

## Minutes of the Special Selectboard Meeting of Sunday, June 10, 2018 at 3:00 pm

Members present: John Pepper, Chair; Claudette Brochu, Vice-Chair; Linda Cook; John Langhus; and, Mary Layton.

Others present: Herb Durfee, Town Manager; Bob O'Donnell; Anne Garrigue; Nancy Dean; Arline Rotman; Jon Felde; Anne Silberfarb; Linda Gray; Sarah Reeves; Dave Reeves; Jim Gold; Penny McConnel; David Otto; Stuart Richards; Frank Manasek; Tibby Pepper; Maggie Pepper; Bo Pepper; Eric Hasse; Jane Sherwin; Catherine Harwood; Colin Calloway; Marcia Calloway; Irv Thomae; Beth Baras; Nancy Osgood; Robert Parker; Andrew Williams; Anne Stanton; Steve Thomas; Jaci Allen; Jonathan Streeter; Robert Kewer; Robert Gere; Rep. Jim Masland; Roger Arnold; Peter DeShazo; Phil Zea; Betsy Zea; Clay Adams; Mary Sellmann; Ernie Ciccotelli; Christopher Ashley; Terry Ashley; JoAnn Withington; Corlan Johnson; David Sargent; Kris Clement; Garrett Palm; and, Cheryl Lindberg.

1. **Call to Order.** At 3:06 pm, Pepper called the meeting to order. Pepper provided a general introduction of the day's agenda and the procedure that the Board intends to adhere to in receiving public comment on the current draft "plan of record" (as revised at the Board's May 23, 2017 meeting and released for notice purposes on May 25, 2017 after the relevant revisions were prepared).
2. **Town Plan Public Hearing #2.** Pepper opened the public hearing. In advance of receiving comment, Pepper offered a PowerPoint presentation that outlined the plan process, to date, along with the schedule remaining that the Board intends to adhere to such that a Town Plan is adopted on Wednesday, July 11, 2017 (i.e., two days before the July 13, 2017 statutory deadline).

Frank Manasek questioned the validity of the public hearing notice and raised question on what is the true Map 11 for the "plan of record". Durfee indicated the hearing notice met statutory requirements, and Pepper explained the Map 11 with the matching zoning district names included is the proper map (i.e., not the one with the "red blob", despite the confusion on the Norwich Listserve).

For Charlotte Metcalf, Marcia Calloway read into the record Metcalf's comments that raised concern with Map 11 similar to Manasek's map concern. (Metcalf's written comments are attached.)

Marcia Calloway read her comments into the record that, in sum, related to the revised draft plan continuing to be vague, confusing and inconsistent with statutory definitions. The comments also included information on the need for plain language and better maps. (Calloway's written comments are attached.)

Linda Gray indicated her support for the revised plan of record and, also, mentioned the energy-related discussion that already started with the Planning Commission that intends to help with making the plan better.

Nancy Dean asked for clarity on the information provided by Kevin Geiger, TRORC related to the regional commission's process for "approving" plans. Jaci Allen explained as part of the Planning

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Commission need to provide a written report to the Selectboard (which were part of this meeting's packet) on the revisions made by the Board that resulted in the current plan of record, the Planning Commission asked the TRORC to provide a review similar to that which was carried out for the Planning Commission when the commission was preparing the draft plan for the Selectboard in 2017. In response, Kevin Geiger reviewed the draft plan. He identified low level, medium level, and high level issues for the Town's consideration. Allen explained that the low level items (predominately technical corrections/grammar mistakes that do not affect the "approval" process) already have been made or will be made related to the plan draft for the June 28 hearing. The medium level issues (more substantial issues but, again, do not affect the "approval" process) would either be carried out as part of the redrafting for the June 28 hearing or will be considered by the Planning Commission during the next iteration of the plan (i.e., as an amendment to whatever plan gets adopted or the next major rewrite of the plan, whichever occurs first). The high level issues must be addressed as part of the current plan hearing and adoption process since "approval" by the TRORC cannot be obtained without the Town addressing them (e.g., Future Land Use Map). Allen reported these corrections will be made and, also, are some of the issues that the Board will decide on later in their meeting after the public hearing.

Stuart Richards thanked all persons involved with the preparation of the plan draft. He appreciated clarity on Map 11. He called for the plan to enable the same densities as is currently zoned and was in the 2011 plan. His two big issues are: 1) ensuring that "growth" is properly planned and zoned for related to size, scale, density, etc. only to a level that the Town can afford, and 2) enabling additional "affordable housing" throughout Town but within the growth controls related to size, scale, density, etc.

Ernie Ciccotelli indicated the plan is vague pertaining to his individual role as a member of the Development Review Board. He's focused on "sustainability" and is pleased some relevant information is contained in the draft plan. He would like to see additional assessment conducted to understand carrying capacities of the Town (e.g., need a better understanding of our existing housing situation – such as, learning why people are moving to Norwich...essentially marketing analysis). The plan should contain some type of a statement or goal to foster this type of research.

Irv Thomae stated he is concerned about taxes. He believes there's a misconception about communities that limit growth thinking that will help lower taxes. He indicated that limiting growth actually helps to increase property taxes. Thomae offered some examples such as existing school capacity balanced with the number of students and related teacher costs. He also said the Town needs to allow for higher densities somewhere in town to help alleviate the limit growth vs. higher taxes issue.

Cheryl Lindberg indicated a cap in class size is a cost driver and that new housing would increase the cost of governmental services. She also mentioned that the Land Management Council isn't in the draft plan nor is there mention of the Cemetery Commission. Lastly, Lindberg said in the Administrative section "treasurer" needs to be capitalized.

Catherine Harwood raised concern about encouraging more people, more housing, more students into Town since there already is so much the Town needs to address given its existing population, housing stock, and school issues. She would rather have the Town focus on those issues making them

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better before furthering those issues. Harwood also indicated the Town needs to continue working on better septic arrangements to help with affordable housing related to promoting/allowing additional in-law/accessory apartments throughout Town.

David Otto offered information related to a community one hour north of New York City where a minister was able to develop affordable housing that isn't on public sewer, so he doesn't know how they addressed that disposal, but it's a development that no one complains about. He suggested we should figure out methods to accomplish the same feat. He supports the Town getting additional affordable housing, including fostering greater density to encourage it.

Beth Barras is an example of a single-mom working in the Hanover region and is forced to reside in substandard rental housing (e.g., inch thick ice on the window sills in the winter) because monthly rents are too high compared to her household income. She indicated her support for more affordable housing, especially renter-occupied, for service workers, nurses, and other workers that have limited incomes.

Christopher Ashley expressed his thanks to everyone who's worked on drafting and pulling the plan together. He indicated his support for the plan as written. Also, he reminded those in attendance that under section (3)(1)(A) of the Town's regulations, for decades, we've had the protections built into the regulations related to growth issues of scale, size, density, etc. He suggested the Town should focus more on maintaining and improving our quality of life, and he indicated that higher density in appropriate locations isn't all that bad of an issue.

Penny McConnel indicated her support for affordable housing where possible.

Roger Arnold is concerned the plan doesn't have the "aggressive" language or more direct action steps to address the problems that are "between the lines of the plan text". For instance, he questioned why the school district doesn't participate in the school lunch program, and what are we truly going to do about providing affordable housing.

Terri Ashley offered her strong support for affordable housing and suggested the Town needs to be welcoming of additional such housing.

Corlan Johnson agreed we need affordable housing. She stated "our bubble needs to be bigger", and she said we need to have more diversity, too.

Colin Calloway reminded the Board to not adopt a plan that enables things that we don't want, and don't rule out affordable housing.

Clay Adams indicated his support for the plan currently before the public. He offered that the region is short by 1,000's of affordable units. We all need to be advocates along with others in the region.

Garrett Palm asked about the interface between the zoning regulations and the Town Plan. He encouraged flexibility in both the zoning and the plan to help foster affordable housing. He used 10-acre zoning as debilitating to the provision of affordable housing, since larger lots means larger property tax bills.

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A member of the public indicated support for public sewer and community septic systems. Individual septic systems and paying for their replacement is expensive. We need to support affordable housing and encouraging growth in a controlled environment.

Stuart Richards briefly discussed Norwich Affordable Housing, Inc. The 21-pages of suggested edits to the draft plan he submitted lends suggestions and support for additional affordable housing without having to increase density-related regulations. He reiterated he doesn't support additional regulations that allow for greater density.

Frank Manasek indicated to him the plan is more permissive than prohibitory. He offered a suggestion that "big companies" might need to skim some profits to increase pay for employees in the promotion of workforce housing.

Irv Thomaie acknowledged the plan is an interim step to get to where the Town needs to be, but he suggested that we "leave the door open for creative solutions".

Marcia Calloway clarified her position that the Town needs to make sure that public comment/input is furthered in the overall Town's planning process, including in the preparation of the Town Plan.

At 4:49 pm, there being no further public comment, Langhus **moved to close the public hearing. Seconded** by Layton. The **motion passed 5-0-0.**

At 4:50 pm, Pepper called for a recess.

At 5:05 pm, Pepper reconvened the meeting.

- 3. Town Plan – Board Discussion and Action on Plan of Record for June 28, 2017 Public Hearing #3.** For clarity, Pepper talked about the Board's process and moving toward adoption of the plan before July 13. For the public's information in attendance he reported the Board now would be engaged in its deliberations/decisions on any revisions to the current plan of record. Pepper asked for a general overview from each of the Board members. There was general discussion from each member. In sum, Cook wants to see some revisions to the plan of record, some substantial. Langhus is amenable to some changes but not too many for fear of losing sight on the goal of having an adopted plan. Layton agreed with Langhus on not making too many changes but making sure that the plan contains the necessary information for the Board to move forward. Brochu indicated she wants to make change where applicable and appropriate, similar to Cook. Pepper said he wants to make sure the Map 11-Future Land Use issue is addressed and some changes where it makes sense but all within the bounds of moving forward with adoption of a plan on July 11. Pepper asked that members recommend change to the plan of record in the form of motion-making; it would be the most expeditious method to get through the plan revisions during this session.

Layton **moved to add the following text to the Childcare section on page 41, "Action D.1.d Collaborate with TRORC to help assure the availability of safe and affordable childcare and integrate childcare issues into the planning process."** **Seconded** by Langhus. **Motion passed 5-0-0.**

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Layton moved to delete on page 48 under Sewage Treatment, **“This Plan recognizes that sufficient support does not currently exist to allow a connection from Norwich to a neighboring town’s sewage and/or water system. Such a move would require specific authorization and support in the Town Plan via a future amendment.”** Seconded by Cook. After some discussion including possible amendment to the motion, the **motion failed 1-3-1** (Layton for; Pepper abstain)

Layton moved to add text to page 48 after the sentence beginning with, **“We may be able to prohibit...”** stating, **“This Town Plan does not authorize the expenditure of town funds to construct, improve or maintain a connection to a neighboring town’s sewage and/or water system.”** Seconded by Langhus. **Motion passed 4-1-0** (Cook against).

Langhus moved to strike, **“..., such as our hamlets,...”** on page 22 under Action A.2.e. Seconded by Layton. After additional discussion, Langhus agreed to amend his motion to also strike “growth centers” and “as” from the same action item. The motion as a whole was reread such that **“...growth centers, such as our hamlets, as...”** would be struck from Action A.2.e on page 22. The **motion as amended passed 5-0-0.**

Cook moved to agree and make the necessary changes related to the Planning Commission’s recommendations in their June 6, 2018 letter to the Norwich Selectboard regarding Response to Selectboard Draft Town Plan Accepted 5-23-18 concerning the “smaller side” and “medium side” that TRORC recommends. Seconded by Langhus. **Motion passed 5-0-0.**

Langhus moved to keep Map 11-Future Land Use as the currently adopted zoning regulation districts such that the entire town is shown on the map, and to make the necessary text changes. Seconded by Brochu. There was considerable discussion about the semantics of Map 11, its content, and its format. There was general consensus to “call the question”. **Motion passed 4-1-0** (Cook against).

Langhus moved to insert in the Preface the following language, **“The residents of Norwich have not approved any maps or zoning changes which would allow the application for, designation of or creation of any of the following statutorily defined areas: Designated Downtown District (24 VSA 2793); Designated New Town Center (24 VSA 2793b); Designated Growth Center (24 VSA 2793c); Designated Neighborhood Development Areas (24 VSA 2793e) or any other combination of the above with a Designated Village Center (24 VSA 2793a) that could allow for a Priority Housing Project (24 VSA 6001(35)). The people of Norwich have not approved or decided upon the exact form, size or scope of development that is appropriate for Norwich. Therefore approval of this Town Plan does not imply permission or authority for the Planning Commission, Selectboard, or any subcommittee, person, agent or employee of Norwich to apply for any such designations nor approve any plans or proposals which would require such designations without further consideration and action approved by the people of Norwich.** Seconded by Cook. **Motion failed 1-4-0** (Cook for).

Langhus moved throughout the plan where proposed changes were offered by the Planning Commission resulting in **“[XXX]”** be struck. It was indicated there were seven (7) of these bracketed X’s. Seconded by Cook. **Motion carried 5-0-0.**

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Pepper moved on page 7 in the 3<sup>rd</sup> paragraph under Neighboring Towns to add, “..., which would be consistent as to size and scale with other developments in Norwich the largest of which is Senior Housing (24 units) and Star Lake (14 units).” Seconded by Langhus. Given additional discussion and given Pepper’s reluctance as the maker of the motion, Brochu moved to amend the motion to delete, “...the largest of which is Senior Housing (24 units) and Star Lake (14 units)”. Seconded by Langhus. Motion to amend passed 3-2-0 (Pepper and Linda against). The motion as amended was reread, “..., which would be consistent as to size and scale with other developments in Norwich...” Motion as amended passed 4-1-0 (Cook against).

Pepper moved on page 28 under Diversity of Housing after, “...that utilize concentrated patterns of development,...” insert the following text, “...consistent with the size, scale and number of units in existing developments the largest of which is 24 units of Senior housing.” Seconded by Langhus. Motion passed 4-1-0 (Cook against).

Langhus moved to include the language in Goal K in the Land Use Section to be incorporated throughout the plan in other sections discussing the Town’s historic settlement pattern. Motion failed for lack of a second.

Pepper moved on page 27 1<sup>st</sup> paragraph under Home Ownership, add a new sentence at the end of the paragraph to read, “It’s important to note that according to the 2016 Norwich Grand List the number of residences in Norwich that could be considered affordable for workforce housing or moderate income residents as defined by the state according to assessed value are: residences assessed at \$200,000 or less – 81 or 6% of all residences; residences assessed at \$250,000 or less – 155 or 12% of all; residences assessed at \$300,000 or less – 265 or 20% of all. In order to determine how much affordable housing or moderate income housing is desirable for Norwich there should be studies done to see what voters want and what is typical for other towns of similar size to Norwich.” Seconded by Langhus. Motion passed 4-1-0 (Cook against).

Pepper moved on page 28 under Future Affordability of Housing that the following text, “The last Senior Housing built in Norwich was in the 1970’s in downtown Norwich. The last Affordable Housing was built at Star Lake with 14 units of housing in the 1990’s.” be inserted after the sentence beginning, “Housing in Norwich is too expensive...” Seconded by Layton. Motion passed 5-0-0.

Pepper moved on page 39 in the 2<sup>nd</sup> paragraph under Cost of Education that the following be added at the end of the paragraph, “For 2017-2018, Norwich has a budget of approximately \$18,799 per equalized pupil.” Seconded by Langhus. Motion passed 5-0-0.

Langhus moved that in the Preface of the plan in a location to be determined by the drafting committee the following sentence, “Where the language of this plan is inconsistent regarding scope and nature of future developments it is the intention of this plan to limit the scope and nature of such future development to be consistent with the size and scale of existing developments in Norwich.” Seconded by Brochu. Motion passed 5-0-0.

Cook moved to delete Action Step K.3.d. Seconded by Langhus. Motion passed 5-0-0.

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Brochu moved on page 48-49 under Telecommunications and Broadband to strike the 2<sup>nd</sup> paragraph replacing it with the following, “Norwich has one 87-foot-high cell tower above Upper Loveland Road with antennas for two providers. Due to hilly terrain and the limited number of towers, cell service in Norwich is spotty and, in some areas of town, nonexistent. The current zoning regulations permit towers only in the Rural Residential District. Although this limitation remains appropriate for towers, antennas can now be installed on utility poles, buildings and other structures. Zoning regulations need to be updated to allow for new and alternative technologies, while making sure visual impact is minimized and that obsolete and unused infrastructure is removed. Ridgeline and scenic areas, as designated in zoning regulations, should also be protected from siting. In addition, the town may want to investigate whether it can earn revenue by licensing the use of rights-of-way to telecommunication companies.” Seconded by Langhus. Langhus indicated he does not agree with the last sentence of the motion, but in the interests of finishing the plan, he stated it is fine for now. **Motion passed 5-0-0.**

Langhus moved: 1) that the Selectboard accept the May 23, 2018 draft plan, as amended by the amendments adopted at this Special Selectboard Meeting today, as the new Town Plan of Record; 2) that the amendments adopted today be implemented by the Town Plan drafting committee of Jaci Allen and Linda Cook with necessary support from Town Manager Herb Durfee and Board Chair John Pepper and with sufficient authority as may be necessary to make *de minimis* changes consistent with the amendments adopted today; and, 3) that the Town Manager is authorized to warn the 3<sup>rd</sup> (and final) public hearing on Thursday, June 28, 2018 at 7:00 pm for public comment and consideration of the new Town Plan of Record. Seconded by Layton. **Motion passed 5-0-0.**

4. **Adjournment.** At 7:39 pm, Langhus moved to adjourn. Seconded by Brochu. **Motion passed 5-0-0.** Meeting adjourned.

Respectfully submitted,

Herbert A. Durfee, III, Town Manager

APPROVED:

\_\_\_\_\_  
John Pepper, Chair

6-27-2018  
\_\_\_\_\_  
Date

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HANDOUT BY  
MARCIA OJ  
BENEFIT OF  
CHARLOTTE 6/10/18

Charlotte Metcalf

If the Select Board accepts the plan, as amended today with Map 11, they are essentially selling Norwich for grants worth \$100,000 to \$200,000 and allowing the town to be opened to commercial development from the current town center all the way to Hartford.

HANDOUT BY  
MARCIA CALLOWAY 6/14/18

CLARIFICATION

TO: Select Board  
FROM: Marcia Calloway  
DATE: June 10, 2018  
RE: Select Board Hearing pursuant to 24 VSA 4385 on Select Board-Amended Proposed Town Plan – Version dated May 23, 2018

- **The Proposed Town Plan continues to be vague, confusing and inconsistent with statutory definitions.**
  - Example of vagueness:
    - Action A.2.a: “...guide future growth toward responsible and sustainable development in **suitable locations** where it can make use of existing facilities and services.”
      - How are suitable locations defined, and whom?
  - Example of confusion and inconsistency with statutory definitions:
    - Action A.2.e.: “Consider designating **growth centers**, such as our hamlets, as locations where moderate growth and concentrated patterns of development could be encouraged.” (Page 22)
    - 24 VSA 76A 2793c Growth Centers are “within or adjoining a downtown, village center, or new town center...and [have] clearly defined boundaries that can accommodate a majority of commercial, residential, and industrial growth anticipated by the municipality ...over a 20-year period.” 24 VSA 2793c(a)(A), (B)
  - Are the Planning Commission and Select Board recommending commercial, residential and industrial growth in existing “hamlets” (Beaver Meadow, Union Village, etc.) or are they actually going to revert to the original goal of developing Route 5 South? The language of this Plan leaves the latter possibility open.
- **Language and Maps**
  - Given the lack of specificity in the language in the Proposed Plan, we need plain language that explains what is actually intended – we request this language be inserted at (1) the Preface of the Plan and (2) at the heading of every chapter of the Plan, as follows:
    - The residents of Norwich have not approved any maps or zoning changes which would allow the application for, designation of or creation of any of the following statutorily defined areas: Designated Downtown Development District (24 VSA 2793); Designated New Town Center (24 VSA 2793b); Designated Growth Center (24 VSA 2793c); Designated Neighborhood Development Areas (24 VSA 2793e) or any other combination of the above with a Designated Village Center (24 VSA 2793a) that could allow for a Priority Housing Project [24 VSA 6001(35)]. The people of Norwich have not approved or decided upon the exact form, size or scope of development that is appropriate for Norwich. Therefore approval of this Town Plan does not imply permission or authority for the Planning Commission, Select Board, or any subcommittee, person, agent or employee of Norwich to apply for any such designations nor approve any plans or proposals which would require such designations without further consideration and action approved by the people of Norwich.

- We need a clear and unambiguous Map 11 which unequivocally shows CURRENT and FUTURE Land Use which mirrors the above language and shows only the existing zoning and conserved areas in Norwich.

The “TRORC Enhanced Consultation: Town of Norwich 2013” requires among other things “Action items do not identify the specific municipal panel or group that would implement them.” Id. page 2.

- The Planning Commission response was: “A list will be in the Appendix at the end of document.”

Where is that list? What municipal panel or group will implement actions?

The statutorily-required report from the Planning Commission is to analyze “the extent to which the changed proposal is consistent with (24 VSA) 4302. The “response” made by Jaci Allen, apparently intended to meet the requirement for a Report, goes beyond the scope of 4302 which discusses purposes and goals of planning and development.