

Norwich Planning Commission Regular Meeting – May 14, 2024 6:30pm

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

Topic: Planning Commission

Time: May 14, 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. Organizational meeting
 - Election of officers
 - Procedures & policies
3. Public comment for items not on agenda
4. Correspondence (none)
5. Goals & priorities for 2024
6. Subcommittee updates
 - Update on SB subcommittee discussion
 - Capital planning - [VSA summary for capital planning]
 - Solar siting – [JTL PUC public comment]
7. Approve minutes
 - February 13, 2024 [packet]
 - April 9, 2024 [packet]
8. Public comment
9. Adjourn

Vermont Statutes related to municipal capital planning

All planning work must be consistent with overall goals established in §4302 which outlines the various land use, economic and natural elements that need to be considered.

24 V.S.A. § 4325 Power and Duties of Planning Commissions

(6) Prepare and present a recommended capital budget and program for a period of five years, as set forth in section 4440... for action by the legislative body under section 4443...

(8) Require from other departments and agencies of the municipality such available information as relates to the work of the planning commission.

24 V.S.A. § 4440

Appropriations may be made by any municipality to finance the work of planning commissions... [including] capital budgets and programs...

24 V.S.A. § 4443

... a capital budget and program may be adopted, amended, or repealed by the legislative body of a municipality following one or more public hearings, upon public notice, if a utility and facilities plan as described in subdivision 4382(a)(4) of this title has been adopted by the legislative body in accordance with sections 4384 and 4385 of this title.

24 V.S.A. § 4430 Capital budget & program

(a) A capital budget shall list and describe the capital projects to be undertaken during the coming fiscal year, the estimated cost of those projects, and the proposed method of financing. A capital program is a plan of capital projects proposed to be undertaken during each of the following five years, the estimated cost of those projects, and the proposed method of financing.

(b) The capital budget and program shall be arranged to indicate the order of priority of each capital project

(c) The planning commission may submit recommendations annually to the legislative body for the capital budget and program, that shall be in conformance with the municipal plan.

24 V.S.A. § 4382 - Municipal plan elements

(a)(4) A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs, and method of financing.

24 V.S.A. § 4384

A municipality may have a plan. Any plan for a municipality shall be prepared by the planning commission of that municipality.

24 V.S.A. § 4385

[Details about hearings and legislative body adopting plans]

To: Public comment on PUC case number 21-3587-NMP
From: Jaan Laaspere
Date: May 5, 2024

Re: Document NST Loveland Chronology 070523 dated July 5, 2023
Referenced in PUC Case number 21-3587-NMP
Included in Norwich Planning Commission packet for July 11, 2023 meeting

The referenced document is a timeline created for personal informational purposes and shared with the Norwich Planning Commission for general assistance in understanding the sequence of events related to this case. It was based on the information available to me at the time.

I must correct the misperception that the referenced document can be considered in any way a definitive or evidentiary record of events relating to the Upper Loveland solar project. It should not be considered material evidence in this case.

It is not, and was never intended to be a detailed, exact, or complete record. The document includes particulars which are uncertain and under contention at this later date. My compilation of events was one view created based on the limited information available to me in July 2023.

For the most current, accurate and comprehensive record of the evidence associated with this project, interested parties should consult the full PUC evidentiary record associated with Case number 21-3587-NMP.

Sincerely,
Jaan Laaspere
95 Upper Pasture Rd.
Norwich, VT

From: Jaan Laaspere
To: Norwich Planning Commission
Date: July 5, 2023
Re: Abbreviated chronology of NST Upper Loveland Solar review process

May 6, 2021 - NST sent letter to neighboring landowners, including a schematic plan outlining property boundary and array locations.

June 29, 2021 - NST sent letter to Rod Francis addressed to the Norwich Planning Commission and Selectboard requesting preferred siting letter. Includes site plan that will go to PUC on 7/14/21.

July 13, 2021 – Planning Commission meeting approves preferred siting letter with packet containing Rod Francis memo, viewshed analysis, and general items about preferred siting letters. Vote to approve is 6 - 0 with one abstaining.

July 14, 2021 - NST initial filing to PUC, includes the site plan that was sent to the Planning Commission on 6/29.

July 27, 2021 - email from NST McBride to Francis and Durfee asking for letter and meeting with Selectboard.

Aug 10, 2021 – Planning Commission meeting. Packet includes PUC July 14 filing and more details about aesthetic and environmental impact.

Aug 11, 2021 - Selectboard meeting. 7/14 site plan included in packet. Selectboard approves preferred siting letter after topic was bounded by saying ANR is responsible for habitat.

Aug 23, 2021 - Letter to the town giving notification of site plan adjustment. Stating “We don’t see any impact on the visual analysis - but are confirming the visual analysis as part of the full application.”

Aug 31, 2021 - Official filing of application with PUC after 45-day notice period, including modified site plan with changes noticed to town on 8/23/21

Sept 14, 2021 - Planning Commission meeting. Packet includes McBride 8.23 email in correspondence. Rod mentions the change in the plan by noting the correspondence was received.

Oct 12, 2021 – Planning Commission meeting. Draft minutes for 9/14/21 meeting included under correspondence section: “Norwich Technologies provided details of an environmental review of the Upper Loveland RD project site. There has been a minor adjustment to the location of panels in response to findings, but there will be no visual impact.”

Aug 31, 2021 to present - Hundreds of documents submitted to the PUC, including detailed aesthetic, land-use, legal, planning and natural resource analyses. These documents are public record and part of the PUC process, submitted by all sides. These include aesthetic impact studies submitted by the applicant, opponents and a separate aesthetics review commissioned by the PUC. All documents available here: <https://epuc.vermont.gov> - search by case number 21-3587-NMP

Feb 9, 2022 - Selectboard meeting. Concerns raised in correspondence section and discussed.

Feb 23, 2022 - Selectboard meeting. Extensive correspondence and discussion. Calloway moved to set a future SB agenda item on solar siting. No second. Interested parties pointed to the PUC. No action taken after this review.

Mar 23, 2022 - Selectboard meeting - Correspondence on this topic but no discussion or action taken shown in the minutes.

Norwich PC Special Meeting Minutes 2/13/24

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

Public: Aaron Lamperti, Mary, Gorman, Jay Benson, Jack Cushman, Linda Gray, Kathleen Shepard, Judy Pond

Meeting Opened: 6:32 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

4. Preferred Siting request for Lamperti/ Eanet 150 kW Community solar

Goodrich recused himself from the discussion based on previously being hired by the landowner.

Lamperti stated that this project is intended to be an off-site net metering solar site and he is seeking preferred site status. The project is not visible from the road or abutters homes. He stated that the proposed site is a mostly clear area where his leach field is currently located and that the panels will take up less than an acre of land.

Laaspere stated that sites that are not automatically designated as a preferred site are not prohibited from becoming a preferred site, it just requires the PC to take a second look.

Jay Benson raised the concern that the site proposal could be drastically different from the proposal after more information is gathered. Laaspere recommended that the PC place a proviso on the motion to enable the PC to provide input through the development of the project.

Judy Pond, Linda Gray and Jack Cushman stated that they support the project.

Pape moved, seconded by Crow, that the PC grant preferred siting status to the item in question and to commit the PC to apply for party status with the PUC going forward the in process of this project.

Motion passed 5-0

5. Chair Report

Laaspere stated that the proposed site for the Farmers Market has encountered issues with the sale of the land and that the zoning issues are not the most pressing issue regarding that project, but to keep the idea of revising zoning regulations in mind in the future. Goodrich stated that the PC should also keep in mind preferred sites of affordable housing.

Laaspere provided an update on the mapping initiative. Currently NEMRC hosts a parcel map for the listers which costs about \$750 annually. GIS overlays such as zoning districts, aquifer protection, ridgeline and scenic areas already exist and can be added to have just one map. He will continue to compile a list of desired overlays and request a quote for implementation.

Laaspere stated that due to staffing issues, the AHSC has created RFP's for 3rd party grant administration and project management, which will be discussed at the next SB meeting.

Laaspere provided an update on the open zoning staff member position. The candidate that was offered the position declined the offer. A future agenda item will be set to discuss any changes to the job description and position title.

Laaspere stated that there is a Sharon town line boundary dispute resulting in some properties potentially being incorrectly taxed twice. The situation is being investigated and will be discussed at the next SB meeting.

6. Permitting Requirements for lot consolidation

The group discussed the issue of consolidating 2 parcels, on which there are no more than one development, into one parcel without requiring a zoning review and permit process.

The group had consensus that bylaws do not require a permitting process for lot consolidation but that the language is open to the interpretation that it would require a permit. Goodrich and Laaspere volunteered to draft a revision of the bylaws in question and update as a future agenda item.

7. Subcommittee updates

The group had consensus that the PC has the power to create its own subcommittee and appoints members to the subcommittees. Subcommittee charters should be open ended but not too broad in order to stay focused on the issue subcommittee was created to address. The group had consensus that the subcommittees should aim for 5 members in order to avoid OML violations and also aim for at least 1 PC member to be able to provide a report at the regular PC meetings.

Solar Siting Subcommittee provided an update on the development of an Enhanced Energy Plan. After discussion with members of the TRORC, it was determined that the Norwich Town plan is fairly close to fulfilling the requirements of the Enhanced Energy Plan by changing a few lines

and updating data. Another required change would be the removal of the default preferred siting and the discussion of what its replacement would be will need to be a future agenda item.

The Multi-Modal transportation subcommittee will develop its charter and continue work on a Multimodal transportation master plan for the town, including capital planning for sidewalks.

8. Approve Minutes

Goodrich moved, seconded by Pape, to approve the minutes of the 12/12/23 meeting with changes.

Motion passed 5-0

Goodrich moved, seconded by Pape, to approve the minutes of the 1/9/23 meeting

Motion passed 5-0

Goodrich moved, seconded by Pape, to approve the minutes of the 1/23/24 meeting

Motion passed 5-0

9. Adjourn

Goodrich moved, seconded by Pape, to adjourn the meeting

Motion passed 5-0

Future PC Meeting – 3/12/24 at 6:30pm at Tracy Hall (also accessible via Zoom)

Minutes by Vincent Crow on 2/16/24

Norwich Planning Commission meeting 4 /9/24

Members present Kris Clement, Ernie Ciccotelli, Jeff Goodrich, Mary Gorman, Jaan Laaspere, Bob Pape

Meeting began 6:35 PM

1) Approve Agenda

Ciccotelli moved, seconded by Gorman. Motion Passed 4-0 [Note: Goodrich and Pape joined meeting after approval of agenda]]

2) Public Comment for items not on agenda

No comments

3) Correspondence

The letter from Chris Katucki regarding solar siting is included in packet. It had been discussed by Solar Siting Subcommittee and is included part of the Subcommittee Updates discussion

4) Chair Updates

a. Connecticut river hydro re-licensing comments

- i. Proposed comments by CT River Joint committee to be taken up by selectboard 4/ 10/24. Ciccotelli has added comments on Mitigation Expenses Fund (MEF) and recreational uses to the template to ensure existence of fund and accountability for damage At this point further action will be taken by selectboard – the PC has no further comments.

b. Planning & zoning staff

A new round of applications for the open Planning Director/Zoning Administrator position has been received, but no applications will be pursued at this time.

Goodrich emphasized the need for regulatory knowledge in the position, but not necessarily extensive experience.

Laaspere will encourage Town Manager to consider filling the ZA portion of the role alone

c. Open Meeting Law reminder

Laaspere reminded the PC that all town business must be done in warned meetings and the PC should inform members of the subcommittees of OML rules.

The group acknowledged there was an OML violation in a recent email exchange and will do its best avoid a repeat

5) Capital Planning

Laaspere discussed the state statutes regarding the responsibility of Planning Commissions around capital planning and queried the group regarding interest and thoughts on the subject.

24 VSA 4430 [and related] describe the expectations and requirements around a Capital Budget and Plan.

Goodrich emphasized the PCs responsibility under the law to do such Capital Planning work. Laaspere expressed interest in forming a Capital Planning subcommittee to work on both the 5 year plan required by state statutes and to provide input for upcoming town budget discussions. The PC discussed first steps of the proposed subcommittee regarding goal setting, public engagement and involvement of the Selectboard.

Motion made by Goodrich to create a Capital Planning Subcommittee which absorbs the Multi Modal Subcommittee, seconded by Ciccotelli.

Motion passed 6-0

Laaspere and Pape expressed interest in being included in the subcommittee.

6) Subcommittee Updates

a. Subcommittee membership and process

The proposed **Norwich Planning Commission Statement on Subcommittees** was discussed [attached below with edits]

Motion made by Goodrich to adopt the **Norwich Planning Commission Statement on Subcommittees**, seconded by Goodrich

Motion passed 6-0

b. Multi Modal Transportation

Goodrich said the draft charter for the group will be sent to the PC

c. Solar Siting

Clement said work has coalesced around 3 main points related to the town plan: 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

Goodrich requested that the wording for the proposed changes to the town plan be made in subcommittee and presented to the PC.

Motion made by Gorman to add agenda item to next meeting to review the granting of Preferred Siting to Lamperti

Vote: Yes- Clement, Ciccotelli, Gorman; No- Goodrich, Laaspere, Pape

Motion did not pass

Goodrich motioned to add Gorman to Solar Siting subcommittee, seconded by Clement

Approved unanimously

7) Permitting requirements for lot consolidation

No updates

8) Approve minutes March 12, 2024 and March 19, 2024

a. Goodrich motioned to approve minutes of March 12, 2024, seconded by Pape

Motion approved unanimously

b. Goodrich motioned to approve minutes of March 19, 2024, seconded by Pape

Motion approved unanimously

9) Public comment

(none)

10) Goodrich motioned to adjourn, seconded by Pape

Approved unanimously

Adjourn 8:35

Minutes prepared by Bob Pape

Norwich Planning Commission Statement on Subcommittees Adopted 4/9/24

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 Selectboard members 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 by statute. 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.