

**Agenda for the Selectboard Meeting & Town Plan Public Hearing
Saturday, March 7, 2020 at 12:00 NOON
Gym, Tracy Hall, 300 Main St., Norwich**

1. Agenda Review (add/delete/reorder items)
2. Public Comments for items not on agenda
3. Selectboard Comments
4. Public Hearing #2 - Draft Norwich Town Plan
5. Possible Adoption of Town Plan
6. Adjourn

**NORWICH SELECTBOARD
NOTICE of PUBLIC HEARINGS
to Consider the Proposed 2020 Norwich Town Plan
Wednesday February 26, 2020, 6:30 PM
Saturday March 7, 2020, 12:00 Noon
TRACY HALL MULTI-PURPOSE ROOM**

In accordance with 24 VSA Ch. 117 §§ 4384(d), and 24 V.S.A. § 4444(a) the Norwich Selectboard will hold two public hearings on

- Wednesday February 26, 2020 at 6:30 PM
- Saturday, March 7, 2020 at 12:00 Noon

The two hearings (identical in format) will be held in the Multi-Purpose Room at Tracy Hall, 300 Main Street, Norwich, to receive public comment regarding the proposed 2020 Norwich Town Plan.

Pursuant to 24 V.S.A. § 4444(b), the following information regarding the Norwich Town Plan is provided:

- (1) Under 24 VSA §4387(a) a municipal plan is in effect for eight years.
- (2) The last Norwich Town Plan was approved in July 2018.
- (3) The purpose of the proposed 2020 Norwich Town Plan is to ensure consistency with state law and obtain approval from Two Rivers Ottauquechee Regional Commission (TRORC).
- (4) The Norwich Town Plan is the policy document which guides decisions related to land use and development regulations, environmental protection, the provision of facilities and services, and the quality of life desired by the community. It also furthers the planning goals established in State Statute.

The proposed 2020 Town Plan includes all of the required elements set forth in the Act [§4382], including the following chapters as listed in the Table of Contents:

- | | |
|-------------------------|---------------------------|
| 1. INTRODUCTION | 6. TRANSPORTATION |
| 2. LAND USE | 7. FACILITIES & SERVICES |
| 3. ENERGY | 8. RESILIENCE |
| 4. HOUSING | 9. IMPLEMENTATION PROGRAM |
| 5. ECONOMIC DEVELOPMENT | 10. APPENDICES |

The proposed 2020 Town Plan, which will affect all lands in Norwich, was prepared by the Planning Commission. If subsequently adopted the 2020 Town Plan will replace the 2018 Town Plan in its entirety.

Copies of the full text of the proposed Town Plan are available for examination at the Planning and Zoning Department on the 2nd Floor of Tracy Hall, at the Town Clerk’s counter Tracy Hall Lower Level, at the Norwich Public Library, and at the Town website (<http://norwich.vt.us/planning-commission/>). Interested citizens are invited to attend the hearings or submit written comments. Abutting towns and the Two Rivers Ottauquechee Regional Commission are invited to comment with respect to the compatibility of their respective plans. Written comments shall be received by by 6:00 PM on Monday, February 24, 2020 to the Norwich Selectboard, PO Box 376, Norwich, VT 05055 or by email to planner@norwich.vt.us.

TO: Selectboard
FROM: Rod Francis, Planning Director
RE: Town Plan Adoption
DATE: 03/05/2020

Thank you for conducting the two required (24 VSA Ch 117 §4385) Selectboard public hearings and consideration of a motion to adopt the 2020 Draft Town Plan subsequent to the closing of the second hearing this Saturday March 7, 2020.

This memorandum is intended to assist you with regard to statutory requirements and your ability as a body to make changes to the plan. As the accompanying, VT Planning Manual information (p101), flow chart (p102,) and checklist (p113, 113) make clear the Selectboard may have suggested substantial changes *prior to* the setting of hearing dates (thus necessitating a new report from the Planning Commission, and more public hearings) or may at the conclusion of its second hearing reach the determination that substantial changes are needed (thus necessitating a new report from the Planning Commission, and more public hearings).

But what constitutes a “substantial change” versus “change” or correcting a “technical deficiency”?

Substantial change is understood to mean changing a goal, objective or policy as written in the draft document:

If the legislative body at any time makes *substantial changes* in the concept, meaning, or extent of the proposed plan or amendment, it shall warn a new public hearing or hearings under subsection (a) of this section.[§4385(a)] (emphasis added)

This guidance allows some latitude to delete, edit or otherwise modify text if there is no change to intent, scope or concept. Examples may include updating citations or facts, or amending narrative sections of the plan *consistent with* the existing concept, meaning and extent.

A technical deficiency can be corrected without resorting to a new report from the Planning Commission or more public hearings. Examples of technical deficiencies include: grammatical and spelling errors, punctuation, and numbering of pages and figures. It is important to remember that punctuation changes can change the meaning of a sentence. Any suggested changes should be contemplated in such a way as to only clarify the original meaning, not change it.

I will be present to support the Board in their deliberations.

Responsibility of the Legislative Body (Select Board, Aldermen, City Council, or Equivalent)

Chapter 117 spells out the official role of the legislative body in developing and adopting the plan. According to the statute, the legislative body is responsible for reviewing the plan, holding public hearings on the plan, and adopting the plan. The legislative body may make changes to the plan in accordance with provisions of Chapter 117 (24 V.S.A. section 4385).

More specifically, the legislative body is required to hold at least two public hearings between 30 and 120 days after receiving a proposed plan or amendment. Towns with fewer than 2,500 people need only hold one hearing. **The legislative body may change the proposed plan or amendment, but any changes must be made at least 15 days before the last public hearing.** A copy of the changed proposal must be provided to the town clerk, to anyone who has requested a copy in writing, and to the planning commission. The planning commission should analyze the change to evaluate whether the proposal is still consistent with the state's land use goals.

ADOPTION OF REGIONAL PLAN BY MUNICIPALITY

Chapter 117 enables a municipality to adopt a regional plan or a portion of a regional plan as its municipal plan. The regional plan must have been prepared and adopted by the regional planning commission before it can be adopted by a municipality. The adoption procedures are the same as for a plan prepared by a local planning commission (24 V.S.A. section 4349).

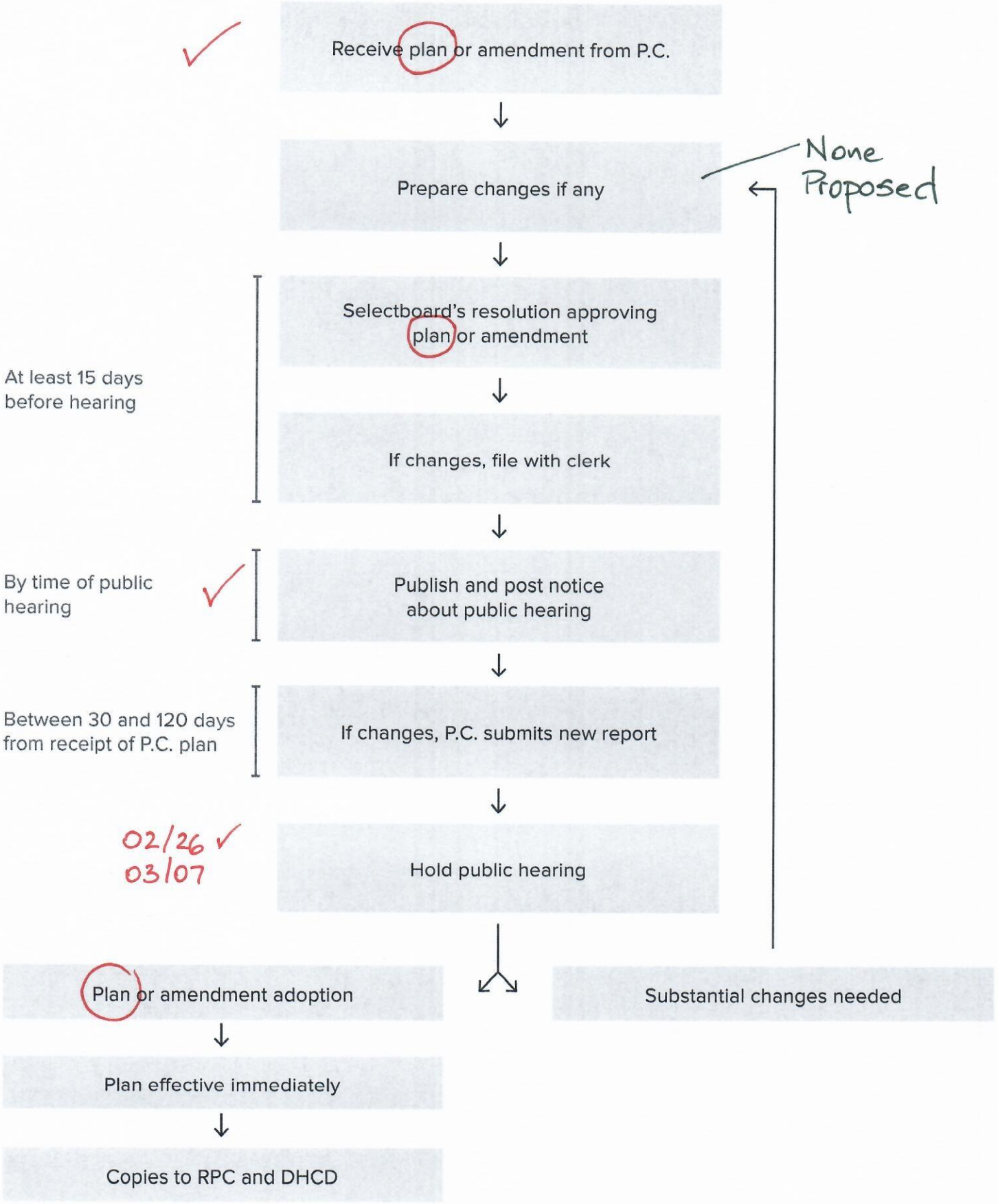
After the public hearing requirements have been satisfied, the legislative body may adopt the proposed plan or amendment by majority vote. Alternatively, the voters of the municipality may vote by Australian ballot at a meeting that has been properly warned in accord with 17 V.S.A. Chapter 55. In order for adoption by Australian ballot to be effective, the selectboard and planning commission should take some precaution. Particular care must be made to include the public throughout the planning process so that the voters are informed of all the issues and impacts of the plan. This is a two-step process. First, the voters must choose to use this method of adoption, and then they must vote whether or not to adopt the plan or amendment.

Effective Date

The plan becomes effective immediately upon adoption by the legislative body or voters (24 V.S.A. section 4385).

After the adoption of a plan or amendment it is good practice to have the municipal clerk prepare a certificate describing the publication, posting, consideration, and adoption. The certificate can be used as evidence that the municipality complied with these requirements (24 V.S.A. section 4447).

Responsibilities of the Legislative Body Flowchart



Checklist for Municipal Plan Adoption

Planning Commission Stage

DATE	ACTION
1. <u>X</u>	Prepare Plan. Throughout process, solicit citizen participation. §4384(a)
2. <u>X</u>	Adopt Planning Commission resolution approving Plan for public hearing, posting, publishing, and mailing.
3. <u>X</u>	Prepare notice of public hearing. §§4384(d), 4447
4. <u>X</u>	<p>Deliver at least 30 days before the public hearing, with proof of receipt, or send by certified mail, return receipt requested, copies of the proposed Plan to the following</p> <ul style="list-style-type: none"> • Chairpersons of abutting municipal planning commissions (where there is no P.C. to municipal clerk) • Executive Director of Regional Planning Commission • <u>The Department of Housing and Community Development (electronic submissions requested)</u> • Community organizations or interest groups that have requested notice in writing <p>and document in records that this was done: §4384(e)</p>
5. <u>X</u>	<p>At least 15 days before the public hearing, publish copy of date, place and purpose of hearing, along with full text of proposed Plan, or summary of text, in newspaper of general publication in municipality affected. §4444(a)(1)</p> <p>A summary of text must include the following:</p> <ul style="list-style-type: none"> • A statement of purpose • The geographic areas affected • A table of contents or a list of section headings • A description of a place within the municipality where the full text may be examined. §4444(b) <p>Published in: <u>Valley News 12/21/2019</u></p>
6. <u>X</u>	<p>At least 15 days before the public hearing, post copy of date, place and purpose of hearing, along with full text of proposed Plan, or summary of text, in three or more public places within the municipality (document in records that this was done). §§4444(a) (2), 4444(b)(1)</p> <p>Posted at: <u>Tracy Hall a) Clerks office, b) notice board, and Post Office</u></p>

DATE

ACTION

7. _____

(Optional) As an alternative to publishing and posting full text or summary of text, at least 15 days before the public hearing mail or deliver full text or summary, along with copies of notice of the hearing, to each voter and landowner within the municipality (document in records that this was done). **§4447(c)**

8. X

Hold Planning Commission hearing. **§4384(d)**

Location: Tracy Hall, 1/09, 1/13/2020

9. X

Prepare revisions (if any) to proposed Plan. **§4384(f)**

10. X

Adopt Planning Commission resolution approving Plan for submission to Selectboard and filing with municipal clerk.

11. X

Submit copy of Plan to Selectboard and document in records. **§4384(f)**

12. X

Simultaneously with submission to Selectboard, file a copy of proposed Plan with the municipal clerk for public review (document in records). **§4384(f)**

Checklist for Municipal Plan Amendment/Adoption

Selectboard Stage

	DATE	ACTION
		The legislative body (Selectboard, Aldermen, City Council, etc.) must hold the first of one or more public hearings between 30 and 120 days after receiving the proposed Plan or Amendment from the Planning Commission. Municipalities with a population of more than 2,500 must hold at least 2 hearings.
1.	<u>01/17/2020</u>	Acknowledge receipt of proposed Plan or Amendment from Planning Commission.
		Actions 2 through 8 must be completed at least 15 days prior to the public hearing:
2.	<u>n/a</u>	Prepare changes (if any) to proposed Plan or Amendment. §4385(b)
3.	<u>01/22/2020</u>	Adopt Selectboard resolution to hold a public hearing on the Plan or Amendment. §4385(a)
4.	<u>n/a</u>	File copy of changed Plan or Amendment with the Municipal Clerk, individuals or organizations requesting copy, and Planning Commission. [Not required if there are no changes.] §4385(b)
5.	<u>01/22/2020</u>	Prepare notice of public hearing. §4385(a)
6.	<u>02/11/2020</u>	<p>Publish copy of date, place and purpose of hearing, along with full text of proposed Plan or Amendment and any written report, or summary of text, in newspaper of general publication in municipality affected. §4444</p> <p>A summary of text must include the following:</p> <ul style="list-style-type: none"> • A statement of purpose • The geographic areas affected • A table of contents or a list of section headings • A description of a place within the municipality where the full text may be examined. §4444(b)
		Published in: <u>Valley News</u>
7.	<u>02/11/2020</u>	<p>Post copy of date, place and purpose of hearing, along with full text of proposed Plan or Amendment and any written report, or summary of text, in three or more public places within the municipality (document in records that this was done). §§4444(a)(2)</p>

Posted at: Tracy Hall a) Clerk's Office, b) noticeboard, and Post Office

8. n/a

(Optional) As an alternative to publishing and posting full text or summary of text, mail or deliver full text or summary, along with copies of notice of the hearing, to each voter and landowner within the municipality (document in records that this was done). **§4444(c)**

9. 01/22/2020

Planning Commission must submit a written report at or prior to public hearing analyzing extent to which a changed proposal is consistent with the goals in 4302. **§4385(b)**

10. 02/26, 03/07 2020

Hold Selectboard's first public hearing not less than 30 nor more than 120 days after receipt of proposed Plan or Amendment. **§4385(a)**

Failure to hold a hearing within the 120 days does not invalidate the adoption of the Plan or Amendment.

If Selectboard makes substantial changes in concept, meaning or extent of the proposed Plan or Amendment after a public hearing, a new hearing must be warned and held and the procedures 2 through 9 must be followed.

11. _____

Adoption of Plan or Amendment either by a majority of the Selectboard at a meeting held after the final public hearing or by Australian ballot if a municipality has elected at a duly warned meeting to do so. **§4385(c)**

Within 30 days of Plan or Amendment adoption the following action must take place:

12. _____

Mail or deliver printed copies of the Plan or Amendment, as adopted by the Selectboard, to the following (document in records that this was done): **§4385(c)**

- The Regional Planning Commission
- The Department of Housing and Community Development (electronic submission requested)

Plan or Amendment becomes effective immediately upon adoption. **§4385(c)**

If proposed Plan or Amendment is not adopted so as to take effect within one year of the final Planning Commission hearing, it shall be considered rejected.

A Plan expires eight years from the date of its adoption, unless it is readopted, even if it has been amended within the eight-year period. **§4387(a)**

YOU ARE
HERE!

Optional: Checklist for Regional Approval of Municipal Plan

DATE	ACTION
1. _____	Either before or after plan adoption, the municipality may request approval of the plan from the Regional Planning Commission (RPC). If before, the Selectboard should submit plan after final public hearing. §4385
2. _____	The RPC must hold a public hearing which is noticed as provided in section 4444 and published in newspaper (s) of general publication in the region. §4350(b)
3. _____	To be approved, the RPC must find that the Plan: <ul style="list-style-type: none">• is consistent with the goals in section 4302• is compatible with the regional plan• is compatible with approved municipal plans of the region• contains all 10 required elements. §4350(b)
4. _____	Plan is approved or disapproved within 2 months of receipt. If plan is not approved, the RPC must provide a written explanation and, if appropriate, suggest acceptable modifications. §4350(c)
5. _____	Plan goes back to municipality's Selectboard for further action if necessary.

6. _____

If Plan has not been adopted and has been approved, it can be adopted either by a majority of the Selectboard or by Australian ballot if a municipality has elected at a duly warned meeting to do so. **§4385**

If Plan is not approved, municipality's legislative body has 3 choices:

- Modify Plan and resubmit to RPC,
- Adopt Plan despite non-approval, or
- Request review of decision through the regional review panel process provided in 24 V.S.A. section 4476.

If municipality **resubmits modified plan**, the RPC must approve or disapprove the Plan within 45 days. **§4350(c)**

If municipality **adopts non-approved plan**:

- the municipality can no longer receive state planning funds
- the municipality can not levy impact fees
- state agency plans need not be consistent with the municipality's Plan
- DHCD will review municipality's planning process for compliance with affordable housing criteria and shall issue a report to the municipality and RPC. Review includes a public hearing.

If municipality **requests review of the RPC's decision by a regional review panel**, the following actions must take place:

- The request for review must be filed within 21 days of the RPC decision. **§4476(a)**
- The review panel must hold a hearing within 45 days of the request, and must issue a decision approving or disapproving the RPC's decision within 20 days after the hearing. **§4476(c)**

Appeal of a review panel decision goes to the Supreme Court. **§4476(f)**