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TOWN MANAGER'S OFFICE

Our mission is to enable people to cope with, and reduce the hardships of poverty, create sustainable self-sufficiency, and reduce the causes and move toward the elimination of poverty.

July 6, 2017

Board of Selectmen
Town of Norwich
P.O. Box 376
Norwich, VT 05055

Dear Selectmen:

We are in receipt of the Town's check in the amount of \$1,105.68. On behalf of Southeastern Vermont Community Action, I would like to thank the residents of the Town of Norwich for their commitment to help their neighbors in need.

This contribution will help SEVCA continue to pursue its mission of reducing the causes of and moving toward the elimination of poverty.

Thank you.

Sincerely,

Stephen Geller
Executive Director

/ad

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Herb Durfee

From: office <office@fmanasek.com>
Sent: Sunday, July 09, 2017 2:41 PM
To: Herb Durfee
Subject: For Selectboard distribution and archiving

Dear Mr Durfee

Please circulate this amongst the Selectboard members and make it a permanent part of responses.

Thank you

Frank Manasek

In order to function in a logical manner every country, city, town needs an overarching strategy. What are goals, aspirations, problems, solutions for the near future? What are the realistic expectations given economic, social, environmental and geographic considerations? The Norwich Town Plan should be such a strategic document, codifying the needs and desires of the residents of Norwich of today.

The current proposal to approve a Town Plan (a somewhat modified recycled version of the old one) fails on a number of serious issues.

As years go by strategic goals of any town or city necessarily change. The town changes and the world changes. The Town Plan must also change and incorporate the desires of the people who live here now, not fifteen years ago. It is an extremely important document since it must contain the collective aspirations of the folks who live here and pay the taxes. Thus it must be a document of consensus. It must deal with many seemingly disparate issues: quality of life, the environment and how to protect it (if indeed it should be protected), educational goals and the way in which the town wants to grow or not to grow. The latter is a sticky issue but one that is valid and should be incorporated into the discourse that leads up to a formulation of the Town Plan. The TP may also include suggestions how to implement the stated strategic goals of the town. In other words, it may also be a tactical document. But above all it must represent the town residents' vision for the town and their wishes in a fair and unbiased way. It must not permit profit to one group at the expense of another. And it must not make arbitrary unsubstantiated assertions about what is "good" for the town.

However, it is not possible to implement tactics if the strategic goal is not defined, and that is a reason why the State requires towns to periodically update the TP.

In Norwich this process has been reversed. The Planning Commission has spent over a year working very hard to develop a complex tactical plan to create what is essentially a satellite town on the eastern outskirts of Norwich. While engaged in this process it neglected to fulfill its mandate to update our Town Plan. Vermont

statutes limits the duration of town plans and ours expired while the PC's efforts were devoted to formulating its development plans.

With the seven member Commission firmly entrenched in support of their proposed development it now asks that we accept a slightly modified resurrection of the old Town Plan. The underlying bases and assumptions that led to that plan are now about a decade old and were probably in error or unsupported when proposed at that time. Many of the current arguments put forth by the PC in support of their development plan are simply opinions without basis in fact.

But more dangerously, the old Town Plan that the PC wants us to buy into, greases the ways for their massive high density/commercial development-favorable rezoning that will destroy the Vermont that lives along Rte 5.

In essence, the PC has first developed tactics to promote huge development and then produced a Town Plan that enables it.

Now what about this TP? Town Plans are important documents that affect EVERYONE in town wherever they might live. When some of us began to attend public sessions of the PC we were essentially unable to speak. Whenever one of us would try, in a public forum, to discuss an issue or voice opposition to some conclusion or statement we were shut down. for example, I wasn't even permitted to ask a generic question about an early town-wide survey. There was sufficient outcry against this behavior and the Commission now listens attentively and politely whenever someone in the audience speaks. But they ignore what is said. No suggestion, however constructive, was tolerated if it deviated from the PC's agenda.

Over the past few months several Norwich residents worked very hard to develop and suggest constructive modifications to the TP that would incorporate the wishes of large numbers of residents and, in addition, give some support to environmental protection of our eastern greenbelt. This "redlined" TP was submitted to the PC. At a recent public meeting of the PC Stuart Richards polled the PC, individual by individual, asking their response to the submitted document. Some had not read it. All were opposed to any suggested modifications or additions (with the exception of Jeff Lubell who said he would consider them).

Let us keep in mind that:

"communities may...(designate) Neighborhood Development Areas within 1/4 mile from the designated Village Center. Qualified projects are 1) Exempt from the Act 250 regulations and the land gains taxes." [24 V.S.A. 3301(a)]

Just who is the beneficiary here? If this provision of the state's statutes is applied to Norwich it will be a windfall for developers and real estate agents. Indeed it is widely believed in town, and has been voiced by at least one letter to the Valley News, that the PC's proposals are not really about affordable housing, but rather about the money to be made by developing land.

Let us also keep in mind that 300-plus acres may well lose their wetlands, woods and meadows and be turned into a high-density satellite strip of Norwich. Curiously, Jeff Lubell, in a post on the Norwich Listserve indicated he envisioned some 100-150 additional houses over 10-15 year period. Using the PC's own data, that would result in a maximum of about 40 affordable houses over 15 years. However, in public meetings of the PC Mr Lubell has often said that he wants Norwich to make a significant dent in the 5000 (sic) house shortage faced by the Upper Valley. Something is getting lost in translation and I don't want to buy into it. If Jeff Lubell's 40-odd affordable houses are the answer then we don't need to develop 300-plus acres. If we need to develop 300-plus acres then the issue isn't affordable housing.

The Town Plan and the future of Norwich is far too important to be controlled by the current ideologically pure seven-member Planning Commission that seems to think it appropriate to decry lot sizes that are “too large.” for someone’s house. From the Town Plan’s “Under Current Land Use in Norwich” is the statement:

This 10-acre pattern created lots “too small to plow, but too big to mow”; that is not large enough for economically viable agriculture or forestry, but larger than needed for a private residence.

Obviously the PC’s Satellite City is the answer.

The Vermont Affordable Housing Coalition has just released an announcement regarding affordable housing:

<http://www.vtaffordablehousing.org/news/2017/06/housing-bond-passes-vhcb-gets-35-million-in-new-affordable-housing-funds/>

It ends with:

“VHCB makes loans and grants for the creation of affordable housing and the conservation of agricultural and recreational lands, forest land, natural areas and historic properties.”

Clearly, part of the goal is to conserve and the PC’s proposals would result in measurable environmental damage.

If we permit esthetic, social and environmental damage to one segment of our town then everyone, wherever in Norwich they might live, will be adversely affected. We must always ask the question, “Does any of this benefit the town?”

Given the importance of this matter to everyone in town, it’s important that you come to the Planning Commission’s public Town Plan meeting scheduled for July 13 (this Thursday) at 7:00 PM in Tracy Hall

Frank Manasek

Miranda Bergmeier

From: Jonathan Frishtick <j.frish@gmail.com>
Sent: Thursday, July 13, 2017 10:31 PM
To: Mary Layton; stephen.flanders@icloud.com; John Pepper; John Langhus; Miranda Bergmeier; Phil Dechert
Subject: Storm damage at 1249 New Boston Rd.
Attachments: IMG_1588.JPG; IMG_1603.JPG; IMG_1635.JPG

Dear Members of the Selectboard:

I'm hoping you can help me and others in my situation.

On Saturday July 1, my driveway access was destroyed when my culvert failed.

I believe the state is looking to see if FEMA funds will be available for reconstruction. My understanding is that these federal monies will only be available for municipal damage, NOT damage to private landowners.

A large culvert upstream from our property blew out adding a large volume of water to the already swollen brook. Additionally, ponds higher in the watershed were overflowing adding more rainwater. The sixty foot long by four foot diameter culvert at the bottom of my driveway was completely washed away resulting in a tsunami that swept away my downstream neighbor's garage and flooding another neighbor's house. The contents of the garage were spewed downstream for quite a distance. Access to Norford Lake Road and Ladeau Roads was curtailed.

We are still completely cut off from New Boston Road by a 60 foot long, 50 foot wide and 20 foot deep ravine. My house is isolated without fire or emergency service access.

Luckily I was at work when this happened so we have one car on the "outside" which we park at a neighbor and then walk through the woods to the bottom of our driveway on the other side of the stream where we have our other car to drive up the long driveway.

I am starting to get estimates of what the repair work will cost. It will be very expensive. Even though this is on private property, what I choose as the method of reconstruction (size of replacement culvert, box culvert, riprap, bridge, steel arch culvert, etc.,) will have a lasting impact on public infrastructure (the Town road and downstream Town culverts) and the stream and neighbors down-flow from us. As far as I can tell, we are on our own paying for this even though the town maintains at least 7 culverts above us that directs water directly into the stream that flows through our culvert and the town has culverts below us which cross New Boston Road and Norford Lake Road. .

I am asking you to come look for yourselves to see the magnitude of this damage and to discuss

possible sources of funding to help me and others in my situation so we can do what's right for our property as well as what is right for the public safety of those living downstream and for the Town's infrastructure. This is a watershed wide issue, not just one private landowner's issue.

Please feel free to drop by for a look.

Because cell service out here is sketchy at best call before you leave town so I can meet you at the bottom of my driveway.

Happy trails,
Jonathan Frishtick
Holly Glick

Jonathan M. Frishtick
GIS/GPS Mapping
1249 New Boston Rd
Norwich, Vermont 05055
802.291.0914 cell
<http://gisgpsmapping.squarespace.com>
43° 46' 53.26"N
72° 18' 10.13"W







RECEIVED

JUL 12 2017

TOWN MANAGER'S OFFICE

Dear Readers,

A Town Plan (TP) should provide Norwich's vision for the future. However the current recycled TP supports all the elements that the public objected to in a February, 2017 zoning public meeting. Some of the elements contained in the TP which were objectionable in the earlier zoning proposal are a promotion of intense residential and commercial development, municipal wastewater, municipal water, hamlets, Route 5 South development, destruction of agricultural soils and native habitat, an increase in taxes and an irrevocable change in the historic character of Norwich.

When it comes to affordable housing there's a contradiction between the notion that a huge tract of land consisting of 350 acres with densities up to 8 units per acres which could produce hundreds of new units and a swelling Town population is necessary or desirable to create affordable housing. What it could lead to is MEGA DEVELOPMENT and huge developer profits. Small well integrated (affordable housing) developments should be promoted for a Town the size of Norwich (3,300 people) but there's little in the TP to promote small affordable housing projects that would be consistent with Norwich.

The zoning proposal which the public objected to has been tabled but perhaps only for the moment since the TP proposal will support and promote the very things that many people objected to. It's not only a significant number of Norwich's public that objected to the zoning proposal, the Two Rivers Ottawaquechee Regional Planning Commission (TRORC) also objected to Norwich's TP. TRORC said, "As it is written, the Norwich TP 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." So given the objections of both the public and the Regional Planning Commission why has the Norwich Planning Commission (PC) insisted on going forward? Why also hasn't the PC been willing to do a real update of the TP when it is clearly out of date using out dated statistics and outdated conclusions?

Those who favor small integrated affordable housing are accused of being elitest and anti affordable housing. Not True. It should be noted that for the past 15 years there have been no new affordable housing developments, notwithstanding efforts made by the Affordable Housing Committee and Planning Commission.

Here are a number of suggestions in no particular order of possible ways to increase affordable housing that have been made which do not appear in the TP and which it doesn't appear that the PC or Affordable Housing Committee is interested in. They include:

1. Formation of a group of investors who could benefit from federal tax credits from the creation of affordable housing
2. Increase in the \$45K affordable housing fund designated by the Selectboard
3. Tax incentives for creation of affordable housing rental and sale properties
4. Graduated impact/transfer fees on buyers and sellers of homes and property which would be added to a an affordable housing fund
5. Resuscitation of the former Agway/ABC Dairy affordable housing project by finding off-site sewage disposal capacity
6. Work more closely with Twin Pines Housing Trust, Housing Vermont, Vermont Affordable Housing Coalition, Vermont Housing and Conservation Board and others to take advantage of the new \$35 million dollar bond for affordable housing.
7. Advertise for donors of land or buildings suitable for affordable housing.
8. Redouble efforts to locate property for affordable housing.

Since most in Norwich support affordable housing and diversity, this writer included, It makes sense for those with fresh ideas to come forward. Perhaps even the Planning Commission might be persuaded to do a TP the right way starting with a Town-wide survey such as the one that was done in 2005 that had 990 responses. Updating the statistics and conclusions are equally important. And yes, that can't be done overnight but there's a right way and wrong way to do a TP. Let's hope that the Planning Commission changes direction and does it the right way. A good start would be paying attention to comments in the red line and the fact that 250 voters want to see a Special Election on the Town Plan.

Please come to the meeting this Thursday at 7pm at Tracey Hall and voice your opinion on the Town Plan.

All the best,

Stuart Richards

Herb Durfee

From: Stuart Richards <srichards@globalrescue.com>
Sent: Monday, July 17, 2017 3:44 PM
To: Herb Durfee; Phil Dechert; Stephen Flanders; Mary Layton; John Pepper; John Lanhus; Linda Cook
Subject: Selectboard Authority
Importance: High

Dear Selectboard Members,

The question at your last meeting, if I understood correctly, is answered in the emails below from the Secretary of State's office. The Legislative body (the Selectboard) certainly has the authority to schedule a binding special election to approve/disapprove a new Town Plan or anything else for that matter. The election could be binding or advisory. I hope that this is helpful and that you decide to call a binding special election for this Town Plan but not necessarily for future Town Plans. I look forward to your next discussion.

Herb and Phil, please distribute this email to the members of the Selectboard and Planning Commission and make it a part of the permanent record of each body under correspondence.

Many thanks,

Stuart

Stuart Richards
PO Box 156, 82 Elm Street
Norwich, VT 05055

From: "Isabelle, Jean Paul" <jean.paul.isabelle@sec.state.vt.us>
Date: Monday, July 17, 2017 at 1:52 PM
To: Stuart Richards <srichards@globalrescue.com>
Subject: RE: Petition

<http://legislature.vermont.gov/statutes/section/17/055/02643>

17 § 2643. Special meetings

(a) The legislative body may warn a special municipal meeting when it deems it necessary and shall call a special meeting on the application of five percent of the voters. A special meeting shall be warned within 60 days of receipt of the application by the municipal clerk. 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.

(b) [Repealed.]

(c) The legislative body may rescind the call of a special meeting called by them but not a special meeting called on application of five percent of the voters

JP Isabelle

JD- VLS 2011

Elections Administrator

Vermont Office of the Secretary of State

128 State Street

Montpelier, VT 05633

Phone: 802-828-2304

Fax: 802-828-2496

<http://vermont-elections.org/>

From: Isabelle, Jean Paul

Sent: Friday, July 14, 2017 1:53 PM

To: 'Stuart Richards' <srichards@globalrescue.com>

Subject: RE: Petition

Hi Stuart.

Below is a link to the statute we spoke about regarding adoption and amendment of municipal plans.

<http://legislature.vermont.gov/statutes/section/24/117/04385>

I have also copied the pertinent part of the statute regarding the right of the voters to ask for a vote on a plan or amendment.

(c) A plan of a municipality or an amendment thereof shall be adopted by a majority of the members of its legislative body at a meeting which is held after the final public hearing. **If, however, at a regular or special meeting of the voters duly warned and held as provided in 17 V.S.A. chapter 55, a municipality elects to adopt or amend municipal plans by Australian ballot that procedure shall then apply unless rescinded by the voters at a regular or special meeting similarly warned and held.**

Let me know if you have any other questions.

Thanks

JP

JP Isabelle

JD- VLS 2011

Elections Administrator

Vermont Office of the Secretary of State

128 State Street

Montpelier, VT 05633

Phone: 802-828-2304

Fax: 802-828-2496

<http://vermont-elections.org/>

From: "Isabelle, Jean Paul" <jean.paul.isabelle@sec.state.vt.us>

Date: Monday, June 26, 2017 at 10:40 AM

To: Stuart Richards <srichards@globalrescue.com>

Subject: RE: Petition

Hi Stuart.

First, here is a link to the statute we discussed about adopting municipal plans by Australian ballot:
<http://legislature.vermont.gov/statutes/section/24/117/04385>.

This is a link to the statute regarding petitions: <http://legislature.vermont.gov/statutes/section/17/055/02642>

Here is the link to our website on local petitions: <https://www.sec.state.vt.us/elections/town-meeting-local-elections/local-petitions.aspx>.

Hope that is helpful. Let me know if you have any other questions.

Thanks

JP

JP Isabelle

JD- VLS 2011

Elections Administrator

Vermont Office of the Secretary of State

128 State Street

Montpelier, VT 05633

Phone: 802-828-2304

Fax: 802-828-2496

<http://vermont-elections.org/>

14e

To: Norwich Planning Commission, via e-mail enclosure
Norwich Select Board, via e-mail enclosure
Executive Director, Two Rivers-Ottawaquechee Regional Planning Commission
Vermont Department of Housing and Community Affairs

From: Marcia and Colin Calloway, 17 Hopson Road, Norwich, Vermont

Date: July 24, 2017

Re: Comments on Draft Norwich Town Plan dated May 25, 2017

The following are comments submitted in response to the Norwich Planning Commission's Draft Town Plan.

With regard to the need for a town plan.

- **State law:** A municipality may have a town plan but it is not required. 24 VSA 4384(a)
- **Comment:** We do not disagree with the need for or importance of a town plan. We do disagree with the method by which the Draft Town Plan has been prepared.

With regard to "re-adoption" of the town plan which expired in 2016.

- **State law and Agency guidance:** Town plans automatically expire within a statutory time frame. "... Before the plan expires, the planning commission must review and update the information on which the plan is based. Using this information, the planning commission must then decide whether the plan is still applicable and relevant or whether a major change is needed. If the plan is still relevant, the municipality may wish to readopt it rather than develop a new one. The readopted plan must incorporate updated data and report on any changes in the status of implementation strategies. It also must any add any new required elements. The readoption process is the same as the procedure for adopting a new plan (24 V.S.A. section 4387). See Vermont Agency of Commerce & Community Development Dept of Housing & Community Development, THE MUNICIPAL PLAN: STATE PLANNING MANUAL, Module I, page 105, dated April 2017.
- **Norwich Planning Commission:** Decided to "re-adopt" the expired town plan.
- **Comment:** The statutes do not provide a mechanism for "re-adopting" an expired plan. A new plan must be created.

With regard to how a town plan should be created versus how the Draft Town Plan was created.

- **State law:** "...At the outset of the planning process and throughout the process, planning commissions shall solicit the participation of local citizens and organizations by holding informal working sessions that suit the needs of local people..." 24 VSA 4384(a), emphasis added.
- **Norwich Planning Commission:**
 - "Re-adopted" the town plan in the course of their business meetings between February and June of 2017.
 - State that "The Norwich Town Plan expresses a vision by the residents of Norwich for the future of their town." Page 1-5 of the Draft Town Plan.
- **Comments:**
 - "Participation of local citizens and organizations" in the creation of this Draft Town Plan was not sought. "Public comment" was limited to two minute comments at the start and end of each of their meetings.
 - The old town plan may have expressed the vision of Norwich residents prior to its adoption in 2011 but the Draft Town Plan cannot honestly make that claim in 2017.

- The intent of the statute is to allow public input at the outset of the process, not just after a town plan has been drafted and submitted for consideration.
- The purpose of law is to protect all people and ensure due process, which is notice and hearing.
- Statutes are not optional guidelines to be selectively followed when it is convenient to do so.

With regard to the expired 2011 town plan which the Draft Town Plan which purports to 're-adopt'

- **The Regional Planning Commission:** by comments made in 2013, the Regional Commission expressed concerns about the 2011 town plan. [See TRORC Enhanced Consultation: Town of Norwich 2013 – this is found on the Planning Commission website.] Their concerns included:
 - **Regional Commission concern:** There is a lack of specification of the types of commercial uses allowed in each Land Use Area.
 - **Norwich Planning Commission's response:** Norwich will rely on "Site Plan Review Criteria and performance standards." See ID.
 - **Comment:** The Norwich Planning Commission ignores the Regional Commission recommendation and instead proposes the use of a subjective criteria for each development project. This puts the onus on residents to remain constantly alert to the activities in the Norwich Planning Office, Planning Commission, Development Review Board, etc. The residents of Norwich deserve the peace of mind that specification of commercial uses would provide.
 - **Regional Commission concern:** The plan's action items do not identify the specific municipal panel or group that would implement those items.
 - **Norwich Planning Commission's response:** "A list will be in the Appendix at the end of document."
 - **Comment:** There is no such list in the appendix of the Draft Plan.
 - **Regional Commission concern:** The Land Use Area designated as Village Center/Route 5 encourages sprawl. "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 ID., Page 3, Land Use.
 - **Norwich Planning Commission's response:**
 - "The land use section of the Regional Plan and this plan are compatible." See page 1-5 of the Draft Plan.
 - Norwich will rely on "Site Plan Review Criteria and performance standards."
 - "This plan envisions the Route 5 corridor in Norwich as a suitable location for higher-density or –intensity uses, including commercial activities. ..." See Draft Plan page 1-6
 - Growth Centers should be designated:
 - "...such as the existing village and potential outlying hamlets, as locations where higher-density growth will be encouraged to occur." See Draft Plan page 4-11
 - "Adopt zoning regulations that support development of mixed-use growth centers containing daily services to residences, thereby reducing transportation needs." See Draft Plan page 10-8, and see Map 11 (enclosed) of the Draft Plan expanding the Village Center to include Route 5 South.
 - **Comment:** The Norwich Planning Commission
 - continues to recommend vague and subjective criteria for each development
 - incorrectly states that the Regional Plan and the Draft Plan are compatible, and
 - continues to focus on "the Route 5 corridor" for high-density development, on growth centers or hamlets, and on mixed-use in those growth centers.

With regard to the importance of a town plan

- **State law.**
 - Towns must have a current plan in order to adopt zoning regulations.
 - “Under the Planning and Development Act (24 V.S.A., Chapter 117), a municipality must have a current plan in order to adopt and update local zoning, subdivision and other bylaws.” Vermont Agency of Commerce & Community Development, Dept. of Housing & Community Development, The Municipal Plan: State Planning Manual – Module 1, Appendix 2, page 117, dated February 2017.
 - Town plans which are approved by Regional Commissions get certain benefits.
 - “Review for approval is NOT required, but there are certain benefits a municipality can receive if its plan has been approved. A municipality must have an approved plan to be confirmed. Confirmation is required for a municipality to receive state planning funds or levy impact fees on new development (24 V.S.A. section 4350). Id., page 103.
 - Town plans which are NOT approved by the Regional Commission lose planning grants.
 - “If a municipality’s plan is not approved [by the Regional Commission], the municipality is not allowed to levy impact fees on new development its borders under 24 V.S.A. chapter 131, and it is not eligible to receive municipal planning grants (except for grants to develop an approved plan) or grants from the Vermont community development program.” Id.
- **Norwich Planning Commission:** has repeatedly
 - warned about loss of benefits based on lack of a town plan,
 - stated that the Draft Plan would be required to bring the town in to compliance with statutes and Regional Planning Commission guidelines.
- **Comments:**
 - In fact, the expired town plan and the Draft Town Plan both recommend extending development from the Village to Route 5 South. This is in spite of the clear language from the Regional Commission that they could not approve the Norwich Town Plan:
 - “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.” See TRORC Enhanced Consultation: Town of Norwich 2013, page 4.
 - “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.” Id.
 - Although the Norwich Planning Commission has warned that failure to have a town plan will result in losses such as grants and tax benefits,
 - According to the Consultation report above, the old town plan did not have Regional Planning Commission approval and so would have limited the availability of grants.
 - No one has ever explained exactly what benefits have been lost since the plan expired in 2016
 - However the explanation in the State Manual, above, would indicate losses would happen if development were to happen

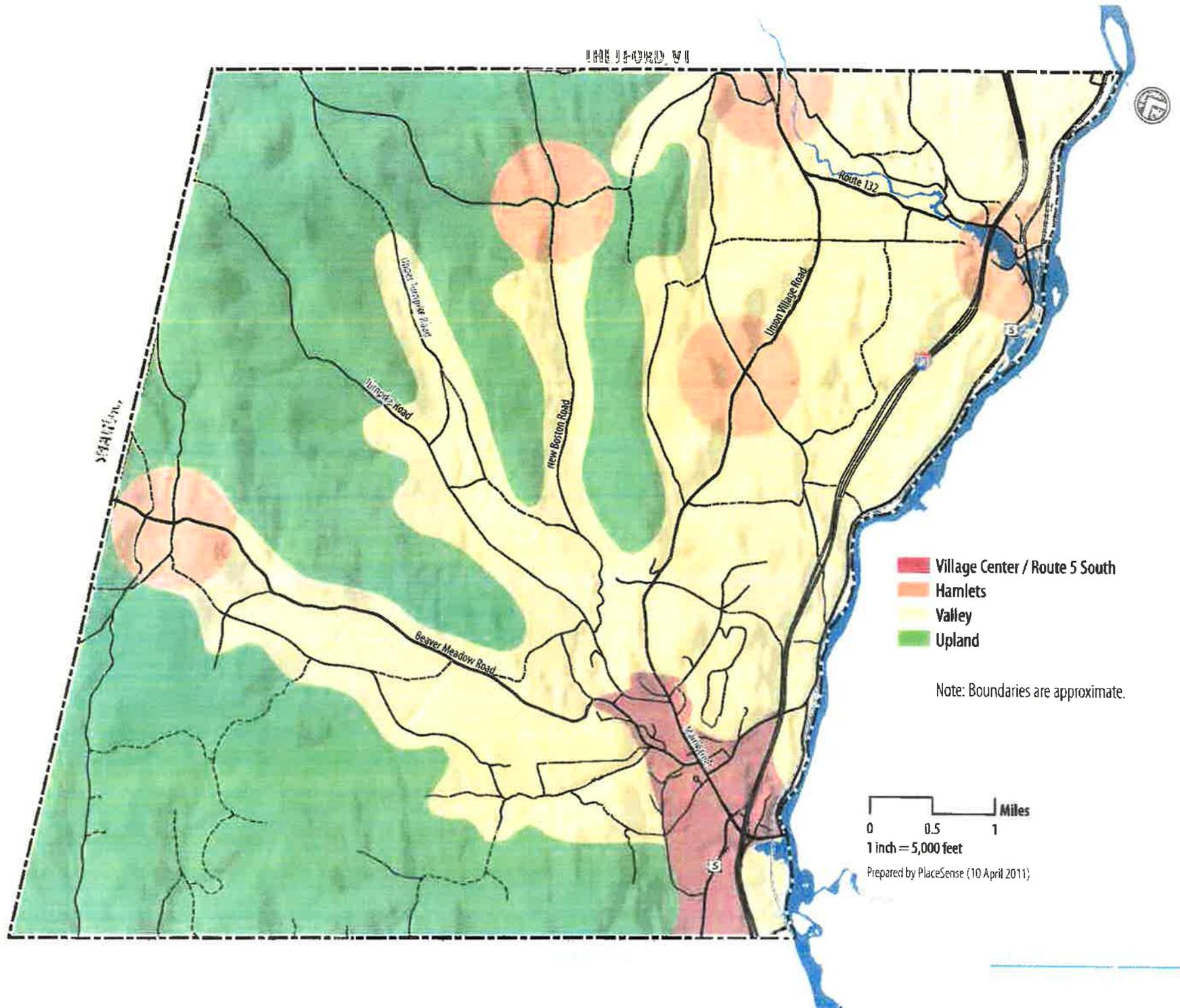
Summary of Comments

- **The Town Plan being proposed by the Norwich Planning Commission puts Norwich at risk.**
 - The development of high-density mixed use “growth centers” outside the Village will change the character of Norwich. And, Act 250 protections might be lost – see State of Vermont information enclosed.
 - The Town Plan does not recommend a municipal septic system but does recommend ‘growth centers’ for high density mixed use. It suggests the possibility of agreements to connect to other towns’ wastewater systems. However liability cannot be contracted away. Norwich

could be liable for the people who move to Norwich and rely on connections which subsequently fail e.g. due to lack of required gallons of waste, or non-renewal of municipal agreements, etc. See Hillerby v. Town of Colchester, 167 Vt. 270, 706 A.2d 446 (1997)

- **The Regional Commission does not support sprawling development outside the village center, and there is no evidence that Norwich needs, can sustain, or will benefit by, high/higher density/growth centers.**
 - Although the Draft Town Plan says Norwich will “continue to experience local forces of change such as population growth...,” population in the region is actually declining.
 - Between 2010 and 2016 the population of Grafton County, New Hampshire (where the most jobs are) dropped by 237 people. Source: Population Division, U.S. Census Bureau.
 - The college is not expanding, and the hospital has suffered well-publicized losses.
 - There is no guarantee or current evidence that the population of this area will increase or that new housing stock is required.
 - There is no guarantee that new residents will have children in the school system, and thus bring down the school tax.
 - There has been insufficient public input in the development of this Draft Town Plan and insufficient current data included in it, and it is inconsistent with Regional Commission policy.
- **The Draft Town Plan should have no reference to Route 5 South or to any other targeted area, and should not conflate the Village Center with Route 5.**
 - **The Regional Planning Commission warned in 2013:** ... the potential for sprawl and strip development along Route 5 beyond the interchange is high. ... In order to ensure the health of villages and downtowns within our Region and to remain consistent with the goals of Section 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.”
 - The Norwich Planning Commission cannot simply designate Route 5 South as a “growth center” and thus ignore the Regional Commission and Section 4302 of the Vermont Statutes and thus create a sprawl from the village to Route 5 South.
 - The Draft Town Plan should be cleansed of all references to “high(er)-density/intensity housing” and “mixed-use commercial” and “designated areas” and “designated growth centers.”
- **The Planning Commission should gather current data, involve the entire community in meaningful ways, and create a Town Plan which will**
 - do no harm to the town of Norwich
 - thoughtfully plan how development can happen in natural ways which will retain the rural character of the entire town and still encourage ‘affordable housing’ throughout the entire town, and
 - omit language which will target specific areas for unequal development treatment.

UNION VI



Designated Village Centers

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 designated 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

Herb Durfee

From: Charlotte Metcalf <smetcalf@sover.net>
Sent: Tuesday, July 25, 2017 5:35 PM
To: Phil Dechert; Herb Durfee
Subject: Concerns about the town plan
Attachments: charrette.pdf; ATT00001.txt

I realize it may be too late for the issues I raise to be addressed at the meeting this week. I have been waiting until I better understood the process to express them. However, I would greatly appreciate your sharing this document with the members of the Planning Commission and the Selectboard to be addressed at a time when it is appropriate.

Very Sincerely Yours,
Charlotte Metcalf

I would like to acknowledge the hard work of the Norwich Planning Commission to fulfill a need for some affordable housing in Norwich. I have not heard any one deny that their efforts have been sincere and that some affordable housing is desirable. However, I have just finished watching the video of the July 13 meeting, and I still have some concerns about the Commission's proposed plan.

What seems to be missing is any example of how such a town plan, which incorporates a "hamlet", has been implemented successfully in other towns of our size. Instead what we have seen is a proposed site plan for a particular location (Route 5 South) that was evidently chosen during a series of charrettes., involving a small group of less than 20 residents rather than open Town discussions or a survey such as the one done in 2005 which drew over 900 responses.

If we are not going to jump in to a rezoning program right after the plan is approved, why did the planners commission such a study?? And why was the focus on zoning while ignoring the expiring town plan? The plan calls not just for high density housing but commercial development as well. It was pointed out by Marcia Calloway at the meeting that if we allow this to become an additional town center (what else is a hamlet?) we may lose certain protections that Act 250 could provide against unsuitable commercial development. At the same time we may change the historic nature of the Town while distorting its center.

Charrettes were called several times to Union Village where in the year 2000 I had begun the restoration of a large corner lot (a sand and gravel operation under Act 250) on route 132. My preference was to maintain a rural neighborhood. That particular charrette location, across from Toni Prince's riding school, is now conserved farmland. Like the location on Route 5, it allows people arriving in Norwich to appreciate that this is after all, a rural village with one center. (When being pressured several times to go along with other use for my land, it was suggested that Union Village should become a village again and even have its own Post Office.)

I know from experience that it is very costly to remove land from Act 250. The idea that we would erode our town by allowing commercial permits free of Act 250 restrictions is alarming!

One speaker at the July 13 meeting had not read the proposed town plan and encouraged others of us who are too busy to do the hard work of the Planning Commission to trust in the due diligence that that committee and select board are doing on our behalf. That was precisely what I had been doing until I awakened to the meaning of the charrettes and to the zoning change proposal which I believe is flawed. If this town plan is approved it would essentially open the door for a taking by eminent domain.

The town of Woodstock has affordable housing on a comfortable scale for a town of 3000-4000. Woodstock had funding to start their project because money had been raised to form the Woodstock Community Trust to thwart a more undesirable development, the

arrival of a Rite-Aid. I learned from hearing Kathleen Shepard of our Affordable Planning Committee that Norwich raised money as far back as 2000 for affordable housing. It should be a no-brainer to continue if we do it on an appropriate scale. There is little doubt that there are Norwich residents who would contribute to affordable housing, but there is no mention of this concept in the Town Plan.

The Woodstock trustees decided the best use of remaining funds was to purchase land for affordable housing. They undertook a rigorous 8-year process that entailed visiting many other towns both in and out of Vermont. The committee chose a model that allowed for up to 36 affordable housing units in an area which was already zoned mixed use, had sewage, and where the houses could be meshed with a much older preexisting neighborhood. The project is managed entirely by Twin Pines which in turn pays taxes to Woodstock. If Twin Pines might be helpful in fulfilling our long term goals, should they not be consulted and their ideas addressed in the Town Plan?

My friends who served on the Woodstock Trust were dismayed to hear that we were thinking of generating a development which would of necessity be so much larger than the actual number of affordable units, an estimated multiple of 4. The intent of such unnecessary construction would be to guarantee that implementation of a waste water system would not be too burdensome for a developer. It was noted that as soon as the owner of the Route 5 property became aware of the zoning proposal for her land she raised the price to \$1.5M, far more than the original asking price or assessed price of \$188,000. Call it what you will, "mega development" or cluster housing or "hamlet" it sounds as if there is a scale issue here. To put the project in the hands of a developer when critical infrastructure is lacking does not seem to be a responsible step for the town of Norwich to take.

I am hopeful it is not too late for the Planning Commission to examine other affordable housing models to see if it makes sense to scale our plan as Woodstock has. Then there would be the possibility of retaining control by selecting a professional management organization to maintain the development over time.

I am not in favor of the sort of town plan that has been proposed

1. because of the scale of development that is envisioned,
2. because it appears that the planning board has not evaluated all possible options (such as the program in Woodstock and some other towns close to our size)
3. because I believe it imposes a mixed use "hamlet" on a neighborhood which is currently rural residential and at the same time will have a negative impact on the experience of those entering this historic town, just as it would have had on 132 in Union Village.
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.

Herb Durfee

From: Rusty Sachs <usmcbirthdayball@gmail.com>
Sent: Sunday, August 06, 2017 1:58 PM
To: Herb Durfee; Phil Dechert
Subject: Request
Attachments: Valley News Sachs Letter[1][1].pdf; ATT00001.htm

Gentlemen —

Please include my attached letter to the Valley News in your next meeting's correspondence so it becomes a part of the official record of both the Selectboard and Planning Commission and circulate the letter to the members of both the Selectboard and the Planning commission.

IT'S NOT ABOUT AFFORDABLE HOUSING

To The Editor:

The Norwich Planning Board is pushing hard to steamroll through an amendment to the town plan, alter the zoning regulations governing the entry to town from the south, and to do so in a manner that denies citizens the right to vote on the scheme.

Those favoring the plan would have you believe that their goal is to lower taxes and provide affordable housing in the town, but that is no more than window dressing. They admit that at most 25 per cent of the land to be opened up for development will be devoted to affordable housing. Far more significant is that 75 percent of the land — currently open fields on the west side of Route 5 — will be rezoned to permit commercial development. Never in the history of capitalism has such a change reduced property taxes. This modification stands to eliminate the rural beauty of our hometown.

Somebody will be making a whole lot of money if the proposed changes to the town plan go through, and Norwichtes have the right to be heard on this important issue.

RUSTY SACHS
Norwich

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Herb Durfee

From: Ann Marie Smith <birdseye95@comcast.net>
Sent: Monday, August 14, 2017 2:44 PM
To: David Ormiston; Miranda Bergmeier
Subject: Fire/Police

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>> August 14, 2017

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>> As discussed at Selectboard meetings in April, we as abutting neighbors would like to ask that the paint color for the new Fire/Police facility be toned down and painted in a similar grey/white color scheme as the previous structure. We want as much as possible, for this new structure to blend into the existing neighborhood and attempt to at least have the color be the least intrusive as possible.

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>> We would also like the Selectboard to consider changing the (signage) in the form of large lettering on the face of the building, to a smaller sign attached to the building. The building is in the pocket of a residential neighborhood. The only people who will see the large announcement of the purpose of the building day in and day out are those who already know what it is. It will glare at us and seems completely unnecessary. . I am sure there will be a sign on the main street, and those seeking the building will not even see the large lettering until they have already found the building. A small sign beside the door would be enough to make them realize they are in the right place. It is not as if the building will be seen from far away, or by those driving by and would therefore need such a large announcement in the size of the lettering on the prospective drawings. It will be difficult to miss.

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>> Thirdly, we the neighbors, also asked for the flagpole, and its accompanying light, to be removed from the plans and replaced with a smaller more residential sized flag that could simply be attached to the building and hang beside the front door. As again this is not a commercial area, it is not something or someplace we are hoping to draw people to. The large flag and pole are excessive for the location.

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>> Thank you,
>> Ann Marie Smith

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Miranda Bergmeier

From: John Carroll [mailto:johncarroll.43@gmail.com] **On Behalf Of** John Carroll
Sent: Wednesday, August 16, 2017 3:54 PM
To: Ms. Mary Layton; Miranda Bergmeier
Cc: Herb Durfee; David Ormiston
Subject: "Comparison of Property Assessment Models"

dear Mary,

I'm writing to you in your capacity as Chair of the Norwich Selectboard.

I have read the memorandum "Comparison of Property Assessment Models" prepared by board members Flanders and Langhus.

I believe that the memorandum fails to address essential issues of law and of principle that the Selectboard should address. Therefore, I am writing to request that I may present to the Selectboard information and perspective at such time as the Board addresses the topic raised by the Flanders/Langhus memo. I believe that the date of this request is timely (two weeks advance request) to qualify my presentation in this discussion in the event it is on the agenda of the Board's next regular meeting, 23 August, and/or any subsequent meetings of the Board.

In making this request I wish to stress that I am speaking and acting only for myself. Although I am a member of the Board of Civil Authority, none of my views in this matter purport to represent the BCA nor any other public body upon which I serve. These are my individual views, only.

I will summarize my concerns here:

Members Flanders and Langhus propose that the Board "*decide between the current assessor/lister model and an assessor only model.*"

In my view, the members are offering a false choice. The current "assessor/lister model" violates state law. In fact, there is *no* provision in state statute for the hybrid assessor/lister arrangement created first in 2012 by the former Town Manager and recently extended by the current Town Manager.

In fact, the General Assembly provides only two circumstances under which outside assessors may be appointed by the Selectboard, and the Town's present situation fits neither of them. Here is the text of the applicable statute:

- **§ 2651c. Lack of elected lister; appointment of lister; elimination of office**
 - (a) *Notwithstanding any other provisions of law to the contrary and except as provided in subsection (b) of this section, in the event the board of listers of a municipality falls below a majority and the selectboard is unable to find a person or persons to appoint as a lister or listers under the provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to perform the duties of a lister as set forth in 32 V.S.A. chapter 121, subchapter 2 until the next annual meeting. The appointed person need not be a resident of the municipality and shall have the same powers and be subject to the same duties and penalties as a duly elected lister for the municipality.*
 - (b) (1) *A town may vote by ballot at an annual meeting to eliminate the office of lister. If a town votes to eliminate the office of lister, the selectboard shall contract with or employ a professionally qualified assessor, who need not be a resident of the town. The assessor shall have the same powers, discharge the*

same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the provisions of Title 32.

(2) A vote to eliminate the office of lister shall remain in effect until rescinded by majority vote of the legal voters present and voting at an annual meeting warned for that purpose.

(3) The term of office of any lister in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard appoints an assessor under this subsection, whichever occurs first.

(4) The authority to vote to eliminate the office of lister as provided in this subsection shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of lister. (Added 2003, No. 125 (Adj. Sess.), § 1; amended 2013, No. 21, § 4.)

The plain language of § 2651c shows that the Town fits neither condition presented in subsection (a) nor the condition presented in subsection (b).

Absent the condition of subsection (b) — an affirmative vote of the Town to eliminate the office of Lister (and thus to move to an Assessor system) — there are only two ways in which a contract, non-resident assessor may be involved in the work of the Listers office:

1. The Listers may retain a contract assessor to assist in their work. The consulting assessor reports to the Listers and works under their general direction. This arrangement has been used for many years in the past with good success.

2. In the event that there is only *one* elected lister, and “*the Selectboard is unable to find a person or persons to appoint as a lister or listers*”, then in that case “*the Selectboard may appoint an assessor to perform the duties of a lister*”. In effect, the Selectboard may contract to “rent-a-lister” for a year until the next Town Meeting. Note that the appointed interim lister “*shall have the same powers and be subject to the same duties and penalties as a duly elected lister for the municipality.*” In effect, the appointed individual is simply another Lister, in equal standing with the elected Listers, appointed to serve until the next Town Meeting.

By law and by custom, the Listers do not report to the Selectboard and certainly not to the Town Manager. They are elected officers of the Town, and as such, they answer to the people. Nothing in state law provides for anything like the Town’s five-year arrangement of putting the Town Manager in control of the Listers’ work by means of a contract with outside assessors.

I will be grateful for the opportunity to present these perspectives to the Selectboard at its discussion of the Flanders/Langhus proposal.

kind regards,

JC

John Carroll

P O Box 305
345 Campbell Flat Road
Norwich VT 05055 USA

(copy also sent to Town Manager Herb Durfee)

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TOWN OF NORWICH
QUARTERLY INVESTMENT REPORT
6/30/2017

	<u>Rate/APY</u>	<u>06/30/17 Balances</u>	<u>Quarterly Interest</u>
Ledyard National Bank:			
Business Checking (3 accounts) - FDIC Insured up to \$250,000		\$ 151,820.80	**
Bond Sinking Fund - Savings account	0.10%	\$ 31,481.90	\$ 6.90
ICS: General Fund		1,303,704.87	
Designated Funds		1,615,276.79	
Total ICS Balance ~ 6/30/2017	0.25%	<u>\$ 2,918,981.66</u>	<u>\$ 2,327.94</u>
Total Bank Cash on Deposit ~ 6/30/2017		<u>\$ 3,102,284.36</u>	<u>\$ 2,334.84</u>
Less: Outstanding Checks		(76,604.93)	
Plus: Deposit-in-transit		4,288.00	
Anticipated Balance Sheet ~ 6/30/2017		<u>\$ 3,029,967.43</u>	
Less: Transfer from ICS in transit at 6/30/2017		(17,015.53)	
Cash on Balance Sheet ~ 6/30/2017		<u>\$ 3,012,951.90</u>	

** Secured by an Irrevocable Stand-by Letter of Credit \$2.5 million

Treasury Bill rates:

26 week - 1.14%

1 year - 1.24%

Wall Street Journal Prime = 4.25%

Local Municipal Savings Account - 0.90%

Cheryl A Lindberg Treas
Cheryl A. Lindberg, Treasurer