

Norwich Planning Commission Regular Meeting – April 9, 2024 6:30pm

To be Held in person in the Tracy Hall Multipurpose Room and via Zoom
Zoom Information:

Topic: Planning Commission

Time: April 9, 2024, 6:30 PM

<https://us02web.zoom.us/j/81307504748>

Meeting ID: 813 0750 4748

888 475 4499 US Toll-free

1. Approve Agenda
2. Public comment for items not on agenda
3. Correspondence
[[Katucki solar siting comments](#)]
4. Chair updates
 - Connecticut river hydro re-licensing comments
 - Planning & zoning staff
 - OML reminder
5. Capital planning
6. Subcommittee updates
 - Subcommittee membership & process – [[draft policy](#)]
 - [Multi-modal transportation](#) – Master plan initiative, capital planning
 - [Solar siting –New 5.100 rules, Lamperti TRORC, Upper Loveland PUC](#)
 - Proposal for Decision [[packet](#)]
7. Permitting requirements for lot consolidation
8. Approve minutes [March 12, 2024](#) and [March 19, 2024](#) [[packet](#)]
9. Public comment
10. Adjourn

From: Jaan Laaspere <laaspere.planning@gmail.com>
Sent: Monday, March 11, 2024 5:01 PM
To: Christopher Katucki <kals95@startmail.com>
Cc: Kris Clement <kclmwp6@gmail.com>; Pam Mullen <PMullen@norwich.vt.us>
Subject: Re: Public comment: Three-Tiered Siting Criteria for preferred sites

Chris,

Thank you for your thoughtful comments. They will be included in the packet for the next solar siting subcommittee meeting. As I mentioned in my introductory note, this is the beginning of a conversation and we welcome people's input and participation.

Best regards,
Jaan

On Mon, Mar 11, 2024 at 3:06 PM Christopher Katucki <kals95@startmail.com> wrote:

Hi Jaan:

Please consider this email as public comment to the Planning Commission and the Solar Siting Subcommittee.

With respect to the Three-Tiered Siting Criteria, I have three concerns. The first is about the designation of “areas” under the first tier. New PUC Rule 5.100, effective March 1, amended the definition of preferred site. It eliminated the authority of towns to designate preferred sites in the town plan. See red-lined version attached. It also requires review of the 45-day notice for the project. In light of these changes and the existing reference to a “specific location,” I am not confident that it is proper to designate “areas” as preferred locations under the first tier, by map or description, however specific.

Second, concerning constraint areas of the Three-Tiered Siting Criteria, it seems inappropriate to use the phrase “or if no other reasonable alternative exists,” as it creates a huge loophole. To begin “reasonable alternative” refers to alternatives within a specific parcel. If a parcel is wholly located in a historical district or viewshed or if the parcel consists primarily of ag soils, then in those situations, there is “no other reasonable alternative” to locating the solar farm in a historical district or viewshed or on ag soils. Moreover, 150- and 500-kW projects use acres of land. Unlike a development envelope for a house, the footprint of a solar farm is not easy to move to minimize its impact.

Third, prime ag soils and forest blocks deserve greater protection under the preferred siting criteria. I am no expert but think these areas deserve special protection from permanent loss. Once in place, a solar project is likely a permanent installation. Even at reduced efficiency, solar panels produce power. In addition, outdated solar panels can be replaced with new and improved ones. If a CPG has an end date, it seems more likely that the PUC renews or extends the CPG, rather than requiring the project's decommissioning (assuming the single purpose entity has the resources to decommission the site). Accordingly, since large (150- through 500-kW) projects will exist forever, the town may want to limit or prohibit development on prime ag soils and forest blocks. Note that the new definition of preferred site under the PUC Rule 5.100 excludes sites that "require significant forest clearing."

I am happy to discuss further and to research and suggest alternatives.

Thank you in advance for considering my comment.

Sincerely,

Chris Katucki

~~(6)(7) A specific location designated in a duly adopted municipal plan under 24 V.S.A. chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets the siting criteria recommended in the plan for the location; or a specific location that is identified in~~

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Vermont
Public Utility Commission

Rule 5.100
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~~a joint letter of support from the municipal legislative body and municipal and regional planning commissions in the community where the net-metering system will be located~~ determined by the governing municipal legislative body and the municipal and regional planning commissions as suitable for the development of a net-metering system consistent with applicable policies in their respective plans. The specific location must be identified in a letter or letters from the municipal legislative body and the municipal or regional planning commissions based on their evaluation after having received the 45-day notice for the project. Such letters in no way limit the ability of municipalities and regional planning commissions to participate in the Commission's review of the net-metering system proposed to be constructed on the location identified in the letter.

~~(7)(8) A site listed on the National Priorities List (NPL) established under the~~

Norwich Planning Commission Statement on Subcommittees 3.29.24

In performing its work, the Norwich Planning Commission wishes to strike a reasonable balance between encouraging public participation and providing for orderly and consistent conduct of the town's business.

Topical subcommittees have a long and successful history of being used to incorporate a wide range of opinions from many interested town residents.

During recent Selectboard conversations, some members have argued that more control over such groups is needed, including requiring all members of any group working on any aspect of the town's business to be officially appointed by the Selectboard.

Not even considering the time commitment that would be required by the SB to review every applicant, this change would be harmful to public participation and is unnecessary. The message sent to community members would be clear. You need permission to volunteer your time. This would discourage participation of residents in town affairs and insult the many residents who devote huge amounts of time to volunteer activities associated with subcommittees of the Planning Commission and other town groups.

This level of centralized control is also unnecessary given that Planning Commission subcommittees operate under the following guidelines. Most importantly, these are advisory groups without independent authority to make decisions. They are informal extensions of the PC to help widen our capability and engage town-wide participation. Any specific ideas and proposals are brought back to the full Planning Commission for a vote and official decision.

Norwich Planning Commission Subcommittee Policy

A group can be chartered by the PC as a standing or ad-hoc subcommittee devoted to a specific task or topic.

They shall:

- Create a charter statement to be approved by the PC describing the group's focus area and overall goals.
- Include at least one member of the Planning Commission, with a target membership of at least 5 resident members.
- Adhere strictly to all OML regulations for posting of meeting agendas, minutes, etc.
- Regularly update the PC on their activities and initiatives

The PC reserves the right to dissolve a subcommittee when it is no longer needed or to incorporate the work back into the full PC. We will maintain a list of active subcommittees on the PC page of the town website.

These subcommittees advise the Planning Commission on their respective topics. The PC maintains the decision-making authority over any proposals. A PC subcommittee cannot act as an independent entity representing the Town of Norwich.

March 18, 2023

Mr. Aaron Lamperti
557 New Boston Road,
Norwich, VT 05055

Re: Preferred Siting Designation – Lamperti/Eanet, Norwich

Dear Mr. Aaron Lamperti & Mrs. Franny Eanet,

You have reached out to us and shared information on a proposed 150Kw solar project to be located on roughly 3 acres of contiguous forest at 557 New Boston Road, Norwich, VT 05055, approximate latitude and longitude of 43.75639° N, 72.31352° W. The Town of Norwich has given the site preferred status. Having made our review, we are unable to provide regional designation of the location as a "Preferred Site" under Section 5.103 of your Rule 5.100.

In our review per the Section 248 TRORC Review Protocol, we found the project triggered several environmental criteria evaluated at the regional level. The proposed project is located entirely within a designated highest priority forest block mapped on the ANR BioFinder 4, as well as within the regional Forest Based Resources land use area. The project is also entirely located within a deer wintering yard as mapped on the ANR Natural Resources Atlas. The size of this project and the tree clearing (presumably 3 acres) that would be involved would result in a significant impact to these resources. The maps included in the submitted application specified the project would be 150 kW. However, the site area delineated in the application appears to be over three acres. A project of this size could take place on considerably less land. You are welcome to clarify if the area to be cleared is much smaller than what is specified on the provided maps.

Please note that at this time we take no position on the project's compliance with other policies of the regional plan, and any requirement of Rule 5.100 or of other applicable provisions of Vermont law.

Sincerely,



Peter G. Gregory, Executive Director
CC: Brennan Duffy, Jaan Laaspere

Norwich PC Solar Siting Subcommittee

March 26, 2024 Minutes

DRAFT

Subcommittee members present: Ernie Ciccotelli, Kris Clement, Jaan Laaspere

Participating: PC member Mary Gorman, Rob Gere, Kathleen Shepherd, Amy Stringer

Meeting started at 6:35

1. Approved Agenda

2. Public comment for items not on the agenda - none

3. Correspondence

TRORC letter denying Lamperti/Eanet preferred site letter

4. Net – Metering Rule 5.100

Related packet material

Katucki comment letter

5.100 rule with changes effective March 1, 2024

Our constructive discussion blended three closely related topics:

- The process for evaluating preferred site letter requests in the PC, SB & TRORC
- The PC's challenge of giving specific feedback while limited to interpreting how a PV project application compares with our current town plan.
- Which changes to the town plan are most important to propose in the short term to align with new state regulations and improve our siting review process?

TRORC sent a letter denying preferred site status to the Lamperti/Eanet PV project, saying that "...the project triggered several environmental criteria evaluated at the regional level." Specifically, the project is within a high priority forest block with deer yards and had an imprecise description of land clearing. This is important under the new 5.100 rules since projects involving over 3 acres of clearing do not qualify.

We wondered whether the PC should have evaluated these criteria or was it appropriate to do at the regional level? Three entities must independently approve preferred siting letter requests, each presumably using its own criteria. The municipal planning commission reviews consistency with its town plan. The regional commission has their list. We did not know the Selectboard's criteria.

Several challenges and contradictions exist for the PC, given our current town plan, combined with changes in state regulations.

We should review how applications comply with our town plan only, not zoning bylaws. However, our plan states the only exceptions to default preferred siting is

ridgelines, shoreline and historic districts. The specific description of these features exist only in the bylaws. For example, the ridgeline map is in the bylaws, not the town plan. Therefore, to evaluate a preferred site request we need to step outside of the plan, which confuses things.

Norwich's town plan is written as an aspirational document with the expectation it will guide creation of specific zoning by-laws and subdivision regs. However, zoning by-laws are excluded from consideration for net-metering projects under state rules. Act 248 requires "clear, written community standards" to guide evaluation of projects. The required level of specificity does not exist in our current plan.

The newly revised net-metering rules 5.100 give one definition of a preferred site as:
"A specific location determined by the governing municipal legislative body and the municipal and regional planning commissions as suitable for the development of a net-metering system consistent with applicable policies in their respective plans." [5.103 #7 Preferred Site definition]

To evaluate the aesthetics of a project the rules say to use the Quechee test:

"Determine whether the project would have an adverse impact on aesthetics and the scenic and natural beauty of an area because it would not be in harmony with its surroundings."

"Would the project violate a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area?" [5.112 C]

These rules define a clear, written community standard and relate them to "applicable policies in their plans." Again, we do not have the necessary level of clarity or specificity in our town plan.

The subcommittee recognizes that updates to our plan are essential to solve these contradictions and confusion.

- Update to be current with new state regulations
- Remove default preferred siting language
- Add sufficient specificity and guidance to the plan to not rely on zoning bylaws or maps

We realize that any substantial editing of the plan would be an extended project and the urgency of our predicament suggests we only propose the minimum changes.

We discussed how we could improve our process for reviewing preferred siting letters before any changes were made to the town plan. One suggestion was to ask for more information and project detail during initial review.

We agreed to have the Lamperti preferred siting letter TRORC refusal added to an upcoming Planning Commission agenda.

We need help crafting town plan language which can meet the standard of “clear, written community standard” and give clear guidance in evaluating PV projects. Annette Smith was suggested as a resource and Mary Gorman will reach out to see if she can attend our next meeting. Laaspere will reach out to TRORC for other resources and specific answers.

5. Enhanced Energy plan

Packet included draft of three-tiered siting criteria

Based on the discussion above, it is possible the minimum changes that make sense to do initially do not rise to the level of creating a fully qualified EEP and we may need to do this in a subsequent round. We will evaluate this as the conversation continues.

6. Approved minutes of February 26, 2023 - Unanimous

7. Adjourned at 8:40

Our next meeting will be April 16, 2024, assuming outside resources are available, to continue the discussion on these topics. We will report our plans to the Planning Commission on April 9th.

Minutes submitted by Jaan Laaspere

Norwich PC Special Meeting Minutes 3/12/24

Members Present: Kris Clement, Vince Crow, Jeff Goodrich, Jaan Laaspere, Bob Pape

Public: Jeff Lubell, Linda Gray

Meeting Opened: 6:37 pm

1. Approve Agenda:

Goodrich moved, seconded Pape, to approve the agenda.

Motion passed 5-0

2. Public Comment on items not on the agenda

N/A

3. Correspondence

N/A

4. Chair Report

Mapping Initiative

Laaspere provided an update on the mapping initiative. GIS overlays for zoning districts, aquifer protection, ridgeline, shoreline and scenic areas can be added to have just one map. The issue will be further discussed in an upcoming Listers meeting.

AHSC Planning Grant

Jeff Lubell provided an update on the New Boston Road planning grant application to fund a feasibility study. There will be a PC Special Meeting on 3/19/24 to be a public hearing for input regarding the grant application and answering questions about the project. After the public hearing, the AHSC will ask the Selectboard on 3/27/24 for approval to apply for the planning grant. The only update from the application process is the need for outside administrative help to act as a project manager and grant administrative help instead of using town staff. The Town Manager and the AHSC sent out RFQ's and have selected a consultant to move forward with.

Connecticut River hydro relicensing comment period

Laaspere stated that comment period for the Connecticut River hydroelectric facility relicensing will end on 4/22/24. Goodrich stated the main concern regarding the town would be the changes in water levels and its effect on bank erosion and the potential need for bank stabilization. Pape volunteered to discuss the issue with the Conservation Commission and, if needed, develop a statement to be discussed at the next meeting.

Lamperti/ Eatnet preferred siting request

Laaspere stated the Lamperti/ Eatnet preferred siting request was approved by the Select Board.

5. Subcommittee Updates

Membership

The group had consensus that the PC will appoint subcommittee members and that the subcommittee will have at least five members, with at least one member of the PC. Each subcommittee needs to have a charter that is approved by the PC.

Multi-modal Transportation Subcommittee

Goodrich provided an update on the Multimodal Transportations subcommittee. He presented a draft for a charter (see attached) for approval at a future meeting. He stated that the subcommittee will work with the Town Manager to coordinated volunteers with staff support for community projects such as walkways and bike paths. Crow stated that he is in the process of collecting pertinent maps and plans regarding sidewalks, bike lanes and public transportation. from the TRORC and the Norwich Fire District.

Solar Siting Subcommittee

The group had consensus to revise the town plan to remove the word “default” from the preferred siting designation and replaced it with language that is appropriate and more specific, with the Solar Siting subcommittee developing a draft.

6. Planning and Zoning Staff

Laaspere stated that the posting for the open position is still on the town website. The group had consensus for the Chair to discuss revising the position to ZA with the Town Manager and discuss at a future meeting.

7. Capital Planning

The group discussed the potential of a Capitol Improvement Planning subcommittee and its importance to the town, citing Select Board collaboration as a priority. The chair will reach out to the Town Manager and the Select Board to discuss need and how the PC can offer assistance.

The group had consensus to move items 8 and 9 of the agenda to a future meeting.

10. Public Comment

N/A

11. Adjourn

Goodrich moved, seconded by Crow, to adjourn the meeting

Motion passed 5-0

AHSC Planning Grant Public Hearing - - 3/19/24 at 7:00 pm at Tracy Hall (also accessible via Zoom)

Future PC Regular Meeting - 4/9/24 at 6:30 pm at Tracy Hall (also accessible via Zoom)

Minutes by Vincent Crow on 3/14/24

MMTSC Charter - Draft

Overview

- Assist the PC with gathering and understanding documentation related to multimodal facilities for vehicle, bicycle, pedestrian, and bus facilities in Town, in adjacent towns, and in our region.
- Assist the PC with capital considerations for multi-modal facilities.
- Assist the PC with prioritizing multi-modal facility planning, implementation, and maintenance.

Agency Coordination in Concert with the PC

- Work with Town staff to assemble and assess information related to multimodal facility projects, implementation, and maintenance.
- Work with neighboring towns to assemble and assess information related to multimodal facility projects, implementation, and maintenance.
- Work with regional planning commissions serving neighboring towns to assemble and assess information related to multimodal facility projects, implementation, and maintenance.
- Work with the Norwich Fire District to assemble and assess information related to multimodal facility projects, implementation, and maintenance.
- Work with the PC to address multimodal consideration.

NORWICH PLANNING COMMISSION
AFFORDABLE HOUSING SUBCOMMITTEE

JOINT MEETING & PUBLIC HEARING FOR VCDP PLANNING GRANT APPLICATION

Minutes

Draft 3/20/2024

Members present:

Planning Commission: Jaan Laaspere*, Bob Pape, Ernie Ciccotelli, Vince Crow*

Affordable Housing Subcommittee: Jeff Lubell, Brian Loeb, Creigh Moffatt, Paul Manganiello*

Members of the public:

Pam Smith (Selectboard), Mary Layton (Selectboard)*

Jaci Allen, Jennie Anderson*, Susan Barrett, Rachel Coombs, Joe Denny, Jon Felde*, Linda Gray, Elliott Harik*, Peter Orner*, Arline Rotman*, Geof Smith*, Amy Stringer*, Kate White*, Tim White*, Steven Zubkoff, and several other remote attendees who did not comment

*Attended remotely

March 19, 2024 at 7:00 pm

1. Approve agenda

At the opening of the meeting, neither the Planning Commission nor the Subcommittee had a quorum, so no vote to approve the agenda was required. Mr. Crow, Ms. Moffatt and Mr. Manganiello joined once the meeting had progressed to agenda item 2, so both groups then had a quorum.

2. Public Hearing on a proposed Vermont Community Development Program planning grant to assess the feasibility of developing affordable housing on town-owned land on New Boston Road.

Mr. Lubell presented slides with data showing the need for housing in Norwich and regionally, as well as the elements of the town's Housing Strategy, which is incorporated into the Town Plan. Mr. Loeb described the Subcommittee's study of town-owned land, the location and attributes of the chosen site, the parameters of the VCDP Planning Grant program, and the work streams included in Norwich's application.

Mr. Laaspere moderated comments and questions from those in attendance, both in person and remotely. All members of the public who spoke did so in favor of the town submitting the application as described at the hearing.

Mr. Manganiello stated that his property abuts the parcel in question, and in particular the side with the transfer station, and that he considered the transfer station a good neighbor and would welcome more residents to the area. He expressed support for moving forward with the proposed planning grant.

Ms. Coombs expressed support for moving forward with the proposed planning grant. She stated that she supports the town taking action on an important issue rather than waiting for the state to address local challenges; that the Starlake community (an affordable homeownership development in town that uses the community land trust model) contributes to the beauty, complexity and richness of the town, and she expects another such neighborhood would do the same; and that the lack of affordable housing in town today is causing harm to families, particular those with children who lose their housing and must relocate.

Ms. Barrett expressed support for moving forward with the proposed planning grant. She stated that she also lives on New Boston Road, and that she encourages residents to be open to diverse housing types and affordable housing. She is concerned with the recent increase in property taxes, driven by the change in per-pupil weighting for education taxes, and supports town efforts that could ameliorate that impact.

Ms. White stated that she is also concerned about the property tax issue and is supportive of the proposed planning grant.

Ms. Rotman remarked that neighboring communities have moved ahead of Norwich in terms of responding to the regional housing need, and she is worried about harmful impacts to the environment of local employees having to commute from far outside the regional job center. She said she supported the proposed planning grant.

Ms. Allen commended the Subcommittee for its work and said the proposed planning grant would be a small but important step for the town.

Mr. Harik said he supported the proposed planning grant and hoped members of the Selectboard heard the voices of support for the application.

Ms. Gray said that a diverse community creates a thriving community and she supports the proposed planning grant. She asked about the timing of the application and about the town's plan to manage the grant. Mr. Loeb explained that the town plans to submit the application for the April program deadline and that it expects to hire an experienced consultant to manage the grant, including procurement for technical services.

Mr. Smith, the deacon at the Norwich Congregational Church, voiced his support and said that in other towns where housing options have been insufficient, the local economy suffers.

Ms. Anderson, the priest at St. Barnabas Church, voiced her support and said the church's presence in town made her feel accountable to help the town achieve its goals.

Mr. Felde spoke of the generosity of town residents who support area organizations such as the Upper Valley Haven, and that he is in favor of the application because it responds to the underlying challenge in the region and the need for adequate housing for everyone.

Mr. Laaspere concluded by remarking that he had heard the widespread support for the application among attendees, that he would draft a letter from the Planning Commission endorsing the project, and that he encouraged the Selectboard to move forward with submitting the application.

3. Adjourn

Motion to adjourn by Mr. Pape, seconded by Mr. Ciccotelli. Meeting adjourned at 7:52PM.