

TOWN OF NORWICH
DEVELOPMENT REVIEW BOARD
MINUTES
Thursday, March 18, 2021

Act 92 OML compliant meeting conducted via Town of Norwich Zoom account. These proceedings were recorded.

Members Present: Arline Rotman (Chair), Sue Pitiger, John Lawe, Richard Stucker, John Carroll, Don McCabe,
Alternates Present: Matt Stuart
Staff: Francis (Clerk)
Public: Richard Adams, Jaci Allen, Jenni Anderson, Lynnwood Andrews, Emily Blumsack, Christopher Brady, Linda Cook, John Cushman, John Felde, Linda Gray, Melissa Horwitz, Charlie Lindner, Stuart Richards, Emily Scherer, Brie Swenson, Wendy Teller-Elsberg, Barbara Tolman, Lily Trajman, Omer Trajman,

- 1) **Call to Order:** Roll Call 7:04pm.
- 2) **Agenda:**
Carroll moved and Pitiger seconded a motion to approve the agenda. Motion carried 7 – 0.
- 3) **Minutes of 02-18-21**
Carroll moved and Pitiger seconded a motion to approve the minutes of February 18, 2021 with the recognition that the site visit summary is not part of the record of the hearing on application #58BSUB20 Motion carried 7 – 0.
- 4) **Public Comments and Announcements:** Francis informed the meeting that application #58BSUB20 has been withdrawn.
- 5) **Administrative Issues and Updates:**
 - a) Membership Status: 2 existing board members have terms that expire April 30, 2021
 - i) John Lawe
 - ii) Sue Pitiger
 - b) Conflict of Interest Policy
The board reviewed the Selectboard Conflict of Interest policy (included in the packet) as it relates to the DRB and quasi-judicial hearings.

Lawe acknowledged that a member of his immediate family is a senior employee of RSG Inc. the engineering consultant firm that undertook a traffic study for a recent application heard by the board. Lawe added that his familial relationship did not influence his vote in the matter, that his vote did not have an effect on the outcome (the vote was unanimous), and his involvement commenced prior to learning of RSG's involvement.
- 6) **Public Hearing 7:20pm**
 - a) Appeal of January 6, 2021 Zoning Administrator Decision concerning an alleged violation caused by the Black Lives Mater (BLM) sign at 236 Main Street by Appellant, Stuart Richards, of 82 Elm Street. Application to be reviewed under the Norwich Zoning Regulations. (Continued from February 18, 2021).

Chair Rotman swore in members of the public who indicated that they planned to provide testimony and sought confirmation that board members had no conflict of interest.

Carroll moved and Stucker seconded a motion to receive into evidence items submitted by Stuart Richards. Motion carried 7 – 0.

Carroll moved and Stucker seconded a motion to receive into evidence items submitted by Zoning Administrator Francis. Motion carried 7 – 0.

Chair Rotman informed the appellant that his documents, which included extensive arguments as to why the zoning administrator's decision that the sign was exempted from regulation under Section 3.11, Table 3.4 (1) as a "residential flag or banner intended solely for ornamental or non - advertising purposes" were all in evidence. As such he briefly underlined what he thought were the most salient points of his position in an oral statement.

The Zoning Administrator presented his position that the sign is an exempted sign with a slide presentation discussing the interpretation of Section 3.11, table 3.4 as separate and distinct from a residential sign which has a size limit and not subject to limitations on dimensions, placement or attachment. He characterized the sign as political speech which is protected by the first amendment. He stated that federal law supersedes Norwich zoning regulations as well as Vermont state sign law, citing applicable US Supreme Court decisions.

The Board then had the opportunity to question Richards and the Zoning Administrator. The homeowner Omer Trajman explained the background of how his family came to exhibit the sign. Several members of the public spoke in favor of the Zoning Administrator's decision and one person unable to attend sent a statement of support for the decision which was read into the record at her request.

McCabe moved and John Carroll seconded a motion to close the hearing and move into deliberative session. Motion carried.

Hearing closed at 9:22pm

Respectfully submitted,
Arline Rotman

APPROVED 05-20-2021

Future Meetings:
TBD

Change: Carroll commented on the minutes of the hearing on the appeal of the Zoning Administrators decision that a Black Lives Matter sign at 236 Main ST was exempt from section 3.11 Signs of the Norwich Zoning Regulations. Carroll stated that the minutes said the Chair invited members of the public to take an oath so that they may provide testimony in the hearing whereas the only people who should have participated were those that had established interested party status, in accordance with state statute and the Norwich Zoning Regulations.

DRB Minutes available at:

<http://Norwich.vt.us/development-review-board-minutes/>

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