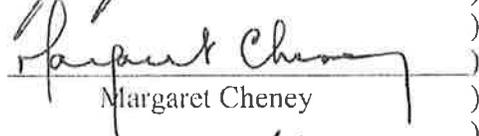
promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 13th day of September, 2017



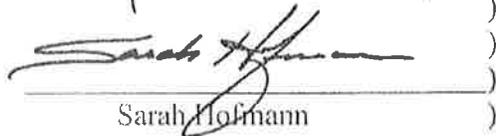
Anthony Z. Roisman

) PUBLIC UTILITY
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Margaret Cheney

) COMMISSION
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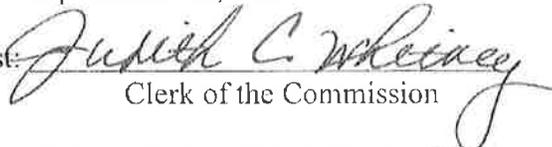


Sarah Hofmann

) OF VERMONT
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OFFICE OF THE CLERK

Filed: September 13, 2017

Attest: 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within thirty days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within ten days of the date of this decision and Order.

PSB Case No. 17-3626-PET - SERVICE LIST

Parties:

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(for Vermont Department of Public Service)

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(for Bell Atlantic Mobile Systems of
Allentown, Inc. and Cellco Partnership, each
d/b/a Verizon Wireless)

TO: Norwich Select Board
FROM: Marcia S. Calloway
DATE: October 25, 2017
RE: Due Process

11d

MARCIA CALLOWAY
HANDOUT TO THE
SELECTBOARD
10/25/17

Vermont statute requires planning commissions to solicit citizen participation with informal working sessions held throughout the town plan process. This guarantees due process and transparency and the neutrality expected of our locally elected and appointed officials. However, the town plan imminently to be submitted to the Select Board was not generated with such participation and e-mails exist which raise concerns about the process. The planning commission would have you adopt their proposed town plan, with the promise that there will be citizen participation after adoption and prior to submission of a future amendment to the town plan. That procedure will, nonetheless, produce a valid town plan that (depending upon which map is ultimately used) either recommends extending our village center south to the Hartford town line or makes a separate zoning area of Route 5 South/River Road. The people of Norwich have not had full information about what these changes would mean or how that large area of east Norwich could be developed. They have not had due process. We request you review these documents and correct the failure to provide due process before considering adopting the proposed town plan.

Summary Background Information and E-mails regarding Norwich Town Plan

State Law. Vermont statutes set out a process by which towns and regions should consider planning and zoning. Due process is provided by 24 VSA 4384(a) which mandates citizen participation throughout the process of town plan development. ⁱ

Regional Commission. Each town has the freedom to prepare its own Town Plan but there is a Regional Planning Commission who must review each plan for consistency with statewide planning goals. The Regional Commission prepares its own plan and includes Regional data which is available for the towns to use in their own planning. For example, the Regional Plan projection for total growth in the number of households in all of Windsor County is 212 between 2010 and 2020, and 214 between 2020 and 2030. See Document #1 attached. ⁱⁱ The current Regional Plan was effective August 2017. Under that plan, the Norwich town center has not changed in size and the area of Route 5 South/River Road is an “interchange area.” See Document #2 attached.

Benefits of a Town Plan include.

Village Center Designation. If a Town Plan is inconsistent with the Regional Plan, it is not approved by the Regional Commission: the town is not eligible for certain grants, etc., and cannot apply for a Village Center Designation. Such a designation allows both towns and individuals to apply for tax credits, state grants, and the ability to seek a “Neighborhood Development Area” designation which exempts development projects from the Act 250 regulations, land gains tax, and some Agency of Natural Resources fees. See Document #3 attached.

Zoning. State law (24 VSA 117) requires “a current plan in order to adopt and update local zoning, subdivision and other bylaws....The ...land use element and proposed land use map provide the template for local zoning regulations, including the zoning map...” ⁱⁱⁱ Even densities and intensities of development must be in the Town Plan.

The Expired Norwich Town Plan. The Norwich Town Plan expired in December 2016. The Regional Commission did not approval that plan because the Land Use section was “too vague” and the Plan extended the Village Center south, encompassing Hopson Road and Route 5, all the way to the Hartford town line. See Document #4 attached. The Regional Commission cited the goals of Vermont statute (24 VSA 4302) “which explicitly call for a pattern of compact village and urban centers surrounded by open countryside” and the Regional Commission’s policy that “Principal retail establishments must be located in Town Centers, Designated Downtowns, or Designated Growth Centers to minimize the blighting effects of sprawl and strip development along major highways and maintain rural character.” TRORC 2013. See Document #5 attached.

Just over half of the people who work said that their home is conveniently located near workplaces. Yet despite all of this praise for the location of their home, 68% said that they wish they drove less, suggesting that there is a need for greater connection between the location of their home and needed amenities. This could be resolved through better access to transportation options, or more people living in more dense neighborhoods closer to services.

County demographic projections

After double digit rates of growth during in the 1990s, growth in the number of households living in the East Central Vermont region has slowed considerably. As of the 2010 Census, a total of 36,640 households considered Orange and Windsor counties their home location.⁶

Although *population* fell in Windsor County between 2000 and 2010, the number of *households* continued to rise by roughly 2.4% over the decade due to decreasing household sizes. As more of Vermont’s baby boomers enter their senior years, household size will likely continue declining due to the growing prevalence of single and two person households.

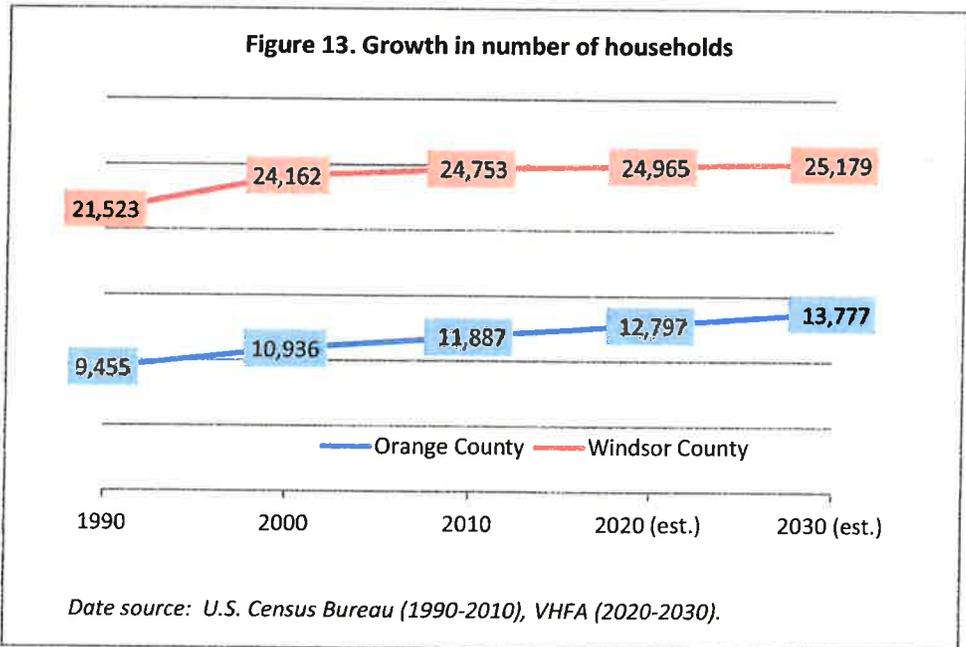
We expect the number of households in Windsor County to increase by roughly 1% between 2010 and 2020. If this rate remains constant during 2020-2030 decade, the total number of households residing in Windsor County will be an estimated 25,179 by 2030.

We expect the number of households in Orange County to increase by roughly 8% between 2010 and 2020, somewhat slower than the 9% growth rate between 2000 and 2010. If this rate remains constant during 2020-2030 decade, the total number of households residing in Orange County will be an estimated 13,777 by 2030.

If these projections hold true, Orange County will become the home of an additional 90 households each year on average and Windsor County, an additional 20 households.

Regional housing market conditions

The East Central Vermont region contains a variety of housing sub-markets. Windsor County’s ski areas and inclusion in the Lebanon, New Hampshire labor market area make it particularly complex. The presence of many vacation homes and seasonal employees coupled with diverse wage levels among year-round residents are all important factors in identifying this county’s housing needs. Both counties demonstrate a need for more affordably-priced housing options



⁶ Census respondents who consider the East Central Vermont region their home “most of the time” are counted as residents.

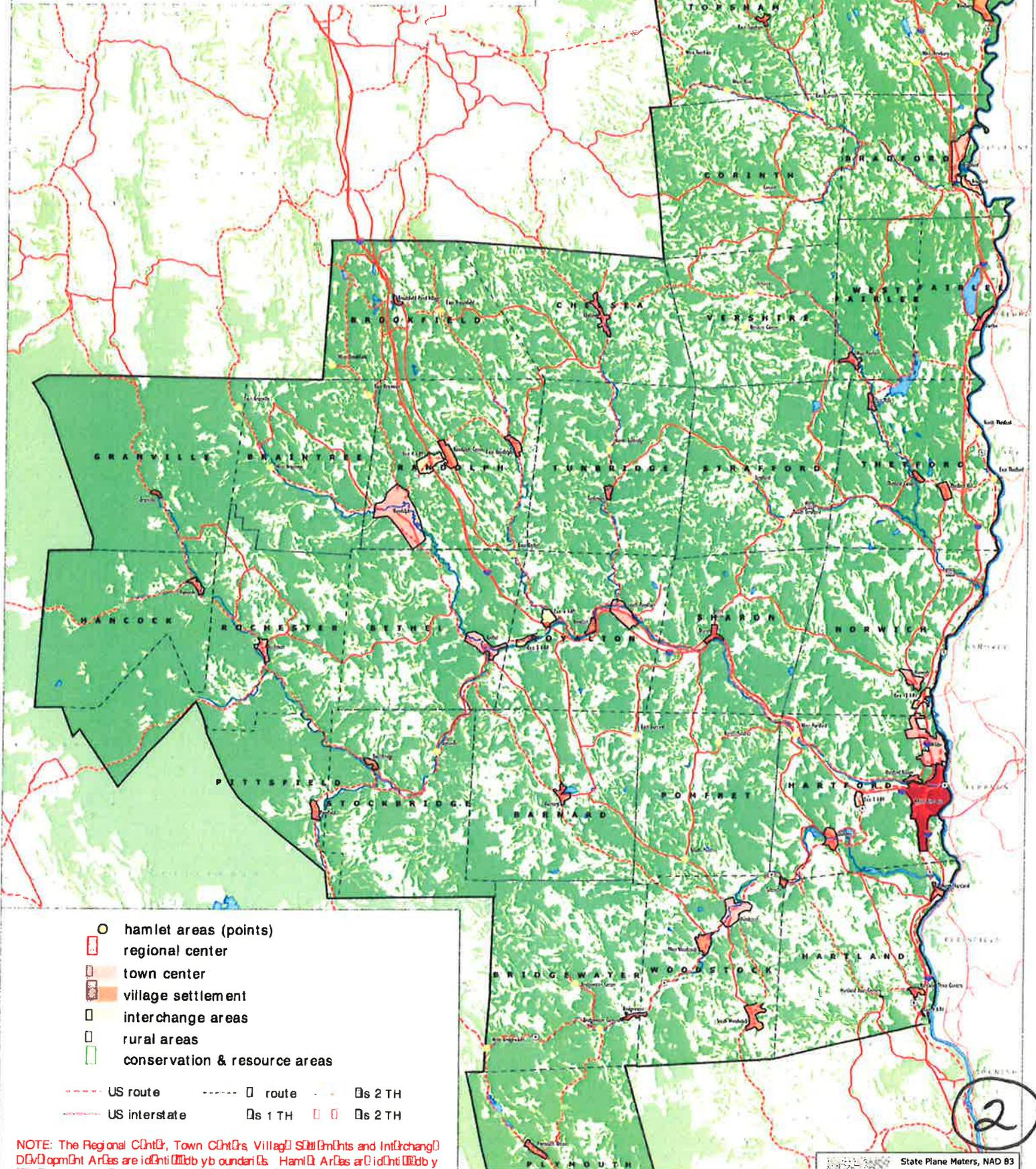


TWO RIVERS-OTTAUQUECHEE REGION OF VERMONT

Future Land Use Areas

Map 4 of 15
2017 Regional Plan

Adoption Date: July 26, 2017



- hamlet areas (points)
- ▭ regional center
- ▭ town center
- ▭ village settlement
- ▭ interchange areas
- ▭ rural areas
- ▭ conservation & resource areas

- US route
- route
- ▭ 1 TH
- ▭ 2 TH
- US interstate

NOTE: The Regional Center, Town Centers, Village Settlements and Interchange Areas are identified by boundary. Hamlet Areas are identified by

Program Benefits

The Vermont village center designation program supports local revitalization efforts across the state by providing technical assistance and state funding to help designated municipalities build strong communities. Once designated, the community will be eligible for the following benefits:

Downtown and Village Center Tax Credits

10% Historic Tax Credits

- Available as an add-on to approved Federal Historic Tax Credit projects.
- Eligible costs include interior and exterior improvements, code compliance, plumbing and electrical upgrades.

25% Historic Tax Credits

- Eligible facade work up to \$25,000.

50% Code Improvement Tax Credits

- Available for up to \$50,000 each for elevators and sprinkler systems and \$12,000 for lifts.
- Eligible code work includes ADA modifications, electrical or plumbing up to \$25,000.

50% Technology Tax Credits

- Available for up to \$30,000 for installation or improvements made to data and network installations, and HVAC (heating, cooling or ventilation systems) reasonably related to data or network improvements.

Priority Consideration for State Grants

- Priority consideration for various ACCD, VTrans and ANR grants and incentives including, ACCD's Municipal Planning Grants, State Historic Preservation grants, Vermont Community Development Program (VCDP) grants, VTrans Bike/Ped and Transportation Alternatives grants, Northern Border Regional Commission Grants, ANR Water and Wastewater subsidies and loans, and various other state grants and resources.

Priority Consideration by State Building And General Services (BGS)

- Priority site consideration by the State Building and General Services (BGS) when leasing or constructing buildings.

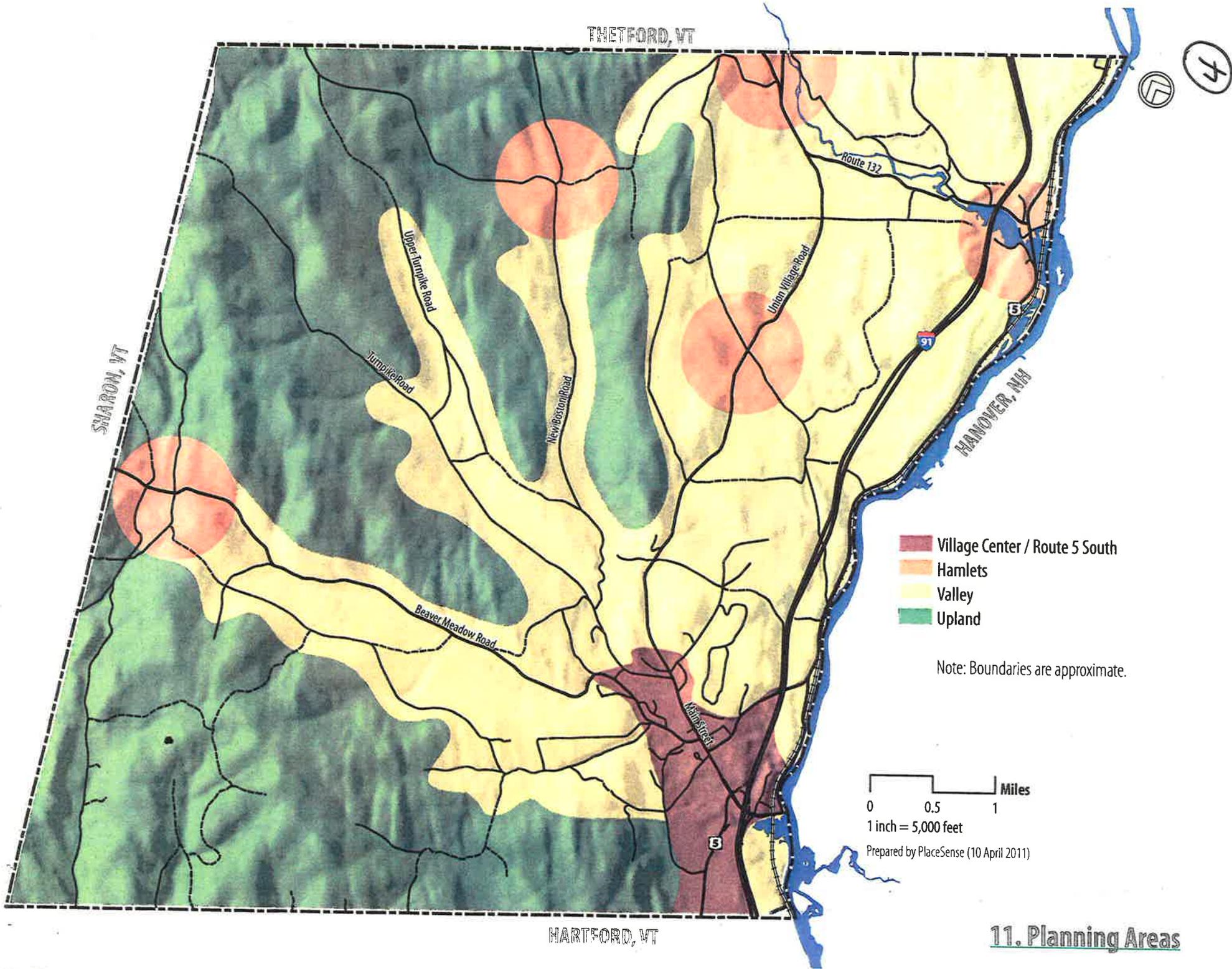
Neighborhood Development Area (NDA) Eligibility

- Communities may also designate Neighborhood Development Areas within 1/4 mile from the designated village center. Qualified projects are:
 - Exempt from Act 250 regulations and the land gains tax.
 - Eligible for, once designated, reduced Agency of Natural Resources review fees.

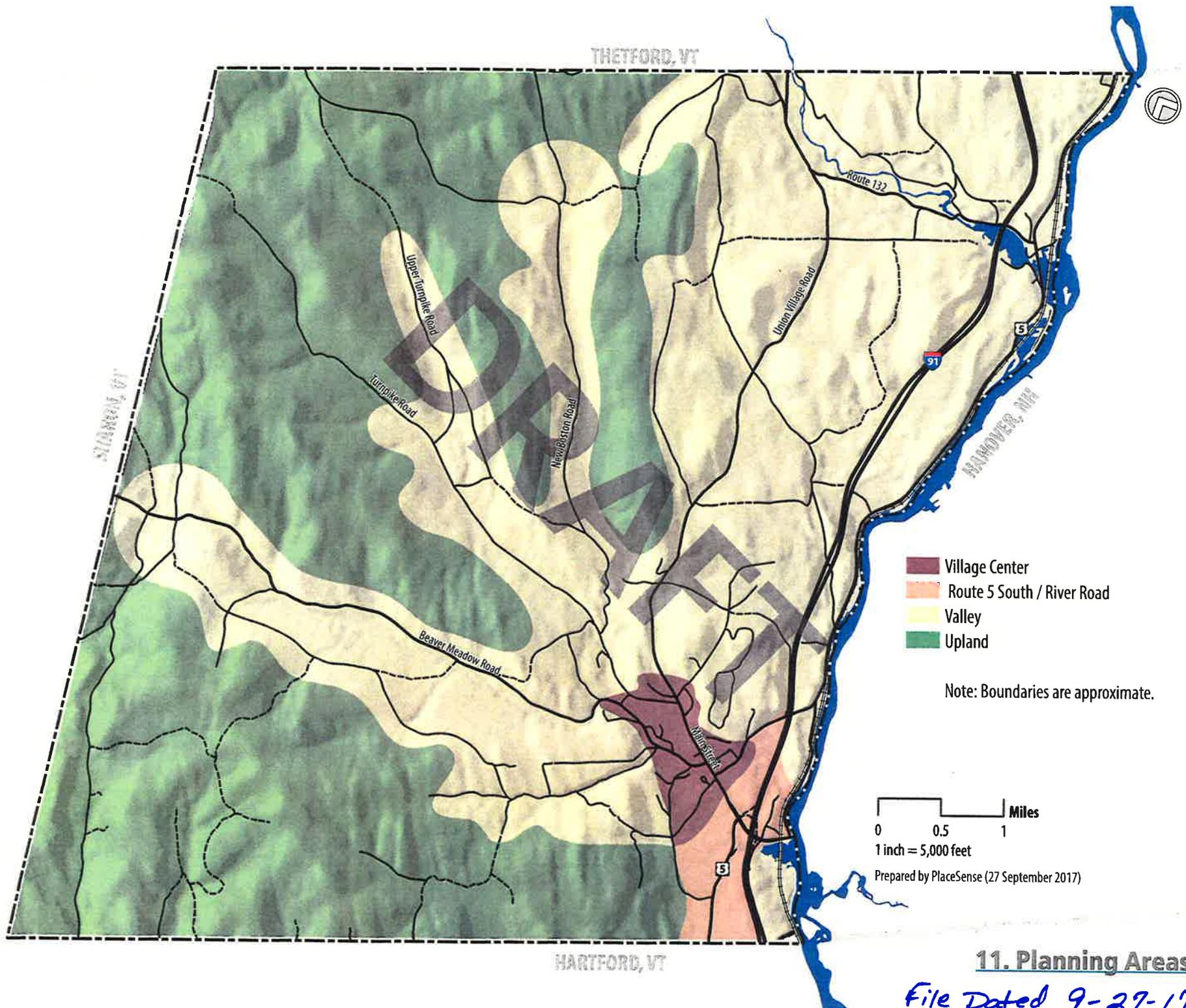


For more information, please contact:

Richard Amore: richard.amore@vermont.gov or 802.828.5229



11. Planning Areas



11. Planning Areas

File Dated 9-29-17

June 7, 2017 - The following report has comments relating to changes in the new Draft Town Plan.

The Purpose of Enhanced Consultation

The Two Rivers-Ottawaquechee Regional Commission's contract with the Department of Economic, Housing, and Community Development (Vermont Agency of Commerce and Community Development), and Vermont Statutes require the Commission to carry out consultation meetings with all of the towns in the region. The goals are to develop a more consistent and meaningful relationship between the RPC and the Municipality, and to improve the effectiveness of municipal and regional plans, and planning programs by achieving the goals of Title 24, §4302.

Outcome of Consultation

Through this consultation process we hope to better understand the needs of our communities and to have our communities understand how we can work together to advance better planning. Consultations will involve the discussion of important local and regional issues, local planning and training needs, new statutory requirements, planning programs and opportunities available through the TRORC, and importantly, consideration of how effectively the municipal plan addresses Vermont's statutory planning goals.

This consideration will include a qualitative review of the municipal plan, with suggestions as to how the plan might be improved to more effectively satisfy the statutory goals referenced above. Specific findings are reported on each of the following questions:

1. Which parts of the plan are particularly effective in implementing the statewide goals?
2. In which areas do we believe the plan falls short in advancing those statewide goals?
3. What specific opportunities exist to improve the town plan so that it more effectively addresses the statewide goals?

This consultation and plan review is separate and distinct from the formal municipal plan approval process carried out pursuant to 24 V.S.A. §4350, but it does contribute to the municipal confirmation action specified under that section of the Planning and Development Act.

Enhanced Consultation Agenda Items for Thursday, April 25, 2013

- Important local & regional issues
- Local planning and training needs
- New statutory requirements
- Planning programs and opportunities
- TRORC services
- Qualitative review of Municipal Plan

Norwich Town Plan Review

The Norwich Town Plan was adopted on December 14, 2011. The 2011 Plan represented a substantial revision from previous plans.

Required Elements

1. **Statement of Objectives, Policies, and Programs:** The Plan is a very clearly written series of goals, policies and action items.
2. **Land Use Plan:** The Norwich Town Plan contains a Land Use Plan which includes most of the required items. It is well written and contains a reasonable amount of detail, with the exception of specifying the types of commercial uses allowed in each Land Use Area. Norwich does not specify detailed "types" of commercial uses but relies on Site Plan Review Criteria and performance standards to address the physical and visual impact of proposed non-residential uses on the immediate neighborhood and the Town. The plan does specify that the existing village business district is most appropriate for businesses serving the needs of the local community rather than those primarily drawing customers from outside Norwich.
3. **Transportation Plan:** The Transportation plan includes a detailed overview of existing transportation infrastructure. Municipal policy on new roads is indicated. Support for new roads has been removed
4. **Utility and Facility Plan:** The Utilities and Facilities plan is only a general inventory. It does not contain any information regarding future needs of facilities, potential costs of maintenance or upgrades and potential financing methods as is required by statute. Specific information on town buildings including current condition, future planned improvements and financing policies for construction and long term maintenance have been added to the Facilities Section on Pages 8-3 and 8-4.
5. **Natural Areas, Scenic and Historic Features:** The Plan discusses natural, scenic and historic areas effectively. Specific scenic features could be more clearly identified. Map of Ridgeline and Scenic Areas has been added to the Maps section.
6. **Educational Facilities Plan:** Education is adequately addressed.
7. **Implementation Plan:** The Plan contains a broad range of action items that tie into four implementation themes which are excellent. Action items do not identify the specific municipal panel or group that would implement them. A list will be in the Appendix at end of document
8. **Relationship to adjacent towns and the region:** The Plan provides an analysis of the land use patterns of surrounding towns, carefully identifying areas that are or are not consistent.
9. **Energy Plan:** The Energy Plan does not adequately address the community's energy resources, needs, scarcities or costs as is required by statute. Additional information has been added on energy sources, usage, costs, and future projections as the Town actively moves to more sustainable renewable energy.
10. **Housing Element:** The Plan effectively recognizes Norwich needs additional affordable housing and discusses possible avenues to encourage such growth.

11. **Economic Development Plan (new):** The Plan contains an economic development element that provides an overview of Norwich's economy and discusses sustainable economic development. The location, type and scale of economic development are addressed in the Land Use chapter.

Statewide Planning Goals

1. **Land Use:** The Plan recognizes the need for good planning in order to protect its natural resources, preserve agricultural land and maintain its rural character and scenic beauty. Many of the land use patterns proposed appear designed to concentrate dense mixed-use development within the village center. But, the size of the area designated as Village Center/Route 5 is a concern because it appears to encourage village-scale commercial (including retail) development beyond the natural edges of the Village. The language regarding types of commercial land uses allowed in Land Use areas is fairly vague. [See #2 in Required Elements](#)
2. **Economic Development:** The Plan looks at economic development from a standpoint of sustainability, which is excellent. It recognizes the balance between expanding municipal infrastructure to encourage economic development and avoiding undue expense for the community.
3. **Education:** Adult education and vocational education are addressed.
4. **Transportation:** The Transportation element recognizes the need for multi-modal transportation and acknowledges the benefits of concentrating development near existing facilities. Norwich does seem willing to expand the number of roads which may have a negative impact on the landscape. [Support for the expansion of new roads is removed](#)
5. **Natural, Scenic, and Historic Resources:** The Plan does a very good job of addressing natural, scenic and historic resources. Quality habitat blocks are identified.
6. **Air, Water, Wildlife, and Land Resources:** Norwich's Plan appears to effectively maintain and improve air, water, wildlife and land resources.
7. **Energy:** Efficient use of energy and the development of energy resources are discussed.
8. **Recreation:** As proposed by the Plan, growth will not negatively impact the value and availability of recreational resources. Recreational opportunities are discussed.
9. **Agriculture and Forestry:** The Plan has sub-section that discusses agriculture and forestry in a thorough manner. However, there is no guidance as to **how** action items relating to forestry and agriculture might be implemented. [Existing Site Plan Review and Subdivision Review Criteria specifically address minimizing adverse impact on farm land and larger blocks of forest land. These criteria implement Actions I.3.d, e, f, & g and I.10.a, b, & c.](#)
10. **Efficient use of natural resources/extraction and restoration of earth resources:** Mineral resources are minimally addressed. [This is addressed in Objective I.2 and Actions I.2.a – f.](#)
11. **Safe and affordable housing:** All forms of housing are addressed in the Plan, including accessory dwelling units.
12. **Community Facilities and Services:** The Plan seeks to maintain a pattern of growth that does not exceed the community's ability to provide services and appears to carefully consider the

costs of increased development and the potential expansion of services that would be needed to accommodate such increases.

13. **Child Care:** Child care is effectively addressed.

Regional Plan

The Norwich Town Plan is thorough and well-written Plan that considers many elements of planning that other communities do not, and should be lauded for this approach. However, a conflict between the Norwich Town Plan and the Two Rivers-Ottawaquechee Regional Plan does exist.

The Land Use Area designated as Village Center/Route 5 is large, extending well beyond the natural boundary of Norwich's village. Assuming that all uses appropriate in a village center are allowed in all locations designated on the Future Land Use Area Map, the potential for sprawl and strip development along Route 5 beyond the interchange is high. A lack of specificity regarding the types of commercial uses allowed in this area make it challenging to determine the extent of the conflict, but in analyzing Norwich's zoning ordinance, it appears that retail uses are allowed along Route 5 and around the Exit 13 I-91 Interchange. In order to ensure the health of villages and downtowns within our Region and to remain consistent with the goals of §4302 (which explicitly call for a pattern of compact village and urban centers surrounded by open countryside), the Regional Commission has established the policy that:

"Principal retail establishments must be located in Town Centers, Designated Downtowns, or Designated Growth Centers to minimize the blighting effects of sprawl and strip development along major highways and maintain rural character."

Because of the apparent allowance of a broad range of commercial development that clearly could include principal retail establishments such as a dry goods store or grocery store, TRORC staff would be unable to recommend the Norwich Town Plan for board approval as it is written. In order to be harmonious with the Regional Plan, land uses outside of the natural village boundary would need to exclude principal or primary uses. Uses such as those at King Arthur Flour which have a retail component that is secondary to the primary use of the compound (which serves as the business' headquarters) remain acceptable.

As it is written, the Norwich Town Plan and the Regional Plan conflict within parts of the Village Center/Route 5 Land Use Area. This conflict would manifest itself for any development proposed in this area that requires an Act 250 permit.

Summary

Strengths

- The Plan a very clearly written series of goals, policies and action items.
- The Plan addresses elements that are generally not considered in the scope of a Town Plan, including sustainability and long range fiscal planning – this is excellent.
- The Plan recognizes the balance between expanding municipal infrastructure to encourage economic development and avoiding undue expense for the community.
- Analysis of the land use patterns of surrounding towns is very good. It carefully identifies areas that are or are not consistent.
- The Plan recognizes the need for good planning in order to protect its natural resources, preserve agricultural land and maintain its rural character and scenic beauty.

Weaknesses

- The Village Center/Route 5 Land Use Area is not consistent with State Land Use goals or the Regional Plan. The Regional Plan does not recognize the longterm pre-existing Commercial District on the east side of Route 5 South and that the existing Village has limited capacity for growth/expansion. This needs to be addressed by the Regional Commission with consultation with the Town in future revisions to the regional land use plan.
- Norwich does seem willing to expand the number of roads which may have a negative impact on the landscape. Support for expansion of roads has been removed from this draft.
- The Plan does not contain any information regarding future needs of facilities, potential costs of maintenance or upgrades and potential financing methods as is required by statute. This information has been included in the Facilities section.
- The Energy Plan does not adequately address the community's energy resources, needs scarcities or costs as is required by statute. These have been included in the Energy Chapter.
- Action items do not identify the specific municipal panel or group that would implement them. A list will be added in the Appendices.

Opportunities

- Work with the Regional Planning Commission to meet the requirements of state statute.
- Collect information regarding community facilities from the Selectboard to provide further detail to Utilities/Facilities chapter.
- Utilize TRORC energy chapter template to draft an energy chapter that meets state planning requirements.
- Consider identifying the specific municipal panel or group that will implement action items.

The following e-mails were provided by the Norwich Director of Planning and Zoning pursuant to a Freedom of Information Act request. They are attached here at the request of the Town Manager and Select Board Chair.

Phil Dechert

From: Amore, Richard <Richard.Amore@vermont.gov>
Sent: Wednesday, January 04, 2017 9:19 AM
To: Phil Dechert
Cc: Lorelee Morrow; David Ormiston; Chris Sargent
Subject: RE: Norwich's Designated Village Center

Hi Phil,

Norwich designated village center renewal application is currently on 90 day suspension. The 90 day suspension period ends soon, and Norwich will need to submit a complete renewal application by Monday February 6th to stay a designated village center. Do you anticipate the town plan being locally adopted and approved by TRORC in time to meet the February 6th deadline? Please review the [application guidelines](#) that lays out the process to renew.

Thank you and please let me know if you need any assistance.

Richard

Richard Amore, AICP | Planning & Project Manager
Community Planning + Revitalization
Vermont Department of Housing and Community Development
1 National Life Drive, Davis Bldg, 6th Floor | Montpelier, VT 05620-0501
(802) 828-5229 | accd.vermont.gov

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From: Phil Dechert [<mailto:PDechert@norwich.vt.us>]
Sent: Monday, October 31, 2016 11:25 AM
To: Amore, Richard <Richard.Amore@vermont.gov>
Cc: Lorelee Morrow <lmorrow@trorc.org>; David Ormiston <DOrmiston@norwich.vt.us>; Chris Sargent <csargent@trorc.org>
Subject: RE: Norwich's Designated Village Center

Richard,

As we discussed on the phone today, Norwich will not make the November 7th deadline for re-designation of the Norwich Designated Village as it is tied in with an ongoing town plan update process. I anticipate we will be ready in January or sooner.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Amore, Richard [<mailto:Richard.Amore@vermont.gov>]
Sent: Monday, October 31, 2016 10:35 AM
To: Phil Dechert
Cc: Lorelee Morrow; David Ormiston; Chris Sargent
Subject: Norwich's Designated Village Center

Hi Phil,

I am inquiring about Norwich's village center designation renewal. Do you anticipate renewing the designated village center? If so, the renewal application is due on Monday November 7th. Please find the reminder memo we sent you in May and the renewal application guidelines that lays out what is required.

Please don't hesitate to reach out to me if you have any questions.

Thanks,
Richard

Richard Amore, AICP | Planning & Project Manager
Community Planning + Revitalization
Vermont Department of Housing and Community Development
1 National Life Drive, Davis Bldg, 6th Floor | Montpelier, VT 05620-0501
(802) 828-5229 | accd.vermont.gov

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Phil Dechert

From: Phil Dechert
Sent: Tuesday, January 31, 2017 1:53 PM
To: 'Brandy Saxton'
Subject: RE: Maps

Yes. They are perfect.

Could you adjust the Town Plan land use update to reduce the references to "Route 5 South/River Road Mixed Use areas as we discussed by early next week?

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Brandy Saxton [<mailto:brandy@placesense.com>]
Sent: Tuesday, January 31, 2017 1:27 PM
To: Phil Dechert
Subject: Re: Maps

You got the maps I left by your office door this morning, right?

Brandy



5 US Route 5
Windsor, VT 05089

(802) 280-8360
(802) 230-6858 (mobile)

brandy@PlaceSense.com
www.PlaceSense.com

Phil Dechert

From: Phil Dechert
Sent: Thursday, February 09, 2017 10:55 AM
To: Chris Brien (chris.brien@riverlightbuilders.com); Jaci Allen (allenjaci@yahoo.com); Jeff Goodrich (work); Jeffrey Lubell; Melissa Horwitz; Pam Mullen; Steve Thoms (steve@steventhoms.com); Susan Brink (susangbrink@gmail.com)
Subject: FW: land use revisions
Attachments: Land Use.doc

Planning Commission,

The attached Town Plan "Land Use" revision by Brandy renames the existing Village and the Route 5 South/River Road planning area the "Town Core Area". ("Town Core Area" is a temporary name used as a placeholder). This is similar to how TRORC proposed changing the Regional Land Use Plan. Within this area will be the existing Village Residential, Village Business, Commercial, districts along with proposed Mixed Use Districts.

We can discuss this tonight to the extent that members have had a chance to review it. Brandy has reserved the next PC meeting date March 2nd to be at the meeting.

I am expecting everyone tonight except Susan and Jaci. Please let me know if you are not coming.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

-----Original Message-----

From: Brandy Saxton [mailto:brandy@placesense.com]
Sent: Wednesday, February 08, 2017 1:10 PM
To: Phil Dechert
Subject: land use revisions

Here are my revisions. I am recommending renaming the Village/Route 5 South/River Road planning area to the town core planning area. Then I changed the references to the three areas to "town core."

Brandy

Phil Dechert

From: Jeff Lubell <jefflubell@yahoo.com>
Sent: Saturday, February 25, 2017 7:56 AM
To: Jeff Goodrich
Cc: Phil Dechert
Subject: Town plan

Hi Jeff,

Just a heads up since you don't read the listserv that there have been several posts in recent days calling attention to the town plan update we are doing and arguing that it needs to be stopped so it doesn't authorize the zoning changes we are considering.

This reinforces for me the importance of not changing the status quo via a vis the route 5 south corridor. Any change that we make that people think could be read as facilitating those zoning changes will be targeted in ways that could hold up approval.

I assume we already have ample authority under the existing town plan to pursue these zoning changes. Phil if I'm wrong let's discuss.

Hope you both agree,

Jeff

Sent from Yahoo Mail for iPhone

Phil Dechert

From: Phil Dechert
Sent: Wednesday, March 01, 2017 1:54 PM
To: Chris Brien (chris.brien@riverlightbuilders.com); Jaci Allen (allenjaci@yahoo.com); Jeff Goodrich (work); Jeff Lubell; Melissa Horwitz; Pam Mullen; Steve Thoms (steve@steventhoms.com); Susan Brink (susangbrink@gmail.com)
Cc: 'Brandy Saxton'
Subject: PC Mtg update
Attachments: Community facilities_Draft_3-01-17.docx

PC Members,

Attached is an updated Facilities section to replace the 2-27-17 version. We removed some redundant items from the existing sections that were in conflict with the new section.

I believe a discussion that the Commission may want to have tomorrow is whether to cut back on the proposed changes in the town plan land use sections supporting the new mixed-use areas and focus on getting the town plan adopted in a timely manner. If changes are needed in the Town Plan later to support proposed re-zoning, they can be presented for adoption along with the zoning changes. I have discussed this with Brandy and Chris Sargent at TRORC. This an option for consideration.

Brandy is coming tomorrow evening but may not arrive until 7:30 or 7:45.

We only have four members tomorrow, Jeff, Jeff, Chris, and Steve. If someone is unable to come, we will need to cancel.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

Phil Dechert

From: Phil Dechert
Sent: Thursday, March 30, 2017 2:40 PM
To: 'Brandy Saxton'
Subject: FW: Draft Land Use for tonight
Attachments: Land Use_PD_rev_3-29-17.doc

This my effort to "dilute" the Land Use Section.

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Phil Dechert
Sent: Thursday, March 30, 2017 2:38 PM
To: Jeff Lubell
Subject: Draft Land Use for tonight

Jeff,
Here is a Land Use Draft for tonight. I have modified it by removing many direct references to the Route 5 South/River Road Area but not completely.
This should serve to start the discussion.
Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

Phil Dechert

From: Phil Dechert
Sent: Thursday, March 30, 2017 3:50 PM
To: Chris Brien (chris.brien@riverlightbuilders.com); Jaci Allen (allenjaci@yahoo.com); Jeff Goodrich (work); Jeff Lubell; Melissa Horwitz; Pam Mullen; Steve Thoms (steve@steventhoms.com); Susan Brink (susangbrink@gmail.com)
Cc: 'Brandy Saxton'
Subject: PC Mtg - Doc Land Use
Attachments: 5d - Land Use_PD_rev_3-29-17.doc

PC Members

Attached is a Town Plan Land Use section revised draft – My intention is not to review and wordsmith the document tonight, but to discuss the direction the Commission wants to go. There has been a lot of comments and other noise regarding the current Mixed Use Zoning that needs to be considered, but it is imperative we finish and adopt the Town Plan update ASAP. Until we do, zoning cannot be adopted, grants cannot be applied for, etc. However, as explained on the first page of the attached draft, the update needs to justify changing the Regional Plan Land Use designations for this area to “Village Settlement” instead of the current designations of “Interchange Area” and “Rural”.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

Phil Dechert

From: Phil Dechert
Sent: Monday, March 27, 2017 6:24 PM
To: Jeff Lubell
Subject: LandUse Chapter question?

Jeff,

In the current town plan land use draft we refer to the area under consideration for mixed use with affordable housing as the "Route 5 South/River Road Area". In Brandy's latest draft she used the term "Town Core". I am thinking something like "areas south and east of the existing Village". Or maybe "areas south and east of the existing Village accessed from State Highways". The specific zones would be determined later based on x, y, and z.

Any thoughts?

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

Phil Dechert

From: Phil Dechert
Sent: Tuesday, March 28, 2017 12:08 PM
To: kgeiger@trorc.org
Subject: Norwich Town Plan Update - Land Use sections
Attachments: MixedUseDistrict_01-12-17.pdf

Kevin,

I would like to talk with you regarding the update to the Land Use sections of the Norwich Town Plan. Specifically there is an area south and east of the village which has been labeled the "Route 5 South/River Road Mixed Use District" [see attached map] and has been designated for higher density market rate and affordable housing along with non-residential. The area is currently Rural Residential with a section of Commercial on the east side of Route 5 South. We have been working on the zoning changes but need to make changes in the Town Plan update.

We were hoping to be far enough along to be more specific in the Town Plan but proposed changes have become very controversial with some residents claiming the proposals will ruin the town. (Hundreds of units, municipal wastewater, traffic jams, poor people, etc.)

The PC would like to still represent this area on a map as subject to future re-zoning of some type with opportunities for higher density residential and mixed use. Chris had said that he and Peter had agreed that the update to the regional plan could re-designate this area out of Rural and "Interchange" to Village Settlement. I would like to discuss strategy and coordination with the regional plan.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

Phil Dechert

From: Kevin Geiger <kgeiger@trorc.org>
Sent: Tuesday, March 28, 2017 2:20 PM
To: Phil Dechert
Subject: RE: Norwich Town Plan Update - Land Use sections

Glad to. Yes, if I remember right this may involve stealing land from Native Americans.]

Kevin W. Geiger, AICP CFM
Senior Planner
Two Rivers-Ottawaquechee Regional Commission
128 King Farm Road, Woodstock, VT 05091
Ph: 802-457-3188 ext. 24

www.trorc.org

From: Phil Dechert [mailto:PDechert@norwich.vt.us]
Sent: Tuesday, March 28, 2017 12:08 PM
To: Kevin Geiger <kgeiger@trorc.org>
Subject: Norwich Town Plan Update - Land Use sections

Kevin,

I would like to talk with you regarding the update to the Land Use sections of the Norwich Town Plan. Specifically there is an area south and east of the village which has been labeled the "Route 5 South/River Road Mixed Use District" [see attached map] and has been designated for higher density market rate and affordable housing along with non-residential. The area is currently Rural Residential with a section of Commercial on the east side of Route 5 South. We have been working on the zoning changes but need to make changes in the Town Plan update.

We were hoping to be far enough along to be more specific in the Town Plan but proposed changes have become very controversial with some residents claiming the proposals will ruin the town. (Hundreds of units, municipal wastewater, traffic jams, poor people, etc.)

The PC would like to still represent this area on a map as subject to future re-zoning of some type with opportunities for higher density residential and mixed use. Chris had said that he and Peter had agreed that the update to the regional plan could re-designate this area out of Rural and "Interchange" to Village Settlement. I would like to discuss strategy and coordination with the regional plan.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

Phil Dechert

From: Phil Dechert
Sent: Thursday, April 13, 2017 9:40 AM
To: 'Jeff Goodrich'
Cc: Peter Gregory (pgregory@trorc.org); Kevin Geiger (kgeiger@trorc.org); David Ormiston; Susan Brink (susangbrink@gmail.com)
Subject: RE: Norwich Town Plan

Jeff,
I spoke with Michael Tuesday evening at a workshop in Hartford. I will send the proposed draft town plan language for "Flood Resilience" approved by the PC to him for review.
Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Jeff Goodrich [mailto:Jeff.Goodrich@pathwaysconsult.com]
Sent: Sunday, April 09, 2017 3:09 PM
To: Michael Storace (mstorace@trorc.org)
Cc: Peter Gregory (pgregory@trorc.org); Kevin Geiger (kgeiger@trorc.org); David Ormiston; Phil Dechert; Susan Brink (susangbrink@gmail.com); Jeff Goodrich
Subject: RE: Norwich Town Plan

Michael, I appreciate the outreach. A couple thoughts:

1. I understand that Phil Dechert met with Kevin Geiger about a week ago to discuss Town plan status. I am meeting with Phil Tuesday morning with at least one other PC member for an update and can get back to you after that.
2. I would like to meet with you to discuss the matter anyway in preparation for zoning modifications in Town and to offer practical support however I am able. Let's try to connect by e-mail after Tuesday.

FYI, I am taking the liberty of cc'ing folks involved in an effort to synchronize (Dave is our Interim Town Manager and Susan is our PC Vice Chair).

Thanks again.

Jeff

Jeffrey S. Goodrich, P.E.
President

Pathways Consulting, LLC

Planning • Civil & Environmental Engineering • Landscape Architecture • Surveying • Construction Assistance

Main Office:

240 Mechanic Street, Suite 100
Lebanon, New Hampshire 03766
Phone: (603) 448-2200 Ext. 105 Fax: (603) 448-1221

Vermont Office:

2060 Hartford Avenue
Wilder, Vermont 05088
Phone: (802) 295-5101

www.pathwaysconsult.com

Phil Dechert

From: Phil Dechert
Sent: Thursday, April 20, 2017 3:29 PM
To: 'Linda Gray'
Subject: RE: latest on Norwich Fire District?

Linda,
Are you referring to the Becky Cook site off Union Village Road which the PC already endorsed?
Yes, we can talk on Monday. My schedule is open.
Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Linda Gray [mailto:linda.c.gray@gmail.com]
Sent: Thursday, April 20, 2017 3:15 PM
To: Phil Dechert
Subject: Fwd: latest on Norwich Fire District?

Phil, see below for some info from Norwich Tech re timing of an upcoming application for one of the preferred solar sites.

Given the addl time it will take for the the amended Town Plan to be final, a letter from the PC is another route.

Can we talk about this on Mon?

----- Forwarded message -----

From: **Troy McBride** <mcbride@norwichtech.com>
Date: Thursday, April 20, 2017

Hi Linda,

Not sure how far you have proceeded with the Norwich Planning Commission. Below and attached is information on how the site can be designated as preferred through a letter from the town and regional planning commission. We can provide layouts and the like for the Cook site (and Starlake site as well -- though that is on a longer track).

We'd like to submit the 45-day notice for the Cook site and thus would like to proceed with having the site designated as preferred during that 45-day period if possible. I look forward to discussing.

Best,
Troy

Troy McBride | cell:(802)738-8059

----- Forwarded message -----

From: "Linda Gray" <linda.c.gray@gmail.com>
Date: Apr 20, 2017 7:40 AM
Subject: Re: latest on Norwich Fire District?
To: "Troy McBride" <mcbride@norwichtech.com>
Cc:

Troy -- let us know re Fire District.

On the preferred sites, this is the language I proposed -- and I believe it's in the current draft:

This parcel qualifies as a Category II site for a solar array not larger than 150 kW AC:
- Parcel 11-045-200, located at 673 Union Village Road
- Parcel [], located at the intersection of Farrell Farm Road and Starlake Lane

These parcels qualify as Category III sites for a solar array not larger than 500 kW AC:
- Parcel 11-104-000, located at 635 US Route 5 North
- Parcel 11-105-000, located on US Route 5 North

I wasn't at the last Planning Commission meeting; I'll email Phil for a copy of the current draft.

On Thu, Apr 20, 2017 at 6:41 AM, Troy McBride <mcbride@norwichtech.com> wrote:
Hi Linda,

I have not heard back at all from NFD since the latest emails. I will email Sam.

For the Cook property (and also potentially Starlake) -- could you provide a status / update on where the "preferred" status discussions stand with the Planning Commission?

Thanks much,
Troy

Troy McBride | cell:(802)738-8059
52 Bridge St., White River Junction, VT 05001



On Wed, Apr 19, 2017 at 10:16 AM, Linda Gray <linda.c.gray@gmail.com> wrote:
Troy -- is anything progressing with them (despite my bad reply-all)?

When is their next meeting -- 4/25 as you thought before? The NEC meets at 7 pm that date. Alert me if it looks like NEC participation would be helpful, whatever the meeting date.

Linda

Phil Dechert

From: Jeff Lubell <jefflubell@yahoo.com>
Sent: Monday, May 01, 2017 9:10 AM
To: Phil Dechert
Cc: Jeff Goodrich
Subject: Re: Quick question

Just the info I was looking for.

BTW, I am going to pass this info on to John Langhus.

Thanks!

Jeff

From: Phil Dechert <PDechert@norwich.vt.us>
To: Jeff Lubell <jefflubell@yahoo.com>
Cc: Jeff Goodrich <jeff.goodrich@pathwaysconsult.com>
Sent: Monday, May 1, 2017 8:59 AM
Subject: RE: Quick question

Jeff,
To answer your question more specifically, the 30 day warning requires sending the draft Town Plan being considered to the abutting municipalities, TRORC, and the State by certified mail. Therefor it would not be possible to warn the hearing without an approved draft. If needed we could not wait two weeks and hold a Special Meeting requiring a 48 hour notice for the purpose of approving the draft.

Phil

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Jeff Lubell [mailto:jefflubell@yahoo.com]
Sent: Friday, April 28, 2017 10:24 AM
To: Phil Dechert
Cc: Jeff Goodrich
Subject: Quick question

Hi, Phil,

Do we need to have the Town Plan approved by the planning commission in order to warn the public hearing? Or could we warn the meeting in anticipation of having the plan done so long as we're reasonably sure it will be done in time?

Phil Dechert

From: Jeff Lubell <jefflubell@yahoo.com>
Sent: Friday, April 28, 2017 10:24 AM
To: Phil Dechert
Cc: Jeff Goodrich
Subject: Quick question

Follow Up Flag: Follow up
Flag Status: Completed

Hi, Phil,

Do we need to have the Town Plan approved by the planning commission in order to warn the public hearing? Or could we warn the meeting in anticipation of having the plan done so long as we're reasonably sure it will be done in time?

I understand there are risks involved, but this could cut a few weeks off the process.

I'm thinking of this in particular if the town plan is not ready for final review at the May 11 meeting, but we've all reviewed the contents and are satisfied. We could presumably warn the meeting at that time, so it happens in mid-June.

What do you think?

Jeff

Phil Dechert

From: Phil Dechert
Sent: Monday, May 01, 2017 8:38 AM
To: 'Charlotte Metcalf'
Subject: RE: forgotten word

Charlotte,

In 2005, the Planning Commission sponsored a two day "Charette" which involved examining design concepts on many sites for higher density compact housing in the same areas we have been looking at recently plus some additional sites. The two-day program included a Visual Preference Survey looking at examples from outside the town in the upper valley area, hands-on small group design workshops where participants explored different site plans for groups of housing units, and then a final review and discussion.

In 2014-2015, the Route 5 South/River Road Study involved 5 days spread out over 5 months with several sessions on each of the days. This program had more emphasis on specific sites, mixed use, and affordable housing. The groups were relatively small with discussion among the participants. A report was issued in May 2015.

On February 2, 2017, the Planning Commission held a "Public Presentation" presenting more details of a proposal for Mixed Use areas and affordable housing followed by a public comment period.

Currently the Route 5 South/River Road Mixed Use project is on hold while the Planning Commission is completing required updates and re-adoption of the Town Plan which expired in December. **Next will be updates to the zoning regulations mostly involving technical housekeeping issues but not involving the Route 5 South/River Road Mixed Use project.** I doubt they will be back to mixed use for at least a year, and probably later.

To answer your question, you were probably thinking of the 2005 "Charette". These usually involve participation by the public in exploring design concepts.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

-----Original Message-----

From: Charlotte Metcalf [mailto:smetcalf@sover.net]
Sent: Saturday, April 29, 2017 5:48 PM
To: Phil Dechert
Subject: forgotten word

Phil,

I am unable to remember the word which was used to describe the gatherings you arranged to look at potential land for affordable living?? Can you remind me? Sounded like a board game??

Thanks
C

Phil Dechert

From: Herb Durfee
Sent: Thursday, May 18, 2017 5:05 PM
To: Jeff Lubell
Cc: Phil Dechert; Jeff Goodrich (work); Jaci Allen (allenjaci@yahoo.com)
Subject: Re: question re circulating petition

Jeff,
Special Town Meeting votes can be warned any time throughout the year, as long as the proper statutory notice, etc. is carried out.

Herb
Sent from my iPhone

On May 17, 2017, at 3:57 PM, Jeff Lubell <jefflubell@yahoo.com> wrote:

This is helpful, thanks. I was not aware that there was a process for requiring a town vote on all proposed town plans and amendments that was independent of voter feedback on the proposed town plan.

Such a petition would likely mean the town would not have a town plan in place again until at least the next Town Meeting.

This throws a major wrench in the timing . . .

Jeff

From: Phil Dechert <PDechert@norwich.vt.us>
To: Jeff Lubell <jefflubell@yahoo.com>
Cc: Jeff Goodrich (work) <jeff.goodrich@pathwaysconsult.com>; "Jaci Allen (allenjaci@yahoo.com)" <allenjaci@yahoo.com>; Herb Durfee <HDurfee@norwich.vt.us>
Sent: Wednesday, May 17, 2017 3:29 PM
Subject: FW: question re circulating petition

Jeff,
The regular adoption of a Town Plan is by the Selectboard at a regular meeting after it has gone through a the Planning Commission hearing process and the Selectboard hearing process. The steps are spelled out in the attached checklists and in the VT statutes T.24 §4384 & §4385. Plans and amendments are effective upon the vote of the Selectboard. There is no petition provision.

In §4385 (c) there is a provision for the town to vote at a regular or special town meeting to require a vote on **all** proposed town plans and amendments. This provision will apply until rescinded by the voters. The Special Town Meeting can be called by petition of 5% of the voters (See T. 17 §2643) and must be warned (not held) within 60 days of receiving the petition. A voter may withdraw his or her name from a petition for a special meeting at any time prior to the signing of the warning by a majority of the legislative body.

It appears that this voting process could possibly be completed before the current amended plan is ready for adoption by the Selectboard. If not and it passes, the town will still be faced with having all future Town Plan changes subject to a vote. Voting on every revision or

amendment to the town plan may work if the vote is scheduled for annual Town Meetings or a major elections. Holding a special vote for a single town plan ballot item will draw very few voters and probably mostly those with a special interest as opposed to the general population. It is also costly in both town clerk and volunteer time, and related expenses.

If the town does not vote to require Town Plan changes to be voted, there is still the ability to petition zoning changes to a town vote within 20 days of adoption by the Selectboard.

Hope this helps.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Jeff Lubell [<mailto:jefflubell@yahoo.com>]
Sent: Wednesday, May 17, 2017 9:01 AM
To: Phil Dechert; Herb Durfee
Cc: Jeff Goodrich; Jacqueline Allen
Subject: question re circulating petition

Good morning, Herb and Phil,

I received a question yesterday from a resident who had been asked to sign a petition asking the following question:

-- Shall the Town of Norwich adopt the current proposed amendments to the Town Plan and any future amendments to the Town Plan by Australian ballot?

Stuart Richardson appears to have circulated the same petition at the Selectboard meeting when we talked about the town plan.

The resident wanted to know if the petition was as innocuous as it sounds or if there was an agenda behind it, such as certain residents trying to undermine the proposals for affordable housing in the Route 5 South area.

My question is not how to respond to the resident's question, but rather how the petition relates to the upcoming vote on reinstatement of the town plan.

No town plan has yet been proposed or warned by the planning commission. Nor has it been presented to or voted on by the Select Board. So the individuals signing this petition have not yet seen the town plan to which it relates. Nor are they fully aware of the context and significance of their vote, such as the delay it would cause in reinstating the town plan and the consequences of that delay for the town.

Could a petition prepared now -- before the town plan has even been proposed let alone adopted by the Select Board -- nevertheless be sufficient to trigger a requirement for a town vote on a town plan if one were to be adopted in the future by the Select

Phil Dechert

From: Phil Dechert
Sent: Monday, May 22, 2017 4:33 PM
To: 'Robert Wolfe'; Jeff Lubell
Subject: RE: Zoning map

Rob

That is close to the map we used for the February 2 presentation, but this plan is no longer on the table. The current drafts of the town plan do not propose new Mixed-Use Districts and will not include any maps of proposed zoning district changes.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Robert Wolfe [mailto:rwolfe@vnews.com]
Sent: Monday, May 22, 2017 4:17 PM
To: Jeff Lubell; Phil Dechert
Subject: Zoning map

Hey folks, thanks for taking the time today. My editor is wondering whether the map attached to this story reflects the latest iteration of the Planning Commission's envisioned zoning district: <http://www.vnews.com/Norwich-High-Density-Zoning-Forum-7826814>

Is it still operative? Or perhaps out of date?

--
Rob Wolfe
Reporter, *Valley News*
603-727-3242

Phil Dechert

From: Phil Dechert
Sent: Wednesday, May 31, 2017 5:30 PM
To: 'Brandy Saxton'
Subject: Norwich TP Mark-up version 5-31-17
Attachments: TP_12-14-11PlanText_MU_5-31-17.doc; TP - Adopt ScheduleOptions_PC_5-30-17.docx

Brandy,

A mark-up version of the Norwich Draft Town Plan is attached. It was easier than I thought it would be. You may want to check it against the formatted draft. I will write a cover letter explaining what has been updated and why.

A proposed checklist and schedule for the adoption process is also attached. The schedule is aggressive, and is going to be challenging for Pam and I since June is a month I am gone a lot.

I would like to meet with TRORC to see if they will do a preliminary review now before we go through the whole process.

We should talk and coordinate. The Patio is open at the Inn, except when it is raining.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

Phil Dechert

From: Elisabeth Russell <elisabethwaterworth@gmail.com>
Sent: Wednesday, May 31, 2017 7:08 PM
To: Phil Dechert
Subject: Re: Land

Yes, I saw that in Claudette's post. I was going to listen, not to speak.

What would be the point of putting town plans to a vote?
How would one argue against the idea?

On May 31, 2017, at 12:27 PM, Phil Dechert <pdechert@norwich.vt.us> wrote:

I am discussing with the Town Manager to see if one or both of us should be there.

Unfortunately this group is being led by Stuart and a group of NIMBY's on Hobson Lane. We have pulled all the Route 5 South/River Road recommended changes out of the Town Plan update and will re-visit that topic after updating the zoning regulations. Stuart has a petition out to make town plan adoptions, re-adoptions, or amendments subject to a town vote rather than adopted by the Selectboard after multiple hearings.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

-----Original Message-----

From: Elisabeth Russell [mailto:elisabethwaterworth@gmail.com]
Sent: Wednesday, May 31, 2017 11:58 AM
To: Phil Dechert
Subject: Re: Land

Patio-good idea.

Helpful info re the Rt. 5 land. Thanks.

Think I will have to go to this ad hoc mtg. tomorrow night - it sounds like trouble.

Liz

On May 31, 2017, at 9:07 AM, Phil Dechert <PDechert@norwich.vt.us> wrote:

Liz,

The 35 acre lot is on the market for 1.5 M. This is an unrealistic price especially with no specific information on onsite wastewater capacity and wetland boundaries. I am told the owner is researching these two issues.

From my perspective, large portions of the open field are wetlands which will limit development. Probably the best building sites are on the hill at the back of the field. Yes this is a nice open field that everyone likes to look at, but it is also an area on a state highway, close to schools, businesses, and public transportation. According to Jake Guest, it is not a great agricultural field. This is a good location for "workforce housing". A well designed Site Plan will be critical for a compact development with minimal adverse visual impact.

I believe there are other properties in town much more worthy of conservation or a combination of land conservation and WF housing.

Happy to discuss these issues with you any time. Maybe the patio at the Inn will open soon.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

-----Original Message-----

From: Elisabeth Russell [mailto:elisabethwaterworth@gmail.com]
Sent: Tuesday, May 30, 2017 8:28 PM
To: Phil Dechert
Subject: Land

Isn't the Route 5 land for sale? Won't someone have to buy it before they can build?? How much?

Norwich, being the richest or 2nd richest town in VT, should be able to buy it (and conserve it) to keep it out of a developer's hands if people are so against developing it.

Liz

Phil Dechert

From: Jeff Lubell <jefflubell@yahoo.com>
Sent: Wednesday, June 21, 2017 2:33 PM
To: Susan Brink
Cc: Jeff Goodrich; Phil Dechert
Subject: Re: Thursday agenda

Some quick thoughts:

1. Let's see if we can work a reaffirmation that we'll take all comments seriously into a discussion of the town plan process.
2. As for the town plan process itself, I think it would be helpful to prepare a Q&A that we send to people a little ahead of time letting them know some of the background about the plan and why we have approached it the way we did. I'm happy to do a draft.
3. I think it would be useful for someone (maybe ask Jaci?) to do a broad introduction to the plan and its key features, underscoring the values that underlie the plan and why it's a valuable document for the town.
4. I like the idea of doing a balanced treatment, since land use is only one of many areas covered by the plan. I like the idea of asking people outside the current PC to speak about areas covered so long as they prepared to focus on the benefits of the town plan, rather than its shortcomings. I'd be worried about having people talk about current events primarily since it underscores that we haven't updated the town plan to reflect those events. Perhaps reach out to the people who were instrumental in preparing or informing the town plan in the last go round? If they want to talk about new activities, perhaps they can suggest issues we should consider for a more thorough overhaul once the plan is reinstated and we start working on individual chapters. Among other issues, we will need to decide which chapters to tackle first (though I believe land use and energy are likely to be among the first).

From: Susan Brink <susangbrink@gmail.com>

To: Jeff Lubell <jefflubell@yahoo.com>
Cc: Jeff Goodrich <jeff.goodrich@pathwaysconsult.com>; Phil Dechert <pdechert@norwich.vt.us>
Sent: Wednesday, June 21, 2017 1:26 PM
Subject: Re: Thursday agenda

Jeff, we can certainly reiterate what was said at the last meeting in response to this. We said that we would gather all the comments that come in over the next several weeks and through the meeting on the 13th. Those comments would be published in a designated area on the Norwich website under the NCP area for the Town Plan. That seems the fairest way to do this.

I believe that there will be other comments on other areas of the TP. Peter has read it and is concerned that there is quite a bit going on in the town such as the Historic Preservation Commission,

Phil Dechert

From: Jeff Lubell <jefflubell@yahoo.com>
Sent: Sunday, July 23, 2017 7:28 AM
To: Jeff Goodrich
Cc: Phil Dechert
Subject: quick question

Follow Up Flag: Follow up
Flag Status: Flagged

I am going through the town plan and had a question about Action 1.3.e in the Natural and Historic Resources section.

Would this Action be an obstacle to development of, let's say, the Dyke property under Act 250? I don't object to the principle, I just want to make sure we are stating it in a way that would not interfere with sensible development.

Action 1.3.e Require development to be located along the edges of fields or on the least productive land in order to preserve primary agricultural soils, allow for continued agricultural use and maintain the scenic character of Norwich's rural landscape.

Let me know what you think.

Thanks.

Jeff

Phil Dechert

From: Jeff Goodrich <Jeff.Goodrich@pathwaysconsult.com>
Sent: Monday, July 24, 2017 5:35 PM
To: Jeff Lubell (jefflubell@yahoo.com)
Cc: Phil Dechert; Jeff Goodrich
Subject: RE: quick question

Follow Up Flag: Follow up
Flag Status: Flagged

So, between the three of us, a couple responses based on my years in the VT regulatory process that changes continuously...

1. The broad question about Dyke if more than 9 units are constructed pursuant to Act 250 would likely consider at least:
 - a. Wetlands.
 - * The wetlands on-site will be classified by a State Biologist as Class II requiring a 50-foot setback; direct and buffer impacts need to be permitted.
 - * Any impacts in excess of 3,000 sq. ft. will also require US Army Corps of Engineering approval (this is likely a significant hurdle).
 - b. State-designated ag soils (e.g., criterion 9B). Post-2006 judicial requirements mandate alternatives analysis and clustering.
 - c. Infrastructure capacity relative to water and sewer.
 - d. Access to a State highway, which will likely require addressing the VTrans 1111 process, definitely if the access is directly off Route 5.
 - e. Sprawl (e.g., 9L).
 - f. Etc.
2. Fiscal considerations if I were the Dyke family revolve around the current asking price of \$1.5M.
 - a. Subdivide into 5 lots of 7 acres or so and sell each for \$300K for a total of \$1.5M. The approach could be done w/on-site water and wastewater and would avoid Act 250.
 - b. Permit 150 units to achieve a \$1.5M asking price including Act 250, municipal utilities, etc.
 - c. Let me think... if I were a typical land owner, which approach would I take, the high risk or the MUCH lower risk approach?

If you think I am not approaching your question directly, think about the argument of an applicant in the two scenarios presented...

Jeff

Jeffrey S. Goodrich, P.E.
President

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From: Phil Dechert [mailto:PDechert@norwich.vt.us]
Sent: Monday, July 24, 2017 8:25 AM
To: Jeff Lubell <jefflubell@yahoo.com>; Jeff Goodrich <Jeff.Goodrich@pathwaysconsult.com>
Subject: RE: quick question

Jeff L.
These are not prohibitions against development. They are guidelines to minimize impacts on Scenic Resources and Farm Land. Scenic Resources and Farm Land are defined in the zoning and subdivision regulations.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Jeff Lubell [mailto:jefflubell@yahoo.com]
Sent: Sunday, July 23, 2017 7:31 AM
To: Jeff Goodrich
Cc: Phil Dechert
Subject: Re: quick question

Sorry, I actually have the same question about this action as well in the same chapter:

Action J.1.c Require new development to be located and designed in a manner that minimizes its impacts on the town's identified scenic resources.

Could this be the basis for a challenge under Act 250 to new development in or on the outside of, say an open field?

From: Jeff Lubell <jefflubell@yahoo.com>
To: Jeff Goodrich <jeff.goodrich@pathwaysconsult.com>
Cc: Phil Dechert <pdechert@norwich.vt.us>
Sent: Sunday, July 23, 2017 7:27 AM
Subject: quick question

I am going through the town plan and had a question about Action 1.3.e in the Natural and Historic Resources section.

Would this Action be an obstacle to development of, let's say, the Dyke property under Act 250? I don't object to the principle, I just want to make sure we are stating it in a way that would not interfere with sensible development.

Action 1.3.e Require development to be located along the edges of fields or on the least productive land in order to preserve primary agricultural soils, allow for continued agricultural use and maintain the scenic character of Norwich's rural landscape.

Let me know what you think.

Phil Dechert

From: Jeff Lubell <jefflubell@yahoo.com>
Sent: Monday, July 24, 2017 5:47 PM
To: Jeff Goodrich
Cc: Phil Dechert
Subject: Re: draft of changes to 2017 town plan
Attachments: Suggested Edits Town Plan_2017_07_24.doc

Thanks for the quick turn-around, Jeff.

I think we can use this version for our discussion on Thursday, but it looks like we probably should try to discuss your two questions before we send this around. If I'm reading this right, it looks like the other things we can talk about during the meeting.

Can you meet briefly at 7:30 a.m.?

I've briefly responded to the two questions below.

1. **Village and Adjacent Lands.** These lands include the most densely developed parts of town and are accessible from state and interstate highways. The town should direct the majority of its growth and development to this land use planning area through its land use regulations and the provision of water and/or wastewater infrastructure.

I proposed deleting the language in red. You asked: "What is wrong with this language . . . it is sustainable / smart growth."

My response: I agree with you there is nothing particularly wrong with this language. However, a public comment suggested deleting it and after reading the rest of the section, I don't think it's necessary since we say basically the same thing later on the same page. Moreover, there's an added benefit to removing it. Since we have now created a separate planning area for Route 5 South, retaining this language would, in effect, say we are directing the balance of growth to the village center, rather than to a larger area that also includes Route 5 south. Deleting the language allows for broader flexibility to expand housing wherever appropriately near services and infrastructure.

2. In 2014-2015, the town commissioned a report to review options for these areas and in 2016, the planning commission began investigating the possibility of developing a new zoning district to make compact development more feasible in these areas and to increase the incentives in these areas for the development of affordable housing. A number of important considerations were raised in a public forum in 2017 about this concept, and the commission is presently considering how best to respond to and incorporate public input. As the commission wishes to give further consideration to public input as well as the nuances of this important topic, this town plan does not propose any zoning changes for these areas. Under state law, the creation of a new zoning district would require an amendment to the town plan.

Your comment: "This is not true based on prior text... why say it here?"

My response: I don't understand your comment. While this is marked as a change, most of this language was already in the 2017 town plan we put out for public comment. I just moved it further down. Can you clarify your concern?

4. Most unfortunate and impractical is that the plan would require a developer to overbuild to help cover the cost of the infrastructure that is sorely lacking today. If the town is not willing to accept the responsibility for owning and maintaining that infrastructure, it will put future development in private hands. I am certain our children and grandchildren are going to want a say in future town plans just as we feel empowered to today.

Sincerely,

Charlotte Metcalf

Phil Dechert

From: Jeff Goodrich <Jeff.Goodrich@pathwaysconsult.com>
Sent: Wednesday, July 26, 2017 5:20 PM
To: Phil Dechert
Cc: Chris Brien (chris.brien@riverlightbuilders.com); Jaci Allen (allenjaci@yahoo.com); Jeff Lubell (jefflubell@yahoo.com); Melissa Horwitz (melissahorwitz@yahoo.com); Steve Thoms (steve@steventhoms.com); Susan Brink (susangbrink@gmail.com); Jeff Goodrich
Subject: RE: Town Plan comments/questions from Claudette Brochu

Phil, thanks for forwarding this to the members of the PC. Great questions from Claudette and your personal thoughts are much appreciated. For the PC, I am personally interested in Claudette's questions 3 and 5 with respect to our future after what we did in 2002, previous PC efforts with other members, and a great deal of public input and interaction over the last couple of decades.

Jeff

From: Phil Dechert [mailto:PDechert@norwich.vt.us]
Sent: Wednesday, July 26, 2017 4:44 PM
To: Chris Brien (chris.brien@riverlightbuilders.com) <chris.brien@riverlightbuilders.com>; Jaci Allen (allenjaci@yahoo.com) <allenjaci@yahoo.com>; Jeff Goodrich <Jeff.Goodrich@pathwaysconsult.com>; Jeff Lubell <jefflubell@yahoo.com>; Melissa Horwitz <melissahorwitz@yahoo.com>; Pam Mullen <PMullen@norwich.vt.us>; Steve Thoms (steve@steventhoms.com) <steve@steventhoms.com>; Susan Brink (susangbrink@gmail.com) <susangbrink@gmail.com>
Subject: Town Plan comments/questions from Claudette Brochu

PC Members,

Below are a set of questions submitted by Claudia for which I have drafted answers. The email was addressed to me, but I think it was for the PC. I decided not to send this response until you have had a chance to review it.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: claudette brochu [mailto:cbrochu30@gmail.com]
Sent: Tuesday, July 25, 2017 9:18 PM
To: Phil Dechert
Cc: claudette brochu
Subject: Town Plan comments/questions

I have a couple of comments/questions re: proposed town plan.

1. There have been concerns voiced that the process used to come up with the new TP did not follow statute. What would happen if a developer submitted a development plan that was not supported by the new TP? Could the developer use the argument that the new TP was not a legal document since statutes were not followed?

Example: Me, the developer, submits plans for a project. Planning Commission rejects my plan. I go to court arguing that the new TP is invalid since statutes were not followed in its development and since the old TP expired, there is nothing preventing me from developing my project. I am not a lawyer so do not know if this scenario is even possible but...

Development in Norwich is controlled by zoning not the town plan. The zoning and subdivision regulations are in full force regardless of the status of the town plan. We cannot change the zoning until the town plan is readopted, but the current zoning is not affected. In a State Act 250 hearing the review criteria may be based on the regional plan if there is no Town Plan in effect. Norwich Zoning and Subdivision is far more comprehensive and specific than the Town Plan.

2. If development within 1/4 mile of a designated town center is exempt from Act 250 review, or a not as rigorous review, what protections do we have that wetlands, river frontage, and agricultural land will not be lost to development?

The Act 250 Exemption may apply to "Town Centers" or "Growth Centers" but **not** "Designated Village Centers". Norwich has had a "Designated Village Center" which expired. We cannot re-apply until the Town Plan is readopted. The benefits for "Designated Village Centers" may be found here:

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

The benefits are mostly tax credits for property owners and funding opportunities. I do not believe that Norwich would want to apply or qualify for other designations such as New Town Center, Growth Center, or Downtown,

3. Instead of anecdotal comments about lower/middle income families wanting to move to Norwich, is there any hard data (and recent) supporting that premise?

Anecdotal information from the real estate community of buyers looking for housing in Norwich at lower price ranges and inventory available through the years is probably a good indication of demand. We know there is a long waiting list for the Senior Housing units. I will check for any specific published data specific for Norwich.

4. Mentally, I am having a difficult time separating the issue of adopting a new TP with the earlier re-zoning proposal. Given the arguments I heard that adopting the new TP will continue to support the re-zoning effort, why would I want to support the new TP if I oppose the proposed re-zoning?

The current proposed Town Plan draft does not include the necessary support for the earlier Route 5 South/River Road re-zoning proposal. Adopting any re-zoning proposal changing land use zoning districts will require an amendment to the Town Plan. Once this draft is adopted, there are several changes that need to be made to zoning ASAP including storm resiliency and siting of renewable energy facilities. The Planning Commission intends to also continue discussions on the affordable housing issue.

5. I support the need to affordable housing but would prefer that these projects be smaller in scale and use existing housing stock or land that is already developed (eg. ABC building, former Event Center Space, etc) and/or the adoption of proposals for tax incentives for renting to low income families. How does the proposed TP support these proposals, if at all?

There is strong support in the current Town Plan for affordable and senior housing. This will not change. There are provisions in the current zoning for affordable housing density bonuses in the existing zoning districts. Town level tax incentives are not generally supported by state statutes. The PC has indicated that discussions addressing affordable housing issues will happen after the current TP draft is adopted.

Phil Dechert

From: Jeff Lubell <jefflubell@yahoo.com>
Sent: Wednesday, July 26, 2017 8:14 PM
To: Jeff Goodrich; Phil Dechert; Susan Brink
Subject: Re: Town Plan comments/questions from Claudette Brochu

Hi, Phil,

Thanks for the proposed responses. I've copied just Jeff and Susan as Chair and Vice Chair so as not to convene a meeting.

A few thoughts regarding each question:

Question 1. This is a legal question and I actually think it would be useful for the town to get feedback from an attorney. I'm not worried about the scenario that Claudette brings up so much as the scenario in which, after we pass this town plan, if we ever decide to update the zoning code -- let's say to deal with the FEMA reimbursements -- could someone challenge the town plan as being developed improperly and thus invalidate the zoning changes (since we need a valid town plan to adopt them)? Hopefully the answer is no -- that the only thing that really matters are the final hearings and a proper vote by the Select Board. But if the other claims Marcia is raising about process have legal merit, it would sure be nice to find out now, rather than later, when she sues. I think it is likely she will bring a lawsuit at some point. That is what she is doing -- laying a foundation for a future lawsuit.

Question 2. I would prefer that you not express an opinion about whether Norwich might want to apply for a different kind of designation in the future. I don't think that sentence is needed to answer the question.

Question 3. In addition to what you've written, I would suggest noting that the PC is planning to conduct public discussions to help develop an affordable housing strategy that will start this fall and this would be a good issue to bring up then.

Question 4. I would suggest the following answer instead of the one you drafted.

The 2017 Town Plan does not include include a recommendation to develop a new mixed use zoning district -- or any other new zoning district -- in the area of Route 5 South / River Road. So if you were opposed to the mixed use district, there is no reason for you to be concerned about the 2017 Town Plan. If, in the future, the Planning Commission were to propose a new zoning district in this area, they would need to amend the town plan to provide support for it. .

Question 5. I would suggest the following answer instead of the one you drafted.

There is strong support in the 2017 Town Plan for affordable and senior housing. So the kinds of smaller developments you suggest and the re-use of existing properties to provide affordable housing are very consistent with the 2017 Town Plan. The town plan does not address proposed tax incentives, largely because Norwich does not have legal authority to provide them.

-- Jeff

From: Jeff Goodrich <Jeff.Goodrich@pathwaysconsult.com>
To: "Phil Dechert (planner@norwich.vt.us)" <planner@norwich.vt.us>
Cc: "Chris Brien (chris.brien@riverlightbuilders.com)" <chris.brien@riverlightbuilders.com>; "Jaci Allen (allenjaci@yahoo.com)" <allenjaci@yahoo.com>; "Jeff Lubell (jefflubell@yahoo.com)" <jefflubell@yahoo.com>; "Melissa Horwitz (melissahorwitz@yahoo.com)" <melissahorwitz@yahoo.com>; "Steve Thoms (steve@steventhoms.com)" <steve@steventhoms.com>; "Susan Brink (susangbrink@gmail.com)" <susangbrink@gmail.com>; Jeff Goodrich <Jeff.Goodrich@pathwaysconsult.com>
Sent: Wednesday, July 26, 2017 5:19 PM
Subject: RE: Town Plan comments/questions from Claudette Brochu

Phil, thanks for forwarding this to the members of the PC. Great questions from Claudette and your personal thoughts are much appreciated. For the PC, I am personally interested in Claudette's questions 3 and 5 with respect to our future after what we did in 2002, previous PC efforts with other members, and a great deal of public input and interaction over the last couple of decades.

Jeff

From: Phil Dechert [mailto:PDechert@norwich.vt.us]
Sent: Wednesday, July 26, 2017 4:44 PM
To: Chris Brien (chris.brien@riverlightbuilders.com) <chris.brien@riverlightbuilders.com>; Jaci Allen (allenjaci@yahoo.com) <allenjaci@yahoo.com>; Jeff Goodrich <Jeff.Goodrich@pathwaysconsult.com>; Jeff Lubell <jefflubell@yahoo.com>; Melissa Horwitz <melissahorwitz@yahoo.com>; Pam Mullen <PMullen@norwich.vt.us>; Steve Thoms (steve@steventhoms.com) <steve@steventhoms.com>; Susan Brink (susangbrink@gmail.com) <susangbrink@gmail.com>
Subject: Town Plan comments/questions from Claudette Brochu

PC Members.

Below are a set of questions submitted by Claudia for which I have drafted answers. The email was addressed to me, but I think it was for the PC. I decided not to send this response until you have had a chance to review it.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: claudette brochu [mailto:cbrochu30@gmail.com]
Sent: Tuesday, July 25, 2017 9:18 PM
To: Phil Dechert
Cc: claudette brochu
Subject: Town Plan comments/questions

I have a couple of comments/questions re: proposed town plan.

1. There have been concerns voiced that the process used to come up with the new TP did not follow statute. What would happen if a developer submitted a development plan that was not supported by the new TP? Could the developer use the argument that the new TP was not a legal document since statutes were not followed?

Example: Me, the developer, submits plans for a project. Planning Commission rejects my plan. I go to court arguing that the new TP is invalid since statutes were not followed in its development and since the old TP expired, there is nothing preventing me from developing my project. I am not a lawyer so do not know if this scenario is even possible but...

Phil Dechert

From: Phil Dechert
Sent: Wednesday, September 27, 2017 9:59 AM
To: 'Peter G. Gregory'; Jeff Goodrich; Herb Durfee
Cc: Kevin Geiger
Subject: RE: Norwich Plan and regional approval

Peter,
The Town Plan "update" addresses all the issues/recommendations in the 2013 TRORC Enhanced Review, except specific references to zoning changes and "higher density housing" in the Route 5 South/River Road area have been removed and will continue to be "studied".

It also includes specific support for the Designated Village Center.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Peter G. Gregory [mailto:pgregory@trorc.org]
Sent: Wednesday, September 27, 2017 8:13 AM
To: Phil Dechert; Jeff Goodrich; Herb Durfee
Cc: Kevin Geiger
Subject: Norwich Plan and regional approval

Hi folks;

I have not had the time to follow this really closely so just want to make sure that the draft Norwich Plan heading toward adoption addresses the issues that needed attention from our last Regional review and removes or lessens the conflicts in the land use area?

I want to make sure TRORC can quickly approve the Plan once it is adopted and submitted to us so we can help you get the state Village Designation back.

I sense all is well but just making sure.

Thanks very much!

Peter

Peter G. Gregory, AICP
Executive Director

Phil Dechert

From: Kevin Geiger <kgeiger@trorc.org>
Sent: Friday, October 06, 2017 2:17 PM
To: Phil Dechert
Cc: Pete Fellows; Peter G. Gregory; David Ormiston; 'Brandy Saxton'; David Ormiston; Jeff Goodrich
Subject: RE: land use text map

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Phil. My goal in looking at the draft town plan now was just to check the land use language and maps against those of the regional plan to identify areas of potential incompatibility. These comments are focused on that and not the whole plan. As usual, if the town would like a full review for approval we are glad to do that.

As you know, the plan's future land use map is intentionally a little vague, while ours is not, and so there can be concerns at the edges. Also, the proposed Route 5 South/River Road land use area does not match the current "town center" and "interchange" areas on our map (ours does not connect from the village over to the interchange, have as much of River Road, or go all the way south to the Hartford line). I am not saying either map is better or more correct, just that there are mismatches now, and in my view these will be lessened on our end over the next year. Of course, in the meantime there is a mismatch. However, in planned internal revisions to the land use map of the regional plan, many of these map mismatches would become less. Also, the proposed change clearly does not intend the village to go all the way to Hartford as the current town plan's map we reviewed last seemed to show.

Leaving the proposed map and looking at the proposed text, the plan's approach to goals/objectives/actions is not broken down by specific land use area, but rather can apply to all areas or to specific situations or uses. The plan intentionally positions itself that way with the details laid out in the zoning. In fact, the plan states, "The town's land use regulations and related implementation tools are the detailed instructions that will ensure that the vision described in this land use plan is achieved over time."

Thus, from a plan compatibility test angle (since the statutory burden on us is to solely compare plans), it can be difficult to just look at one particular part of the draft town plan against the regional plan. For example, Action K.3.d is to "allow for appropriate business/services needed in the community". One could look at this against our regional plan's prohibition on principal retail outside of regional centers and not be sure if they match since there is no spatial part of the action.

The statute requires that during review we find the town plan "compatible" with the regional plan, but the test is not if they match perfectly, but whether the town plan would "significantly reduce the desired effect" of the regional plan. There can be questions as to exactly what the draft town plan means at times, but I do not see anything that is clearly incompatible at this time. And when I look at the plan more as a whole and take into account the zoning, the picture is clearer and possible incompatibilities dimmer.

Sincerely,

Kevin

Kevin Geiger, AICP CFM

Senior Planner
Two Rivers-Ottawaquechee Regional Commission
128 King Farm Road, Woodstock, VT 05091
Ph: 802-457-3188 ext. 124, fax 802-457-4728
TRORC
www.trorc.org

No responses are intended as legal opinions. All responses may be a public record unless otherwise specified.

From: Phil Dechert [mailto:PDechert@norwich.vt.us]
Sent: Wednesday, October 4, 2017 3:30 PM
To: Kevin Geiger <kgeiger@trorc.org>
Cc: Pete Fellows <pfellows@trorc.org>; Peter G. Gregory <pgregory@trorc.org>; David Ormiston <DOrmiston@norwich.vt.us>; 'Brandy Saxton' <brandy@placesense.com>
Subject: RE: land use text map

Kevin,
Yes I did. Both mark up version in Word and a formatted draft (In Design) are on the PC web page:
http://norwich.vt.us/wp-content/uploads/2017/03/Item6_2017-09-23-Norwich-TP-redlined-against-public-hearing-version.pdf

http://norwich.vt.us/wp-content/uploads/2017/03/Item6_Norwich-Plan-Draft-2017-09-27LR.pdf

These are the latest versions as of 9-28-17. There are still some tables being updated.
The Land Use Map is Map #11 at the end of the formatted version. The "Hamlet" areas at Beaver Meadow, New Boston, Union Village, and Pompanoosuc have been removed. None of these areas are viable due to environmental constraints or Conserved Land. The Route 5 South/River Road is still shown but it is no longer referred to as "Mixed Use".

We also have a draft matrix for implementation of selected actions that the PC has not looked at yet. (See attached) This will be in an Appendix at the end. Many of the other actions in the plan are already done or duplicated. These are the more significant ones with a time frame attached and which board, committee, or official will be responsible. It will appropriate to pull out in five years and see if we are implementing the plan ☺.

Let me know if you have any questions or concerns. Or if you would rather have files in Dropbox.

Phil

Phil Dechert
Director of Planning & Zoning
Town of Norwich
PO Box 376
Norwich VT 05055
802 649-1419 Ext. 4

From: Kevin Geiger [mailto:kgeiger@trorc.org]
Sent: Wednesday, October 04, 2017 2:59 PM
To: Phil Dechert
Cc: Pete Fellows; Peter G. Gregory; David Ormiston
Subject: RE: land use text map

Phil, just making sure you saw this. Given the public attention to the plan and our workload I am just trying to be proactive so we can work with the town if we see issues.

11e

Herb Durfee

From: Bonnie Munday
Sent: Monday, October 30, 2017 11:04 AM
To: Herb Durfee
Subject: FW: ECFiber 2018 budget hearing notice

From: ECFiber Secretary [<mailto:secretary@ecfiber.net>]
Sent: Sunday, October 29, 2017 11:51 AM
To: Diane Rainey; betheltownclerk@comcast.net; braintreetownclerk@gmail.com; Holly Jarvis; townclerk@brookfieldvt.org; Maggie Kerrin; Town of Granville Vt; hancocktownclerk@yahoo.com; mhill@hartford-vt.org; John Odum; Bonnie Munday; Patricia S. Haskins; Becky Fielder; clerk@randolphvt.org; Town of Reading Vermont; Town of Rochester Vermont; royalclerk@bluemoo.net; Royalton Selectboard; clerk@sharonvt.net; Sharon Selectboard; townofstockbridge@myfairpoint.net; Town Of Strafford; Thetford Town Clerk; tctunbridge@live.com; Gene Craft; Martha Harrison; clerk@townofwoodstock.org
Cc: Irv Thomae; carole.monroe@ecfiber.net
Subject: ECFiber 2018 budget hearing notice

From: East Central Vermont Telecommunications District (ECVTD, aka ECFiber)

To: Selectboards and City Councils of our Member Municipalities

Subject: Annual Hearing on the District's Proposed Budget for 2018

As you are no doubt aware, your Town (or City, in the case of Montpelier) is a member of the ECVTD, a Communication Union District established under Chapter 82 of Title 30. That statute includes a requirement that

(b) Coincident with a regular meeting thereof, the board shall hold a public hearing* on or before November 15 *of each year to receive comments from the legislative bodies of district members and hear all other interested persons regarding the proposed budget. *Notice of such hearing shall be given to the legislative bodies of district members at least 15 days prior to such hearing*. The board shall give consideration to all comments received and make such changes to the proposed budget as it deems advisable. (VSA 30 § 3075)

Accordingly, you are hereby notified that Governing Board of ECFiber will hold a public budget hearing as part of its scheduled November 14th meeting, to be held at 7PM in Room 012 Oakes Hall on the Vermont Law School campus in South Royalton. Please post a copy of this notice in an appropriate place for public review. Any interested members of the public may obtain a copy of the draft budget by sending an email request to the District Clerk, Daniel Leavitt, at secretary@ecfiber.net.

Sincerely,

Irv Thomae, Chair, ECVTD

11f

Miranda Bergmeier

From: Mary Layton <marydlayton@gmail.com>
Sent: Friday, November 03, 2017 9:53 AM
To: Miranda Bergmeier
Cc: Herb Durfee; Miranda Bergmeier
Subject: Fwd: Proposed Norwich Easement

Here is an analysis by Bill Clauson of the terms of the easement Verizon provided us.

Mary Layton

Sent from my iPhone

Begin forwarded message:

From: Bill Clauson <kwclauson@gmail.com>
Date: November 3, 2017 at 8:49:08 AM EDT
To: Mary Layton <marydlayton@gmail.com>
Subject: Proposed Norwich Easement

1. To Verizon, Green Mountain, Telephone Company and their successors and assigns.
2. The exclusive and perpetual right and easement to erect, bury, operate, replace and remove overhead and underground poles, cables, foundations, fixtures, and appurtenances.
3. For the transmission and distribution of electricity, telecommunications, and intelligence, including voice and video.
4. To be erected at any time at such voltages and capacities as the companies shall determine.
5. Under, upon and over the land of the Town.
6. As shown on the 10/3/2017 plan (sheets 1-5) AND the "reserved right to replace, repair, add or otherwise modify the facilities" and thereafter modified whether "specified or depicted on such plan set." Each locations shall be selected by the utilities after their final surveys and may thereafter modifies "whether or not they are specified or depicted on such plan set."
7. The exact location of the new pole shall be selected after their final surveys have been completed within the vicinity of the pole to be replaced. The easement area shall be 10 ft. on either side of conduit, 12.5 ft. around conductors, and another 6 ft. from all facilities, and another 25 ft. from any facility an needed for support.
8. AND the perpetual right to renew, add to, otherwise change the facilities and their locations, and to access the easement area from adjoining land.
9. AND to remove anything within the easement area or on adjacent land, which is, in the opinion of the utilities, likely to interfere with their successful operation.

10. Norwich agrees it will not permit any structures, trees, bushes or change in grade, fill, or excavation within the easement area, and adds a broad list of prohibited town uses.

11. And the Town will warrant that it has complete and good title and will warrant and defend that title forever against the lawful claims of all persons.

COMMENT. The utilities are buying broad and eternal rights and control of town land for \$ 1. I would think that their exclusive rights under this easement would be very valuable. And they may earn and share those rights at substantial profit.

ADVICE I would ask to see 1. their other new contracts with other Vermont cities and towns since 1/1/2015 and 2. and any sharing agreements with other utilities since 1/1/2015. Do they share for \$ 1?

They currently have their current agreement. I do not know what it says or what they pay. BUT they need to greatly improve current facilities. The Town can deal with them OR it can put up the issue of new and different facilities for bid by others as well. I appreciate that the town has a need BUT so do they.

My immediate thoughts.

Bill