

Norwich PC Minutes -6/27/23

Members Present: Ernie Ciccotelli, Vince Crow, Jeff Goodrich, Stuart Richards, Jaan Laaspere, Bob Pape, Kris Clement

Public: Cheryl Lindberg, Mary Gorman, Joel Stettenheim, Troy McBride

Meeting Opened: 6:32 pm

1. Approve Agenda:

Goodrich moved, seconded by Richards to approve agenda

Goodrich stated he would like to add a discussion on receiving correspondence to Item 5A

Richards stated he would like to move a discussion on receiving correspondence to the beginning of the agenda, as well as discuss the role of the PC in reviewing projects now, not delay to a later meeting.

Clement supported the discussion of statutory authority of the PC historically and moving forward

The group reached consensus to add item 5A

Motion passed 6-1 (Ciccotelli, Crow, Goodrich, Laaspere, Pape, and Clement- Yes; Richards -No)

2. Public Comment:

Mary Gorman stated that the PC should give more notice of agenda items. Richards agreed

Joel Stettenheim, the President of Norwich Solar, introduced himself

Troy McBride, the CTO of Norwich Solar, introduced himself

3. Commission Housekeeping

a. New Member welcome

The chair welcomed new PC members Kris Clement and Bob Pape

b. PC Methods, OML, mutual respect, Robert's Rules, working groups, OML summary

Laaspere stated the PC sets policies and uses staff to implement those policies, but the PC is in the driver's seat. The goal of the PC is to exceed open meeting law requirements and to encourage public participation. He will implement Robert's Rules of Order for the meeting but also allow the discussion to keep moving. Laaspere also stated that the PC will need to work in parallel and use small groups to complete the work that needs to be done.

Richards stated that the SB's practice is posting the agenda 5 days prior to allow time to review. He also stated the SB sets a deadline for correspondence.

Laaspere recommended that the PC send agendas and packets 5 days prior to a meeting

Clement stated that the agenda can be sent through the list serve, and that there is another email list available to the PC

Cheryl Lindberg stated that the Board of Listers posted their agenda on the list serve with link to the town website along with a paper agenda in front of Tracy Hall and the town post office

The group had consensus to set the deadline for submission of correspondence as Wednesday at noon before a Tuesday PC meeting, along with the deadline for the packet and agenda to be posted by the end of the day Thursday prior to a Tuesday meeting. It will be posted on the List Serve and at Tracy Hall

Goodrich stated that correspondence can still be submitted after that time with the assumption that might not have been thoroughly reviewed due to time restrictions.

4) Chair Report

- a. Laaspere stated that the PC meet in the future using a hybrid meeting
- b. Laaspere stated the that here have not been any new applicants for planning director position

Goodrich stated that the PC used to be involved with the hiring of a new planning director until the town manager system. He went on to volunteer to help the town manager regarding future hirings.

Ciccotelli stated that according to the statute, it is the duty of the PC to bring names of applicants to the SB. He also stated that the name Planning Director is inaccurate for the position and that it should be changed to Zoning Administrator

- c. Goodrich recommended reviewing the job description at future meeting and discussing it with the chair of the SB

Richards agreed and would prefer to find local interim candidates from the community.

- d. Planning and Zoning Files

Laaspere stated that the laptop used by the interim Zoning Administrator is accessible and that Pam Mullen is generating a list of categories of Rod Frances's files. He opened discussion of which files would be needed and what to look for.

Richards requested a copy of the letter from 2021 regarding the Solar Project

Clement stated how useful the E911 parcel maps can be and also suggested that Mullen could summarize resources for new PC members

5) AHSC Memo – New Boston Rd Grant

Lubell stated that the memo was an update addressing concerns raised by the SB regarding the development of public town land for potential affordable housing. The memo includes the AHSC recommendation that the town apply for a \$60,000 planning grant through the Vermont Community Development Program to investigate the feasibility of development of the New Boston Rd site. The town would be responsible for 10% (\$6000). He encouraged that the PC forward the memo to the SB and endorse it.

Goodrich moved, seconded by Crow, to advance memo to the SB

Richards stated that he thinks that \$60,000 is too much to assess the site and it can be done for less. Recommended digging test holes and small investigations first

Clement stated that since the SB had concerns, the PC should discuss it further. There is no need to rush the decision.

Lubell stated that the AHSC has not rushed this decision and that there is a need to gather more information. He continued stating that the grant will cover surveying and associated costs and that this is the most cost-effective direction for the town, having to contribute \$6000

Clement stated that once all the restrictions were accounted for there may only be 5 acres left for development and questioned whether it was worth it for a small number of units

Lubell stated that Kyle Katz had calculated that the site could support about 12-15 units

Laaspere recommended that PC forward the memo to include a list of concerns

Goodrich amended his motion to include considerations of visual impact, cell tower and fall zone cost, landfill, waste water, and social and environmental justice.

Motion passed 6-1 (Ciccotelli, Crow, Goodrich, Laaspere, Pape, and Clement- Yes; Richards -No)

Laaspere stated members of the PC can submit specific written concerns to the SB for the next meeting

6) Agenda Priorities – 6 Month Plan

Goodrich recommended that the PC study the Town Plan, TRORC Regional Plan and the town Land Use Regulations. He continued stating that there should be a focus on the role of the PC, the role of the DRB

and finding gaps in the LUR. He recommended setting future agenda items for working groups and flood considerations. (CRS)

Ciccotelli stated that there is lots of work to be done regarding the Land Use Regulations.

Clement stated that the language in the town plan can cause problems and needs to be updated to more specific language.

Ciccotelli stated that there are guidelines for word replacement in courts and legislative councils

Clement recommended that PUD should be discussed

Laaspere recommended to set an agenda item to discuss the preferred solar designation of the Upper Loveland solar project.

Clement stated the PC should confer with a lawyer to help determine what can be done by the PC

Richards stated he conferred with a lawyer and was told the PC has the power to review the designation. Richards read from the STATE OF VERMONT PUBLIC UTILITY COMMISSION Case No. 21-2939-NMP

“I recommend that the Commission hold that Commission Rule 5.103 does not prohibit a municipality or the Commission from reviewing the validity of a letter of support before a CPG is issued. The purpose of the preferred-site letter is to allow towns to steer development to areas where the town supports development. Therefore, a municipality should be able to reconsider a letter, provided this decision is not made for arbitrary or discriminatory reasons. To hold otherwise would encourage developers to refrain from disclosing unfavorable information to municipalities when they request a preferred-site letter, knowing that a decision could not be rescinded. Similarly, the Commission must be able to review the validity of a preferred-site letter, including the accuracy of the representations leading up to the issuance of the letter.”

Goodrich recommended that the PC should reach out to TRORC and can revisit the issue separate from the legal elements. He also recommended the PC reach out to the SB to hear out what their legal advise has been, which was met with consensus.

Richards and Ciccotelli recommended adding evaluation of the PC’s ability to make changes to the preferred site letter the next meeting’s agenda

7) Approve minutes

Goodrich moved , seconded by Richards, to approve 6/13 minutes with corrections

Motion passed 5-0 (Pape and Clement abstain)

Goodrich moved , seconded by Richards, to approve 5/9 minutes with corrections

Motion passed 4-0 (Laaspere, Pape and Clement abstain)

8) Public Comment

N/A

9) Future Meeting Schedule, and Agenda

Next meeting 7/11/23 – Hybrid meeting at Tracy Hall and Zoom

Richards moved, seconded by Goodrich, to adjourn the meeting at 8:38PM

Motion passed 7-0

APPROVED 7/25/2023