Norwich Selectboard

Regular Meeting: Wednesday, August 13, 2025 – 6:30 p.m.

Tracy Hall Multi-Purpose Room

This meeting is being held in-person and via ZOOM

ZOOM access information: https://us02web.zoom.us/j/89116638939 Meeting ID: 891 1663 8939
US Toll-free: 888-475-4499 (Press *9 to raise hand; Press *6 to unmute after being recognized by Chair)

NOTE: To be admitted to Zoom, you must display a First and Last Name

Welcome & Introductions

1. Agenda – Discussion/Motion
2. Chair's Report
3. Public Comments for Items not on the Agenda – Discussion
4. Zoning Bylaws/Regulations – Discussion/Possible Motion (10 mins)
5. Selectboard Handbook – Discussion/Possible Motion (10 mins)
6. Town Clerk Spending Request: Land Record Books – Discussion/Possible Motion (5 mins)
7. NFD Spending Request – Discussion/Possible Motion (5 mins)
8. Tracy Hall Initiatives Update – Discussion/Possible Motion (15 mins)
9. Approve Minutes – July 23, 2025 – Discussion/Possible Motion (5 mins)
10. AP Warrants – Discussion/Possible Motion (5 mins)
11. Receipt of Correspondence – Discussion/Possible Motion (5 mins)
12. Adjournment – Motion

Future Meeting Dates and Potential Topics

Day	Date	Meeting Type	Time & Content	Other Notes
Wednesday	8/27/2025	Regular: Zoom & JAM	6:30 p.m. Selectboard business	• Studio Nexus Discussion on Tracy Hall • Finance Committee Voting & Potential Task
Wednesday	9/10/2025	Regular: Zoom & JAM	6:30 p.m. Selectboard business	

Ongoing and Future Work

Town Manager's Office

- Tracy Hall Improvement Project
- Cellular Service Initiative

Selectboard

- Purchasing Policy Review
- Tracy Hall Planning
- Handbook for Committees, Commissions & Boards
- Conflict of Interest Policy
- Website Policy & Issues

TOWN OF NORWICH
VERMONT

Zoning Regulations

Draft for Public Comment 6-10-2025

DRAFT

The latest version of all Norwich land use regulations and forms are posted at www.norwich.vt.us or email planner@norwich.vt.us

Adopted November 12, 2008
Effective December 3, 2008
Amended July 1, 2009

*Table 2.1 – Rural Residential District (RR) – Map Change
*Table 2.2 – Village Residential I (VRI) District – Map Change – Change boundary of Village Residential I Zoning District east of Koch Road
*Table 2.6(B)(2) – Adaptive Re-use added as a Conditional Use in the Primary Protection Area of the Aquifer Protection Overlay District

DRAFT

Article I. Authority & Purpose

Section 1.01 Enactment

Whereas the Town of Norwich, Vermont has created a Planning Commission and has adopted and has in effect a plan under the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, herein referred to as the Act, there is hereby established Land Use Regulation for the Town of Norwich. In order to administer the Regulations there is also hereby established a Zoning Administrator per Section 4448 of the Act, and a Development Review Board per Section 4460 of the Act, in addition to the Planning Commission.

Section 1.02 Title

These regulations shall be known and cited as the Town of Norwich Land Use Regulations

Section 1.03 Purpose

It is the purpose of these Land Use Regulations to implement the Norwich Town Plan by providing for the appropriate use of all lands in the Town of Norwich in a manner which will promote and protect the public health, safety, prosperity, comfort, convenience, efficiency, and general welfare; to protect high elevations, steep slopes, soils, forests, shorelands, wetlands and other natural resources; to encourage the density and distribution of settlement to be in character with the rural residential environment of the town; and to further the purposes set forth in Section 4302 of the Act

Section 1.04 Applicability & Interpretation

(A) In their interpretation and application, the provisions of these Land Use Regulations shall be held to be minimum requirements. Except where the Land Use Regulations provide to the contrary, it is not intended to repeal or annul, or in any way impair any permits previously issued. However, where these Land Use Regulations impose a greater restriction than the Vermont Statutes, or any other federal, state, or local permit, the provisions of these Land Use Regulations shall control

(B) Except as specifically exempted by law or by these, no land development may be commenced or substantially altered, nor may any structure be erected, enlarged or altered in such a way as to occupy or overhang additional ground space without a permit therefore issued by the Zoning Administrator. No person shall subdivide land; excavate or extract rock, or any other natural materials for commercial sale; change the use of a building or structure; or conduct preparation incidental to development including land clearing, filling, grading or the alteration or construction of roads and utilities within the Town without first obtaining a Zoning Permit from the Norwich Zoning Administrator. A permit is required, to the extent authorized by State law,

for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard

Section 1.05 Effective Date

These Regulations or any amendments thereto, shall become effective 21 days after adoption by the Selectboard, or immediately upon its adoption at a regular or special Town meeting if called for as under Section 4442 of the Act.

Section 1.06 Amendment

Amendments to these bylaws shall be prepared in accordance with Title 24 V.S.A Chapter 117

Section 1.07 Severability

The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

Article II. Zoning Districts

Section 2.01 Establishment of Zoning Districts & Maps

(A) For the purposes of these regulations, the Town of Norwich is divided into the following five zoning districts as described in the accompanying tables (Tables 2.1 - 2.5) and the official zoning map:

Table 2.1	Rural Residential (RR) District
Table 2.2	Village Residential I (VRI) District
Table 2.3	Village Residential II (VRII) District
Table 2.4	Village Business (VB) District
Table 2.5	Commercial and Industrial (CI) District

(B) In addition to the five primary zoning districts, the following five overlay districts have been designated, as described in the accompanying tables (Tables 2.6 - 2.10) and the official zoning map:

Table 2.6	Aquifer Protection Overlay (APO) District
Table 2.7	Flood Hazard Overlay (FHO) District
Table 2.8	Shoreline Overlay (SLO) District
Table 2.9	Ridgeline Overlay (RLO) District

(C) The location and boundaries of each zoning district are established as shown on the official "Town of Norwich Zoning Maps" and the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), which are hereby adopted by reference and declared to be part of these regulations. The official zoning map may only be altered by adoption or amendment in accordance with the Act [§§4441, 4442] and these regulations (§1.05).

(D) The official zoning and flood hazard area maps shall be located in the Norwich Town Office, and be identified by the signatures of the Selectboard, as attested to by the Town Clerk. These maps shall be the final authority as to the zoning status of any lands or waters in the town.

Section 2.02 Zoning District Boundary Interpretation

(A) District boundaries shall be interpreted in the following manner:

1. Boundaries indicated as following streets, highways, road, railroads, rivers or streams shall be construed as following the centerline of such streets, highways, road, railroad, rivers or streams unless otherwise described.

2. Boundaries indicated as following tax parcel property lines shall be construed as following such lines as they exist on the effective date of the district boundary created by these regulations.

(B) The abandonment or relocation of a right-of-way or roadway, or the change in a line or feature which references a district boundary line, after the effective date of these regulations, shall not affect the location of the district boundary line.

(C) Where available (i.e., in Zones 1- A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions.

(D) When the Zoning Administrator cannot definitely determine the location of a district boundary, the Planning Commission and/or appropriate state or federal official may be consulted prior to issuing a determination. A determination by the Zoning Administrator regarding the location of a district boundary may be appealed to the Development Review Board under Section 6.03. Where there is a dispute as to where a property is located in relation to a district boundary, the property owner may be required to verify the location of the boundary line by a survey prepared by a registered surveyor.

(E) Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall not extend more than fifty feet into the more restricted part. Where a lot is divided by a town boundary, the standards of these regulations shall be applied only to that portion of the lot located in the Town of Norwich.

Section 2.03 Application of District Standards

(A) All uses and structures, unless specifically exempted under Section 6.02, must as of the effective date of these regulations comply with all prescribed standards for the district in which they are located, as set forth in Tables 2.1-2.10 and as defined in Section 7.02, unless otherwise specified in these regulations. The standards for each district shall apply uniformly to each class of use and/or structure, unless otherwise specified. Nonconforming uses and structures in lawful existence as of the effective date of these regulations shall be regulated in accordance with Section 3.08.

(B) Overlay district standards shall be applied concurrently with the standards for underlying zoning districts. Where overlay districts impose more restrictive standards on the use of land or a structure, the standards of the overlay district shall apply.

(C) Prescribed uses for each district are classified as "permitted uses," subject to review by the Zoning Administrator in accordance with Section 6.01; or as "conditional uses" subject to review by the Development Review Board in accordance with Section 5.04. Both permitted and conditional uses are also subject to applicable general standards set forth in Article III.

Minor land development determined by the zoning administrator to impose no impact or merely a de minimis impact on the surrounding area and the overall pattern of land development may be allowed by the zoning administrator without a permit

(D) All uses not specifically allowed under, or exempted from, the provisions of these regulations, are prohibited.

Section 2.04 Zoning District Purposes, Uses and Specific Standards

The following Tables 2.1-2.10 set forth the stated purpose, allowable uses and specific standards for each zoning district. Additional district standards pertaining to conditional uses may be found under Section 5.04, and to Planned Unit Development under Section 5.06.

Table 2.1
Rural Residential (RR) District

(A) **PURPOSE:** THE PURPOSE OF THE RURAL RESIDENTIAL DISTRICT IS TO ALLOW LOW DENSITY DEVELOPMENT IN A RURAL SETTING, WHILE PROTECTING THE NATURAL RESOURCES AND LIMITING DEVELOPMENT IN THOSE AREAS OF TOWN ACCESSED BY UNIMPROVED OR SUBSTANDARD ROADS. THE RURAL RESIDENTIAL DISTRICT IS INTENDED PRINCIPALLY FOR AGRICULTURE, FORESTRY, RESIDENTIAL DWELLINGS AND ASSOCIATED HOME-BASED USES. RESIDENTIAL DEVELOPMENT IS ENCOURAGED IN APPROPRIATE LOCATIONS IN A MANNER THAT PRESERVES OPEN SPACE AND PROTECTS NATURAL RESOURCES. ONLY LIMITED COMMERCIAL USES ARE ALLOWED, AND THEN ONLY IN A MANNER THAT AVOIDS UNREASONABLE BURDENS ON TOWN ROADS AND SERVICES OR OTHER ADVERSE IMPACTS ON THE RURAL, RESIDENTIAL CHARACTER OF THE DISTRICT.

(B) **Permitted Uses:** The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

1. One-Unit or Duplex Dwelling (subject to Development Envelope Review; see Section 5.07)
2. Enlargement or modification of a One-Unit or Duplex Dwelling
3. Accessory Use or Structure (to a permitted use)
4. Accessory Dwelling Unit
5. Accessory on Farm Business
6. Bed & Breakfast (1 to 3 Guest Bedrooms)
7. Group Home (8 or fewer residents; see Section 7.02)
8. Home Business (see Section 4.08)
9. Home Day Care (see Section 4.03)

(C) **Conditional Uses:** The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

1. Accessory Use or Structure (to a conditional use)
2. Open Air Markets
3. Adaptive Re-Use
4. Bed & Breakfast (4 to 6 Guest Bedrooms)
5. Cemetery
6. Cultural Facility (see Section 4.12)
7. Day Care Facility (see Section 4.03)
8. Sand and Gravel Extraction (see Section 4.05)
9. Group Home (more than 8 residents)
10. Home Industry (see Section 4.08)
11. Private Club
12. Public Facility (see Section 4.11)
13. Recreational Facility (outdoor)
14. Telecommunications Facility (see Section 4.13)

(D) **Dimensional Standards:** See Table 3.2.

(E) **Planned Unit Developments (PUD):** (See Section 5.06)

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. (See Section 5.06(D)(4)). Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

Table 2.2
Village Residential I (VRI) District

(A) **PURPOSE:** THE PURPOSE OF THE VILLAGE RESIDENTIAL DISTRICT IS TO PROVIDE FOR MEDIUM DENSITY RESIDENTIAL DEVELOPMENT IN A COMPACT, NEIGHBORHOOD SETTING WHICH IS NEAR MUNICIPAL SERVICES AND WHICH IS SERVICED OR MAY BE SERVICED IN THE FUTURE BY COMMUNITY WATER AND/OR SEWER FACILITIES. WHILE THE PRIMARY PERMITTED USES INTENDED ARE RESIDENTIAL DWELLINGS AND ASSOCIATED HOME-BASED USES, OTHER TYPES OF RESIDENTIAL ACCOMMODATIONS, RELATED SERVICE ENTERPRISES AND PUBLIC FACILITIES ARE ALLOWED IN A MANNER WHICH PROTECTS THE RESIDENTIAL CHARACTER OF NEIGHBORHOODS WITHIN THE DISTRICT.

(B) **Permitted Uses:** The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

1. One-Unit or Duplex Dwelling
2. Accessory Use or Structure (to a permitted use)
3. Accessory Dwelling Unit
4. Accessory On Farm Business
5. Bed & Breakfast (1 to 3 Guest Bedrooms)
6. Group Home (8 or fewer residents; see Section 7.02)
7. Home Business (see Section 4.08(B))
8. Home Day Care (see Section 4.03)

(C) **Conditional Uses:** The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

1. Accessory Use/ Structure (to a conditional use)
2. Open Air Market
3. Bed & Breakfast (4 to 6 Guest Bedrooms)
4. Day Care Facility (see Section 4.03)
5. Group Home (more than 8 residents)
6. Home Industry (see Section 4.08)
7. Nursing Home/Residential Care Facility
8. Public Facility (see Section 4.11)
9. Private Club
10. Cultural Facility (see Section 4.13)

(D) **Dimensional Standards:** See Table 3.2

(E) **Planned Unit Developments (PUD) (See Section 5.06):**

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. (See Section 5.06(D)(4)). Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

Table 2.3
Village Residential II (VRII) District

(A) **PURPOSE:** THE PURPOSE OF THE VILLAGE RESIDENTIAL II DISTRICT IS TO PROVIDE FOR HIGHER DENSITY RESIDENTIAL DEVELOPMENT FOR AFFORDABLE HOUSING AND MODERATE-INCOME HOUSING IN A COMPACT, NEIGHBORHOOD SETTING WHICH IS NEAR MUNICIPAL SERVICES AND WHICH IS SERVICED OR MAY BE SERVICED IN THE FUTURE BY COMMUNITY WATER AND/OR SEWER FACILITIES. THE DENSITY FOR OTHER TYPES OF RESIDENTIAL HOUSING IS THE SAME AS FOR THE RURAL RESIDENTIAL DISTRICT.

(B) **Uses:** The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:	(C) **Conditional Uses:** The following uses are permitted with approval of the Development Review Board in accordance with Section 5.04:
Same as Village Residential I	Same as Village Residential I

(D) **Dimensional Standards.** See Table 3.2.

(E) **Planned Unit Developments (PUD) (See Section 5.06):**

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. (See Section 5.06(D)(4)). Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

Table 2.4
Village Business (VB) District

(A) **PURPOSE:** THE PURPOSE OF THE VILLAGE BUSINESS DISTRICT IS TO MAINTAIN THE TRADITIONAL VILLAGE CORE AS THE SOCIAL, COMMERCIAL, CULTURAL AND CIVIC CENTER OF THE COMMUNITY WHILE PROTECTING AND ENHANCING THE AREA'S PEDESTRIAN SCALE, HISTORIC CHARACTER AND ECONOMIC VITALITY.

(B) **Permitted Uses:** The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

1. Accessory Structure/Use (to a permitted use)
2. Accessory Dwelling Unit
3. Accessory On Farm Business
4. Bank*
5. Group Home (8 or fewer residents; see Section 7.02)
6. Home Day Care (see Section 4.03)
7. Home Business (see Section 4.08)
8. Home Industry (see Section 4.08)*
9. Office*
10. One-Unit or Duplex Dwelling
11. Restaurant (see Subsection (E))*
12. Retail*

*Requires Site Plan Review in accordance with Section 5.03.

(C) **Conditional Uses:** The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

1. Accessory Structure/Use (to a conditional use)
2. Open Air Markets
3. Bed & Breakfast (see Section 7.02)
4. Cultural Facility (see Section 4.12)
5. Day Care (more than 6 children; Section 4.03)
6. Inn
7. Light Industry
8. Mixed Use (see Section 4.09)
9. Parking Facility
10. Private Club
11. Public Facility
12. Recreational Facility, Indoor
13. Mixed Use (see Section 4.09)

(D) **Dimensional Standards.** See Table 3.2.

(E) **District Use Standards.**

Restaurants shall not include drive-through lanes and/or drive-up windows.

(F) **Planned Unit Developments (PUD) (See Section 5.06):**

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. (See Section 5.06(D)(4)). Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

Table 2.5
Commercial Industrial (CI) District

(A) **PURPOSE:** THE PURPOSE OF THE COMMERCIAL INDUSTRIAL DISTRICT IS TO PROMOTE A MIX OF RESIDENTIAL, COMMERCIAL AND APPROPRIATE INDUSTRIAL USES IN AN AREA OF TOWN WITH GOOD HIGHWAY ACCESS AND LIMITED POTENTIAL TO ADVERSELY IMPACT HISTORIC NEIGHBORHOODS OR IMPORTANT NATURAL OR CULTURAL RESOURCES.

(B) **Permitted Uses:** The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

1. Accessory Structure/Use (to a permitted use)
2. Accessory Dwelling Unit
3. Accessory On Farm Business
4. Bed & Breakfast (see Section 7.02)
5. Day Care (more than 6 children; Section 4.03)*
6. Group Home (8 or fewer residents; see Section 7.02)
7. Home Day Care (see Section 4.03)
8. Home Business (see Section 4.08)
9. Home Industry (see Section 4.08)
10. Multi-Unit Dwelling*
11. One-Unit or Duplex Dwelling

*Requires Site Plan Review in accordance with Section 5.03.

(C) **Conditional Uses:** The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

1. Accessory Structure/Use (to a conditional use)
2. Bank
3. Contractors Yard
4. Community Center
5. Cultural Facility (see Section 4.12)
6. Funeral Home
7. Inn
8. Light Industry
9. Nursing Home/Residential Care Facility
10. Office
11. Open Air Markets
12. Parking Facility
13. Public Facility
14. Private Club
15. Recreational Facility, Indoor and Outdoor
16. Research & Development Facility
17. Restaurant (see Subsection (E)(1))
18. Retail
19. Mixed Use (see Section 4.09)

(D) **Dimensional Standards.** See Table 3.2.

(E) **District Use Standards:**

(1) Restaurants shall not include drive-through lanes and/or drive-up windows.

(F) **Planned Unit Developments (PUD) (See Section 5.06):**

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. (See Section 5.06(D)(4)). Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

Table 2.6
Aquifer Protection Overlay (APO) District

(A) PURPOSE. THE AQUIFER PROTECTION OVERLAY DISTRICT IS INTENDED TO PROTECT DELINEATED DRINKING WATER SOURCE PROTECTION AREAS FROM USES AND ASSOCIATED LAND MANAGEMENT ACTIVITIES WHICH POSE A THREAT OF CONTAMINATION. TO THIS END A PRIMARY PROTECTION AREA AND A SECONDARY PROTECTION AREA ARE DESIGNATED TO ENSURE AN APPROPRIATE LEVEL OF PROTECTION FOR AREAS SUSCEPTIBLE TO CONTAMINATION.

Primary Protection Area.
The following uses and standards shall apply to all land uses and development:

(1) Prohibited Uses. The following uses are explicitly prohibited:

a. Use or storage of hazardous materials and hazardous waste, as defined in the Vermont Hazardous Waste Management Regulations, in quantities greater than those associated with normal residential use except for those required for the operation and maintenance of the permitted public water supply;
b. Underground storage of fuel or other hazardous waste, as defined in the Vermont Hazardous Waste Management Regulations except for those required for the operation and maintenance of the permitted public water supply; and
c. Wastewater treatment systems, septic tanks, and sewer lines except as allowed by the Vermont Water Supply Rules.

(2) Conditional Uses. The following may be approved by the Development Review Board in accordance with Section 5.04 and the following standards:

a. One-Unit or Duplex Dwelling with septic system only if:
    i. adequate hydrological studies indicate there will be no risk of contamination of the water supply;
    ii. the lot is not less than 5 acres; and
    iii. the septic system is more than 500 feet from public water supply.
b. Accessory Dwelling unit only with a shared septic system of the primary dwelling.
c. Adaptive Re-use only if:
    i. the required wastewater capacity for all uses on the lot is equal to or less than a four-bedroom residence (490 gpd);
    ii. there will only be one wastewater system on the lot; and
    iii. adequate hydrological studies indicate there will be no risk of contamination of the water supply.

(3) Permitted Uses. The following uses may be permitted by the Zoning Administrator in accordance with Section 6.01:

a. Operation and maintenance of a permitted public water supply including use and storage of materials for the treatment of water for potable consumption;
b. Accessory Structures; or
c. Recreational uses which pose no threat of contamination or pollution to ground water.

(4) Coverage. No more than 10% of a lot or tract in the Primary Protection Area shall be covered with pavement, roofing, or other material impervious to water.

(B) Secondary Protection Area. The Secondary Protection Area shall include all lands within the watershed area of the Unnamed Stream as shown in the August 1990 Hydrogeologic Evaluation. The following uses and standards shall apply to all land uses and development:

(1) Permitted and Conditional Uses are the same as for the underlying district, with the exception that conditional use approval in accordance with Section 5.04 is required for any use that normally involves the manufacture, use, handling, storage, or generation of regulated substances in quantities greater than those associated with normal residential use.

(2) In applying for a conditional use under this section, the information listed below shall be submitted in addition to information required in Table 5.1:

a. A complete list of all chemicals, pesticides, fuels, and other potentially regulated substances to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion, and leakage, and to provide for spills.
b. A description of regulated substances to be generated, indicating storage and disposal methods.
c. A sketch showing the proposed location of regulated substances.
d. Evidence of approval by the Vermont Department of Environmental Conservation of any industrial waste treatment or non-residential on-site disposal system.
e. For uses rendering more than 10% of the lot area impervious, a drainage plan including details of all proposed drainage facilities, both on-site and off-site, where applicable. All stormwater generated by development should be confined on-site (within the development envelope) using acceptable low impact, environmentally sound, and best management practices.
f. Maintenance schedule for all grease traps, containment vessels, and other pollution prevention devices used to handle hazardous materials on site.

g. The Development Review Board may require the applicant to submit other information it deems necessary to judge the potential damage to the aquifer that may result from the proposed use. The Board may also engage a qualified professional consultant, mutually agreed upon by the board and applicant, to prepare an environmental impact report. The cost of obtaining any such additional information shall be paid by the applicant.

(3) Specific Criteria for Approval of a Conditional Use in the Aquifer Overlay District. In addition to the standards set forth in Section 5.03, the following standards shall apply to any use subject to conditional use review within the Aquifer Overlay District:

a. The proposed use will not have a detrimental effect on the quality of the groundwater contained in the aquifer by directly contributing to pollution.
b. Provision shall be made to protect against discharge or loss of regulated substances.
c. For any regulated substances to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in compliance with all applicable state and federal laws and guidelines.
d. The potential effect on the water supply based on the actual distance to the Unnamed Stream and the Norwich Fire District wellhead shall be considered when applying the above standards.

Table 2.7
Flood Hazard Overlay (FHO) District

(A) **PURPOSE:**
(1) MINIMIZE AND PREVENT THE LOSS OF LIFE AND PROPERTY, THE DISRUPTION OF COMMERCE, THE IMPAIRMENT OF THE TAX BASE, AND THE EXTRAORDINARY PUBLIC EXPENDITURES AND DEMANDS ON PUBLIC SERVICES THAT RESULT FROM FLOODING AND OTHER FLOOD RELATED HAZARDS;
(2) ENSURE THAT THE DESIGN AND CONSTRUCTION OF DEVELOPMENT IN FLOOD AND OTHER HAZARD AREAS ARE ACCOMPLISHED IN A MANNER THAT MINIMIZES OR ELIMINATES THE POTENTIAL FOR FLOOD AND LOSS OR DAMAGE TO LIFE AND PROPERTY;
(3) MANAGE ALL FLOOD HAZARD AREAS DESIGNATED PURSUANT TO 10 V.S.A. §753; AND
(4) MAKE THE STATE, THE TOWN, AND INDIVIDUALS ELIGIBLE FOR FEDERAL FLOOD INSURANCE AND OTHER FEDERAL DISASTER RECOVERY AND HAZARD MITIGATION FUNDS AS MAY BE AVAILABLE.

(B) **Lands to Which These Regulations Apply.** The Flood Hazard Overlay District shall include all areas in the Town of Norwich, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. §753, which are hereby adopted by reference and declared to be part of these regulations.

Where available (i.e., in Zones 1- A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions.

(C) **Uses Not Allowed:**

1. New Principal Structures Residential or Non-Residential
2. Accessory Dwelling Units
3. Fuel and Hazardous Materials Storage
4. Major Development in Floodway (more than 500 square feet footprint)

(D) **Permitted Uses:**

1. Accessory Use in Existing Structure
2. Home Day Care (within existing dwelling)
3. Home Based Businesses (within existing dwelling)

(E) **Conditional Uses:**

1. Small Accessory Structures (footprint area less than 600 square feet),
2. "Substantial improvement" of existing buildings,
3. Any fill or excavation,
4. Minor Development in a Floodway (less than 500 square feet footprint),
5. All other permitted uses as specified for the underlying zoning district. Such permitted uses shall be subject only to conditional use review standards specific to flood hazard areas under Section 5.05, and
6. All conditional uses as specified for the underlying zoning district. Such uses shall be subject to all conditional use review standards, including those specific to flood hazard areas under Section 5.05.

(F) **Dimensional Standards.**

All applicable standards of the underlying district shall apply.

(G) **Other Flood Hazard District Standards:**

(1) Development within designated areas of the Flood Hazard Overlay District shall be subject to the provisions of Section 5.05, as well as any applicable requirements of the underlying zoning district. Where this overlay district imposes more restrictive standards on the construction or use of structures or land, the standards under this overlay district shall apply.

(2) Uses permitted within the Flood Hazard Area Overlay which are not subject to flood hazard area review include agriculture and forestry, unimproved open space, and those uses generally permitted within existing single unit dwellings (i.e., day care and group homes as defined and home-based businesses). All other uses and structures, including but not limited to expansions of one-unit dwellings, shall be subject to conditional use review under the provisions of Section 5.05, as well as all other applicable municipal and state regulations.

(H) **Procedures:**

(1) At the time an application is submitted to the zoning administrator, a copy of the application and supporting information shall be submitted by the administrative officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. §4424. The application will be considered complete following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner. The application shall not be warned for a hearing or a permit issued until the application is complete.

(2) Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(3) The proposed development shall be permitted by the Zoning Administrator conditioned on the receipt of all necessary permits from those government agencies from which approval is required by Federal, State or Municipal law.

(I) **Warning and Disclaimer:**

District designation does not imply that lands outside of designated flood hazard areas, or land uses permitted within designated flood hazard areas, will be free from flooding or flood damages. District designation and the administration of associated standards shall not create liability on the part of the town, or any official or employee thereof, for any damages that result from the application of this bylaw or any decision lawfully made thereunder.

Table 2.8
Shoreline Protection Overlay SPO District

(A) **PURPOSE.** THE PURPOSE OF THE SHORELINE PROTECTION OVERLAY DISTRICT IS TO PRESERVE AND PROTECT WATER QUALITY SCENIC BEAUTY AND RECREATIONAL POTENTIAL WHICH CURRENTLY EXIST ALONG WATER-FRONT LAND WITHIN THE TOWN. IT IS THE OBJECTIVE OF THIS SECTION TO PROMOTE THE ESTABLISHMENT AND PROTECTION OF HEAVILY VEGETATED AREAS OF NATIVE VEGETATION AND TREES ALONG THE TOWN'S WATER BODIES TO REDUCE THE IMPACT OF STORMWATER RUNOFF, PREVENT SOIL EROSION, PROTECT WILDLIFE AND FISH HABITAT AND MAINTAIN WATER QUALITY. THESE PROTECTED AREAS SHALL BE KNOWN AS RIPARIAN BUFFERS.

(B) **Areas.**

(1) Primary Shoreline Protection Area. The Primary Shoreline Protection Area shall include riparian buffers defined as the width of land measured horizontally from the mean water level for lakes and from top of bank or top of slope for rivers or streams, for the distance specified below:

a. Connecticut and Ompompanoosuc Rivers - 100 feet;
b. Blood Brook from Connecticut River to New Boston Road – 100 feet;
c. Streams and Lakes on the Shoreline Protection Overlay District Map – 50 feet; or
d. Streams not shown on the Shoreline Protection Overlay District Map – 25 feet.

(2) Woodland Protection Area. The Woodland Protection Area shall include a buffer defined as the width of land measured horizontally from the mean water level for lakes and from top of bank or top of slope for rivers or streams, for the distance specified below:

a. Connecticut and Ompompanoosuc Rivers - 200 feet;
b. Blood Brook from Connecticut River to New Boston Road – 150 feet;
c. Streams and Lakes on the Shoreline Protection Overlay District Map – 150 feet; or
d. Streams not shown on the Shoreline Protection Overlay District Map – 75 feet.

(C) **Primary Shoreline Protection Area:**

(1) Prohibited Uses.

a. Salt storage yards, the outdoor storage of used, discarded, dismantled or salvaged items, vehicles or parts of vehicles, metals, appliances, equipment, debris or other potentially hazardous materials, solid or hazardous waste facilities and underground fuel storage tanks; discharges of liquid waste; land application or land-filling of sludge from wastewater treatment facilities, industrial processes or other sludge producers; storage of petroleum products, chemicals for industrial processes or as wastes awaiting disposal; storage of road salt or sand/salt mixtures for highway use; industrial activities including industrial wastewater impoundments in pits, ponds or lagoons.
b. New structures except as allowed under Subsections C and F.

(2) Permitted Uses.

a. Accessory Use (to a permitted use within existing structure).Home Day Care (within existing dwelling).
b. Home Occupation (within existing dwelling).
c. Accessory Dwelling Unit
d. Accepted Agricultural Practices (AAPs) as defined by the Secretary of Agriculture, Food and Markets in accordance with 24 V.S.A. §4413(d). Written notification, including a sketch plan showing structure setback distances from surface waters shall be submitted to the zoning administrator prior to any construction, as required under AAPs. Such structures shall meet the requirements of this ordinance, unless waived by the Secretary of Agriculture.
e. Forestry - Accepted Management Practices (AMPs) for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation, in accordance with the Act 24 V.S.A. §4413(d).
f. Removal of invasive species and buffer re-establishment projects which use "soft" techniques such as tree revetments and root wads.
g. Encroachments necessary to rectify a natural catastrophe for the protection of the public health, safety and welfare.

(3) Conditional Uses.

The Development Review Board may authorize the following as conditional uses within riparian buffers subject to the standards and conditions enumerated for each use:

a. Water-dependent structures and their associated development including docks, bridges, or similar structures, where the Development Review Board finds that the purposes of this Section will be protected through erosion controls, plantings, protection of existing vegetation, and/or other measures.
b. Clearing of vegetation and filling or excavating of earth materials, only to the extent directly necessitated for the construction or safe operation of a

conditional use on the same property and where the Development Review Board finds that:

i) There is no practical alternative to the clearing, filling or excavating within the riparian buffer.

ii) The purposes of this Section will be protected through erosion controls, plantings, protection of existing vegetation, and/or other measures; and

iii) Encroachments are necessary for providing for or improving public facilities.

c. Public recreation paths located at least ten (10) feet above the ordinary high water mark or measured from the top of bank, whichever is greater.

d. Stormwater treatment facilities meeting the stormwater treatment practices and sizing criteria set forth in the Vermont Stormwater Management Manuals Volumes I and II as most recently amended. Evidence of an approved permit from the Vermont Agency of Natural Resources for coverage under the applicable permitting requirements shall be required to meet this criterion for encroachment into a riparian buffer.

e. Roadways or access drives for purposes of crossing a riparian buffer to gain access to land on the opposite side of the buffer, or for purposes of providing safe access to an approved use, in cases where there is no feasible alternative for providing safe access. A roadway crossing or access drive shall occur at a right angle to the stream channel.

f. Utility lines, including power, telephone, cable, sewer and water, to the extent necessary to cross or encroach into the riparian buffer where there is no feasible alternative for providing or extending utility services.

g. Outdoor recreation and education facilities provided that any building or structure (including parking and driveways) associated with such use are located outside the riparian buffer.

h. Enlargement, repair or reconstruction of pre-existing structures within riparian buffers shall be permitted if the Development Review Board determines that the development activity will not decrease the existing structure setback from the waterbody or increase the encroachment within the riparian buffer, and the total building footprint area of the expanded or reconstructed structure is no more than 50% larger than the footprint of the structure lawfully existing on or before the effective date of these regulations.

i. New accessory structures appurtenant to a pre-existing structure within a riparian buffer shall only be permitted if it is determined that the accessory structures do not result in a decrease of the existing structure setback from the waterbody and the total building footprint area of the new accessory structure is no more than 50% of the footprint of the pre-existing structure.

(D) **General Standards - Primary Shoreline Protection Area:**

(1) Except as provided in Subsections (2) and (3) all lands within a riparian buffer shall be left in an undisturbed, vegetated condition.

(2) Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted.

(3) The creation of new lawn areas within riparian buffers is not permitted. Property owners already encroaching on the riparian buffer are encouraged to return mowed areas to their naturally vegetated state. Supplemental planting with appropriate vegetation to restore and enhance the effective filtering and bank stabilization functions of a riparian buffer is encouraged.

(4) Any areas within a riparian buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass, and shall not be mowed more than one (1) time per calendar year after establishment.

(5) If a structure made nonconforming by reason of the adoption of this ordinance is damaged or destroyed over 75% of its market value by floodwater inundation or fluvial erosion, the structure shall not be rebuilt within the riparian buffer unless a variance is obtained in accordance with Section 6.04.

(E) **Woodland Protection Area Standards:**

(1) Uses. Permitted and Conditional Uses shall be the same as for the underlying zoning district.

(2) Standards for maintaining the woodland buffer.

a. Within the Woodland Protection Area not more than a maximum of 50% of the basal area of trees, and a maximum of 50% of the total number of saplings, shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs, and groundcovers and their living, undamaged root systems shall be left in place. Replacement planting with native species may be permitted to maintain the 50% level.

b. Trees, saplings, shrubs, and groundcovers which are removed to clear an opening for building construction, accessory structures, septic systems, roadways, pathways, and parking areas shall be included when computing the percentage limitations under this Subsection.

c. Within the natural woodland buffer of the protected waterfront under conditions defined in this subsection, the following prohibitions and limitations shall apply:

i) Dead, diseased, unsafe, or fallen trees, saplings, shrubs, or groundcovers may be removed. Their removal shall not be used in computing the percentage limitations under this subsection.

ii) Stumps and their root systems which are located within the Primary Shoreline Protection Area shall be left intact in the ground, unless removal is specifically approved by the Development Review Board.

iii) Dead and living trees that provide dens and nesting places for wildlife are encouraged to be preserved.
iv) Planting efforts with noninvasive species that are beneficial to wildlife are encouraged to be undertaken.
v) Removal of exotic, non-native species and replacement with native species is encouraged.

(F) **Definitions.**

For purposes of this section, the following terms shall apply:

Lake - A body of standing water, including a pond, and reservoir that may have natural or artificial water level control. For purposes of this regulation, off-stream reservoirs specifically constructed for the following purposes shall not be considered lakes: snowmaking water storage; golf course irrigation; stormwater management; and, fire suppression.

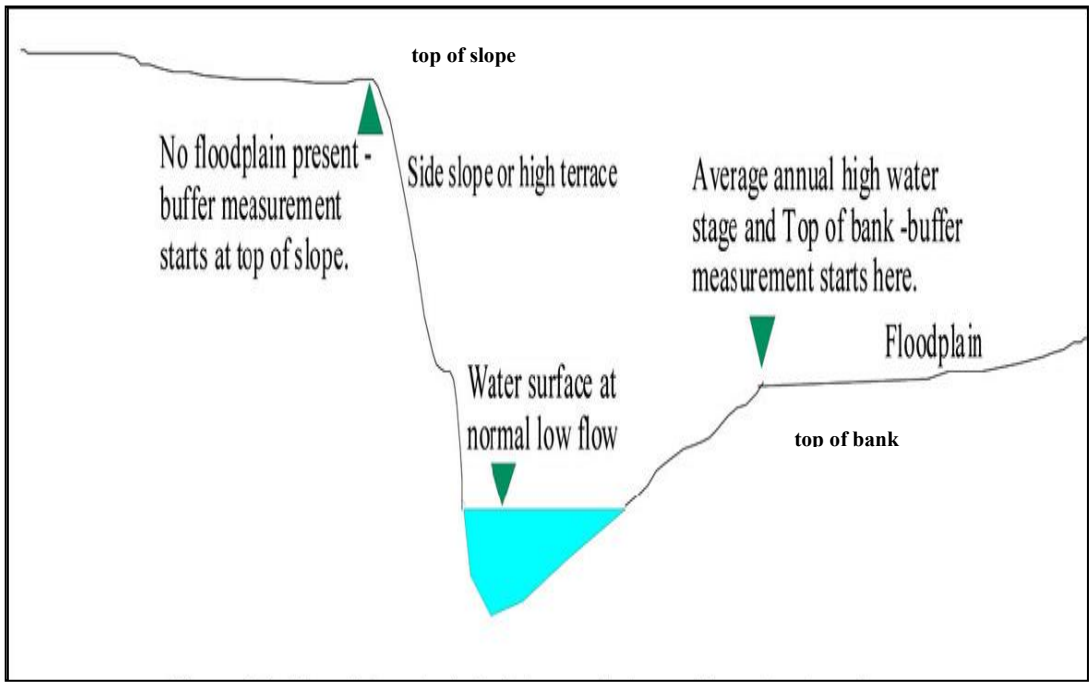
Mean Water Level - The normal summer (June 1 – September 15) water level, measured in feet above sea level, of lakes as determined by an average of water level readings available over time or as established by the Vermont Natural Resources Board.

Riparian Buffer - A riparian buffer is the width of land measured horizontally from the mean water level for lakes and from top of bank or top of slope for streams, to the edge of other land uses or a specified distance.

Stream - The full length and width, including the bed and banks, of any watercourse, including rivers, creeks, brooks, and branches and intermittent watercourses that have a defined channel and evidence of sediment transport, even if such watercourses do not have surface water flow throughout the year or throughout the channel. For purposes of this regulation, constructed drainageways including water bars, swales, and roadside ditches, are not considered streams.

Top of Bank - The point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high-water stage.

Top of Slope - A break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment.



Basal Area means the cross-sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.

Disturbed Area means an area in which native vegetation is removed, exposing the underlying soil.

Groundcover means any native herbaceous plant which normally grows to a mature height of four feet or less.

Natural woodland buffer means a forested area consisting of various native species of trees, saplings, shrubs, and groundcovers in any combination and at any stage of growth.

Removal or removed means cut, sawed, pruned, girdled, felled, pushed over, buried, burned, killed, or otherwise destructively altered.

Sapling means any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than six inches at a point 4-1/2 feet above the ground.

Shrub means any multi-stemmed woody plant which normally grows to a mature height of less than 20 feet.

Tree means any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of six inches or more at a point 4-1/2 feet above the ground.

Table 2.9
Ridgeline Protection Overlay (RPO) District

(A) **PURPOSE.** THE PURPOSE OF THE RIDGELINE PROTECTION OVERLAY DISTRICT IS TO PROTECT NORWICH'S RURAL CHARACTER AND SCENIC LANDSCAPE BY ENSURING THAT DEVELOPMENT IS LOCATED AND DESIGNED IN A MANNER THAT PROTECTS THE UNINTERRUPTED SKYLINE AND MINIMIZES ADVERSE VISUAL IMPACT ON DESIGNATED RIDGELINES AND ADJACENT SLOPES AS VIEWED FROM PUBLIC ROADS (CLASS I, II, AND III TOWN HIGHWAYS, STATE HIGHWAYS AND INTERSTATE HIGHWAYS WITHIN THE TOWN).
(B) **AREA.** THE RIDGELINE PROTECTION OVERLAY DISTRICT INCLUDES ALL LAND WITHIN 750 FEET OF THE DESIGNATED RIDGELINES EXCEPT FOR LAND WITHIN 300 FEET OF CLASS I, CLASS II, OR CLASS III TOWN HIGHWAYS, STATE HIGHWAYS OR INTERSTATE HIGHWAYS. THE DESIGNATED RIDGELINES ARE AS SHOWN ON THE RIDGELINE PROTECTION OVERLAY DISTRICT MAP.

(C) **Permitted Uses:** Structures and uses specifically exempted under subsection (E), below, are allowed with approval of the Zoning Administrator in accordance with Section 6.01.

(D) **Conditional Uses:** Uses allowed as a permitted or conditional use in the underlying zoning district, unless specifically exempted under subsection (E), require the approval of the Development Review Board in accordance with Section 5.04 and the standards set forth below.

(E) **Exemptions.** The following uses are exempted from review under the Ridgeline Protection Overlay District:

(1) Agriculture and Forestry, excluding landscaping and/or screening associated with any other uses or development and provided forestry activities are in compliance with the most recent version of Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks & Recreation.

(2) Uncovered decks attached to a single unit or duplex dwelling.

(3) Accessory structures with a footprint of less than 100 square feet (total accumulated in any 10-year period) and a height of less than 12 feet.

(4) Changes in use that do not involve any exterior alterations to a structure.

(5) Additions, exterior alterations, accessory structures, and additions to accessory structures that the Zoning Administrator determines will not be visible from a public road due to screening by an existing structure on the same property or by topography, regardless of vegetation and/or forest cover.

(F) **Dimensional Standards.** All dimensional standards shall be as set forth for the underlying district.

(G) **Supplemental District Standards.** New structures within the RPO District shall comply with the following:

(1) Forest Cover. On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads. The Development Review Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.

(2) Placement of Structures. New structures shall be as minimally visible from public roads as possible given site conditions and topography, and shall not stand in contrast to the surrounding landscape patterns and features, serve as a visual focal point, or be visible from multiple points along a road, for an extensive distance along a road segment, and/or which is highly visible from several vantage points within one mile of the development site.

(3) Landscaping & Screening. In instances where existing forest cover or topography will not adequately screen proposed development, a landscaping plan may be required by the Development Review Board. Such plan shall be designed to minimize the visibility of the structure as viewed from public roads.

(4) Glare. Exterior building materials of all structures visible from public roads may be required to be of a type and design to minimize reflective glare and avoid undue adverse visual impact. Exterior lighting visible from a public road shall be shielded and downcast.

(H) Pre-application Site Development. Forest management activities designed as pre-development site preparation shall be reviewed by the Development Review Board to determine compliance with the standards set forth in this section. Such activities include, but are not limited to, road and driveway construction, excavation related to the upgrade and conversion of logging roads to development roads or driveways, clearing and/or grading for house-sites and septic systems, or related work. Where a landowner fails to submit pre-

development plans for review, the Board may direct the manner in which the site will be restored or re-vegetated prior to development and/or limit development to a portion of the property which best meets the standards of this district.

Article III. General Provisions

Section 3.01 Applicability

The following general standards, including provisions required under the Act [§§4412, 4413], apply to all uses and structures as specified within the Town of Norwich.

Section 3.02 Access and Frontage Requirements

(A) **Access to Lots Without Frontage.** In accordance with the Act [§4412(3)], no land development may be permitted on lots in existence prior to the effective date of these regulations which do not have either frontage on a public road or public waters unless access to such road or waters by a permanent easement or right-of-way of at least 20 feet in width is approved by the Development Review Board.

(B) **Town and State Access Approval.** Access onto public highways is subject to the approval of the Norwich Town Manager or, in the case of state highways, the approval of the Vermont Agency of Transportation. As a condition of access approval, compliance with all local ordinances and regulations pertaining to roads and land use is required.

Section 3.03 Conversions and Changes of Use

Changes or conversions in the use of land and/or an existing structure are subject to the provisions of these regulations as follows:

(A) The proposed use shall be subject to all of the requirements of these regulations pertaining to such use, including but not limited to any district, specific use or general standards, as well as other applicable municipal, state and federal regulations.

(B) An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure conforms to the lot size, setbacks, parking and other requirements applicable to the proposed use and also conforms to limitations on multiple principal uses and structures in Sections 3.07(A), 3.09, 4.09 and others addressing mixed uses.

(C) A conversion or change of use from one permitted to another permitted use which involves the creation of new floor area or changes in minimum lot size and/or dimensional requirements will require a zoning permit to be issued by the Zoning Administrator under Section 6.01.

(D) A conversion or change of use from a permitted to a conditional use, or a conditional use to a different conditional use, may be approved by the Development Review Board subject to conditional use review under Section 5.04. Changes or conversions involving non-conforming uses and/or structures also are subject to and will be reviewed under Section 3.08.

Section 3.04 Equal Treatment of Housing

Pursuant to the Act [§4412(1)], these regulations shall not have the effect of excluding housing that meets the needs of the population as determined in the Norwich Town Plan or as required under §4382(1)(10) of the Act. To this end, the following provisions have been incorporated into these regulations.

(A) No provision of these regulations shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality except upon the same terms and conditions as conventional housing is excluded. In any district that allows year-round residential development, duplexes shall be an allowed use with dimensional standards that are not more restrictive than is required for a single-unit dwelling, including no additional land or lot area than would be required for a single-unit dwelling.

(B) Residential care or group homes, operated under state licensing or registration, occupied by not more than eight persons who have a handicap or disability as defined in 9 V.S.A. §4501, constitute a single-unit residential use of a property.

Section 3.05 Existing Small Lots

Any lot that is in existence on the date of enactment of this bylaw may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the bylaw provided that such lot is not less than ⅛ of an acre in area with a minimum width or depth of 40 feet.

Section 3.06 Height Requirements

(A) The maximum height of structures within specified districts shall be as set forth in Table 3.1. (See definition of Building Height in Section 7.02.)

TABLE 3.1 DISTRICT HEIGHT STANDARDS				
	Rural Residential	Village Residential I and II	Business	Commercial/ Industrial
Principal Building	35 feet	35 feet	35 feet	35 feet
Other Structures	35 feet	25 feet	25 feet	25 feet
Telecommunications Facility	As provided in Section 4.13.			
Windmill	Same as the distance to the nearest lot line or 50 feet, whichever is less.			
Small Wind Energy System – maximum tower height	100 feet Height may be increased to over 100 feet as a conditional use. See Section 4.15.			

(B) The Development Review Board may, pursuant to conditional use approval under Section 5.04, permit an increase of building height over the maximum heights shown in Table 3.1 for architectural or historic preservation enhancements such as spires, cupolas, or towers, providing the additional height of the structure will not:

1. be used for human occupancy or storage;
2. alter the character of the neighborhood or district in which the property is located;
3. substantially or permanently impair the appropriate use or development of adjacent property;
4. be used for advertising purposes; and/or
5. constitute a hazard to public safety or to adjoining properties.

Section 3.07 Lot, Yard & Setback Requirements

(A) There shall be only one principal structure or one principal use and its associated structures per lot, unless otherwise specifically approved as a mixed use. Provision is made for accessory uses and structures, which do not create a mixed-use lot.

(B) No lot shall be so reduced in size that the area, setback, or other dimensions are smaller than those prescribed in Table 3.2, except as permitted for PUDs pursuant to Section 5.06.

TABLE 3.2 DISTRICT LOT AREA & SETBACK STANDARDS					
	Rural Residential	**Village Residential I**	**Village Residential II**	**Village Business**	**Commercial/ Industrial**
Minimum Lot Area	2 acres (See Note 1)	20,000 square feet	2 acres (See Note 1)	20,000 sq. ft	60,000 square feet
Maximum Density	Density determined under NSR Section 3.2 (See Note 2)	1 principal use/structure or lot per 20,000 square feet	Density determined under NSR Section 3.2 (See Note 2)	1 principal use/structure or lot per 20,000 square feet	1 principal use/structure or lot per 20,000 square feet
Minimum Lot Frontage along highway or ROW See Note 3	90 feet	80 feet	90 feet	80 feet	80 feet
Min. setback of structure from boundary along right-of-way of a highway or private road	20 feet	20 feet	20 feet	10 feet	20 feet
Min. setback of any structure from other lot boundaries	10 feet	8 feet	10 feet	5 feet	20 feet
See Table 2.8 for riparian and wetland setbacks					
Note 1 - 20,000 square feet if allowed under Section 3.2 of the Norwich Subdivision Regulations **Note 2** - As determined under Section 3.2 of the Norwich Subdivision Regulations **Note 3** - Min. lot width at depth of front yard setback along public highway or deeded right-of-way (at least 50 feet in width)					

(C) For lots in all districts, a clear line of sight shall be maintained in both directions from the access road within 25 feet of the street intersection or highway entrance between the height of 3 feet and 10 feet above the average grade of each street.

(D) Setbacks are to be measured from the property line back to the closest point of the structure or object. On streets where the width of the street right-of-way or the location of

the right-of-way boundary is not known, the property line along the right-of-way shall be 25 feet from the centerline of the existing roadway.

(E) The minimum setback from the property line for a fence which exceeds four feet in height shall be equal to or greater than the height of the fence above four feet, except:

(1) Property owners in a residential district may erect fences up to seven feet on the boundary of the Business or Commercial/Industrial district without having to meet setback requirements.

(2) A fence exceeding four feet but not more than seven feet may be erected on a side or rear boundary line if the application for the permit is signed by the landowners on both sides of the boundary.

Section 3.08 Nonconforming Uses & Nonconforming Structures

(A) **Nonconforming Structures.** Any pre-existing structure or part thereof which is not in compliance with the provisions of these regulations concerning density, set backs, height, lot size or other dimensions, or which does not meet other applicable requirements of these regulations, shall be deemed a nonconforming structure. In accordance with the Act [§4412(7)], nonconforming structures existing on the effective date of these regulations may be allowed to continue indefinitely, but shall be subject to the following provisions. A nonconforming structure:

1. may undergo normal repair and maintenance provided that such action does not increase the degree of nonconformity
2. may be restored or reconstructed within two years after damage from any cause provided that the reconstruction does not increase the degree of nonconformity which existed prior to the damage.
3. may be structurally enlarged, expanded or moved, upon approval of the Zoning Administrator, provided the enlargement, expansion or relocation does not increase the degree of nonconformity, and provided that the enlarged, expanded and/or moved portion of the structure within the setback comprises an area of less than 25% of the portion of the existing structure located within the setback area.
4. may, subject to conditional use review under Section 5.04, undergo alteration or expansion which would increase the degree of nonconformity solely for the purpose of meeting mandated state or federal environmental, safety, health or energy regulations (e.g., handicap access ramp in accordance with ADA standards).

(B) **Nonconforming Uses.** Any use of land or a structure which does not conform to the uses allowed for the zoning district in which it is located shall be deemed a nonconforming use. In accordance with the Act [§4412(7)], nonconforming uses which

exist on the effective date of these regulations may be continued indefinitely, subject to the following provisions. A nonconforming use:

1. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in an undamaged part of the building. The Zoning Administrator may grant one extension for a second year to allow for delays caused by permitting, insurance claims or other extenuating circumstances.
2. Shall not be extended, enlarged, changed to another non-conforming use, or resumed after discontinuance for more than twelve months, unless the discontinuance was caused by the seasonal nature of the business, illness of the manager, or failure to find a tenant, manager, or buyer during an active and continuing search.

Section 3.09 Minimum Parking Standards. Off-street parking spaces shall be provided in accordance with this section in all districts for every building hereafter erected or enlarged, or for any expansion or change of use.

(A) **Minimum Parking Standards (can be modified under G. below)**

Land Use Category	*Amount of parking (inc. employees)*
Dwelling	*1/unit*
Lodging	*1/unit*
Office	*2/1,000 sq.'*
Retail	*3/1,000 sq.'*
Industrial (light or heavy)	*1/per employee per shift*
Restaurant/Bar	*1/3 seats*
Civic, Cultural and Other	*As required by DRB*

(B) **Non-Residential**: The Development Review Board may require additional off street parking for any non-residential use if they find that minimum spaces are not sufficient.

(C) **Size of Parking Space**: A parking space shall be at least nine (9) feet in width and eighteen (18) feet in length.

(D) **ADA Accessible Parking**: Any public building must provide accessible parking, and each accessible parking space must be at least thirteen (13) feet in width and eighteen (18) feet in length, with a minimum 3-foot-wide accessible route

connecting to the building in accordance with the ADA Accessibility Guidelines. Accessible parking spaces will be designated by appropriate signs

(E) **Setbacks**. Parking lot setbacks shall be a minimum of 5 feet in all districts.

(F) **Off-street Loading**. In all zoning districts, other than the Village & Village Business District, off-street loading space shall be provided for commercial, industrial or institutional uses, which will receive shipments in vehicles too large for a standard parking space. Space provided shall be specifically for off-street loading and shall be large enough to fully accommodate the maximum number of such vehicles expected to be on the premises at any one time. Service areas may also be required for development subject to conditional use review to accommodate emergency vehicles, waste collection and disposal areas, transit service, or other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner that parked vehicles will not block or obstruct access or sight visibility at intersections.

(G) **Modification of parking requirements**: On-site parking requirements may be reduced under the review process for that use, based upon determination by the DRB that special conditions exist which warrant reducing the minimum parking standard. The DRB may approve up to a 50% reduction of off-street parking spaces in Subsection A above. In the Village Residential and Village Commercial Districts, the parking may be reduced beyond 50%, if warranted. If an existing parking space is nonconforming it may count toward the parking requirement of an existing residential building if new residential units are added to the building. If there is a valid legal agreement for use of parking spaces in an adjacent or nearby lot the DRB may count these toward the parking requirement of a residential building.

(H) When approving a modification of the parking standards, the DRB shall consider the following:

a. Is the site located on or within 1,000 feet of a transit route?
b. Are there shared parking facilities with abutting businesses which are sufficient to meet parking demand and a written agreement to share such parking?
c. For mixed-use projects, do the proposed uses have staggered business hours with minimal overlap?
d. Does the type of business proposed generate substantial pedestrian traffic, and are adequate pedestrian facilities present?
e. Is a reduced number of parking spaces adequate due to mitigation efforts such as bicycle parking, ridesharing or innovative measures (e.g., the

provision of transit passes or sponsoring car sharing for tenants/ employees)?

f. Is safe and adequate on-street parking available?
g. Are green areas to be set aside for future conversion to parking in the event that the amount of space initially permitted is deemed inadequate to meet demonstrated need?
h. Can the minimum standards not be met for the redevelopment of an existing building?

Section 3.10 Performance Standards

(A) **Air Pollution.** There shall be no objectionable odors, smoke, dust, noxious gases, or other forms of air pollution, which, because of persistence or character, would endanger or adversely affect public health, safety, or welfare or be considered offensive in a particular location by a reasonable person.

(B) **Noise.** The following standards shall apply within the specified zoning district except for noise associated with Accepted Agricultural Practices and normal road and yard maintenance:

(1) In the Rural Residential and Village Residential Districts the noise, whether pulsing, intermittent or continuous shall not exceed 60 decibels at or beyond the boundaries of the property from which it originates from 7:30 AM to 7:30 PM or 50 decibels from 7:30 PM to 7:30 AM. Noise resulting from temporary maintenance or construction is exempted during the hours of 7:30 AM to 7:30 PM.

(2) In the Village Business and Commercial/Industrial Districts, the noise shall not exceed 70 decibels. Temporary noise of maintenance or construction is exempted.

(3) At the boundary of Commercial/Industrial Districts with Residential Districts, noise shall not exceed that permitted in the Residential District.

(C) **Lighting.** See Section 5.03(C)(8).

(D) **Vibration.** Noticeable, or clearly apparent vibration which, when transmitted through the ground, is discernible at property lines without the aid of instruments, is prohibited. Vibration during temporary use of equipment is exempted.

(E) **Hazards.** Fire, safety, explosive, radioactive emission or other hazards which endanger the applicant's or neighboring properties or the general public or which result in a significantly increased burden on municipal facilities and services, are prohibited.

(F) **Waste.** Liquid or solid wastes or refuse in excess of available capacities for proper disposal which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground or surface waters; or which are otherwise detrimental to the public health, safety, and welfare, are prohibited.

Section 3.11 Signs

(A) **Applicability.** A zoning permit shall be required prior to the erection, construction or replacement of any outdoor sign, except for signs which are specifically prohibited, or which are otherwise exempted from these provisions, as listed under Table 3.4.

TABLE 3.4 EXEMPTED & PROHIBITED SIGNS
(1) Exempted Signs
Signs erected by the state or town on public roads.
Non-advertising signs placed for directional, safety or public service purposes.
One residential sign per dwelling unit identifying the occupant, not to exceed two square feet in area; and residential flags or banners intended solely for ornamental or non-advertising purposes.
Signs relating to trespassing and hunting, each not to exceed two square feet in area.
Temporary auction, lawn, or garage sale or real estate for sale signs, not to exceed two in number or six square feet in total area, which shall be removed immediately following the event or sale.
Temporary election signs to be posted and removed in accordance with state law.
Temporary signs or banners advertising public or community events, to be displayed in designated locations on town property with the permission of the Town Manager, which shall be removed immediately following the event.
Temporary real estate sign not exceeding six square feet in total area.
One temporary construction sign, not to exceed 16 square feet in area or 10 feet in height, may be placed on any site under development providing such sign is promptly removed following completion of construction.
On-premise historic or landmark signs, not to exceed one in number or six square feet in area.
Wall murals intended solely for artistic, non-advertising purposes.
Window signs which do not exceed 30% of the window pane area.
(2) Prohibited Signs
Signs which impair highway safety.
Signs which are animated, flashing, made of reflective material or are intermittently or internally illuminated.
Signs painted on or attached to rock outcrops, trees, or similar natural features.
Roof and wall signs which extend above the eave.
Permanent signs which project over public rights-of way or property lines.
Signs identifying businesses or uses which are no longer in existence.
Signs located on motor vehicles which are used primarily as a support or foundation for the signs.
Off-premises signs, except for those which conform to state laws.

(B) **General Standards.** All signs, other than those specifically prohibited or exempted under Subsection (A), shall require a zoning permit issued by the Zoning Administrator in accordance with the following requirements pertaining to all signs:

(1) No sign may be flashing, moving or illuminated in color.

(2) Signs may be made to be read from both sides.

(3) Lighting shall be by exterior light and hooded or covered so that the source of the light is not visible from the highway or beyond the property boundary, does not direct light upwards beyond the extent of the sign, and does not distract operators of motor vehicles. Internally illuminated signs are prohibited.

(4) For purposes of establishing setbacks when a property line forms the boundary line of a zoning district, the more restrictive setback standards of the two districts shall apply.

(5) Specific Standards. The following standards shall apply to signs within the designated zoning districts.

One free standing sign or one wall mounted sign may be erected on a lot located within the Rural Residential or Village Residential Districts, which may include one of the signs listed in Table 3.6 in accordance with the standards set forth therein.

TABLE 3.5
RURAL RESIDENTIAL DISTRICT & VILLAGE RESIDENTIAL DISTRICTS I & II SIGN STANDARDS

	Minimum Setback from Right of Way	**Maximum Size**	**Maximum Height**	**Min. Setback: other lot lines**
Free Standing & Lighted	20 feet	4 square feet	8 feet	20 feet
Free Standing & Unlighted	None	4 square feet	8 feet	10 feet
Wall Mounted & Lighted	20 feet	4 square feet	8 feet	20 feet
Wall Mounted & Unlighted	None	4 square feet	8 feet	10 feet
Buildings with multiple businesses may have one additional wall mounted sign per business, not to exceed 1.5 square feet in area including frame. Non-residential uses such as schools, churches, and municipal buildings, allowed under V.S.A. Title 24, Section 4413(a), may have one sign with a maximum size of 8 square feet.				

One free standing sign and one wall mounted sign may be erected on a lot located within the Village Business and Commercial/Industrial Districts, which may include one of the signs listed in Table 3.6 in accordance with the standards set forth therein.

TABLE 3.6 VILLAGE BUSINESS DISTRICT & COMMERCIAL/INDUSTRIAL DISTRICTS SIGN STANDARDS				
	Minimum Setback from Right of Way	**Maximum Size**	**Maximum Height**	**Min. Setback: other lot line**
Wall Mounted Sign	10 feet	24 square feet	Lesser of parapet or 30 feet	2 feet
Free Standing Sign	0 feet	24 square feet	Lesser of parapet or 30 feet	2 feet
Buildings with multiple businesses may have one additional wall mounted sign per business not to exceed 2.0 square feet in area including frame.				

Section 3.12 Temporary Uses and Structures

(A) A temporary permit may be issued by the Zoning Administrator for non-conforming uses, excluding residential dwellings, which are incidental to a construction project, for a period not exceeding one year, conditional upon written agreement by the owner to remove the structure and/or discontinue the use upon expiration of the permit.

(B) Any trailer used for storage or other accessory use for a period exceeding 30 days shall be considered a structure subject to all of the terms and conditions of these regulations.

Section 3.13 Natural and Scenic Features

Consideration shall be given to avoiding and minimizing adverse impact of development on significant natural, scenic, and cultural resources.

(A) **General**

(1) The impact of proposed development on any of the following features shall be determined prior to the issuing of any zoning permit. The development shall conform to the relevant criteria as listed below:

a. Wetlands: as defined in the Vermont Wetlands Regulations
b. Aquifer Protection Zone(s); See Table 2.6
c. Flood Hazard Areas; See Table 2.7
d. Shoreline Protection; See Table 2.8
e. Ridgeline Areas; See Table 2.9
f. Steep Slopes:

i) For excavation and filling in areas to be disturbed with slopes greater than 15%, an erosion control plan for the disturbed area must be submitted with the permit application.
ii) Excavation, filling and development in areas to be disturbed with slopes in excess of 25% is not allowed except for the installation of lines for utility, septic, and water services.

g. Endangered Species - Development in areas identified on the latest Vermont Natural Heritage - Endangered Species maps shall be reviewed and approved by the appropriate state or federal agency prior to the issuing of a permit.
h. Vernal Pools – No development is permitted within 50 feet of a vernal pool identified on the Norwich Conservation Commission Vernal Pool Inventory.

(B) **Development Review.**

The impact of proposed development on any of the following features shall be determined in the review of any application before the Development Review Board. The development shall conform to the relevant criteria in these regulations.

(1) **Farm Land.** Development shall be located and configured to minimize adverse impacts to open farm fields, particularly those with "prime" and "statewide" agricultural soils, except as otherwise provided below:

a. Development shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
b. Buildings and associated building envelopes should be clustered to avoid the fragmentation of productive farm land.
c. Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of agricultural land and visual impacts.

(2) **Forest Resources and Wildlife Habitats.** Development should be located and configured to minimize reduction of forest size, encroachment into forest interiors and fragmentation of contiguously forested lands.

(3) **Scenic Resources.** Development shall be located and configured to avoid undue adverse impacts to scenic resources identified on maps created in conjunction with the document entitled Inventory of Scenic Resources, prepared by the Scenic Resources Committee of the Norwich Conservation Commission and dated January 2000. (See Map C). Development within view of scenic roads, as identified in the aforementioned planning documents, shall be designed to avoid undue adverse impact to the identified scenic resources.

(4) **Historic & Cultural Resources.** Development shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the Norwich Town Plan, and by the Vermont Division for Historic Preservation. Methods to minimize adverse impacts include but are not limited to the following:

a. Historic features, including stone wall and cellar holes, should be preserved and integrated into the site plan (e.g., driveways may follow stone walls) to the extent practical.
b. Prior to development, on sites that have been identified as being archaeologically sensitive in the Town Plan or by the Vermont Division for Historic Preservation, the Development Review Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.
c. Development of the site shall be designed to maintain the historic context of the site as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

(C) **Development Envelopes**. The Development Review Board may require that Development Envelopes be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development, including road and utility rights-of-way or easements, on one or more portions of a lot to limit adverse impact of proposed development on any of the above features.

(D) **Mapping Resources**. The approximate locations of these features may be identified on the Norwich Geographic Information System (GIS) and on maps available at the Norwich Zoning and Planning Office. The Zoning Administrator will provide a "resource map(s)" to assist applicants in identifying features that should not be impacted by development.

Section 3.14 Driveways

(A) **Purpose.** The purpose of these specifications is to provide for the public safety, good, necessity and convenience of the residents of Norwich and users of private driveways in Norwich.

(B) **Application:**

(1) The following specifications for construction of private driveways shall be met for any private driveway serving one lot or one or two unit dwelling unit.

(2) Prior to issuing a permit for a new dwelling unit, the zoning administrator shall determine that the existing driveway or proposed driveway providing access to the dwelling complies with the design criteria in Section 3.14(C).

(3) Any driveway serving more than one lot or more than one dwelling units is required to meet the requirements of the Norwich Private Highway Specifications.

(4) A Norwich Highway Access Permit is required for driveways accessed from a Town highway. A VTrans permit may be required for a driveway accessed from a state highway.

(C) **Design, Layout and Construction Specifications.** Driveways are private roads providing access to a residence. The following specifications are the minimum design standards for providing access for emergency vehicles. Failure to meet these specifications may result in reduced access and protection for fire, rescue and medical emergencies.

(1) Minimum width of travel portion of driveway of 12 feet or 10 feet with 1foot shoulders.

(2) All weather road surface and base capable of supporting 43,500 pound Gross Vehicle Weight vehicles with a 27,000 pound rear axle load.

(3) Maximum centerline grade of 12%.

(4) Minimum horizontal road curve centerline radius of 40 feet.

(5) Turnoffs every 500 feet or less if sight lines require.

(6) Driveways designed to allow a fire apparatus to park within a maximum of 100 feet of the house. Fifty feet is preferred.

(7) Houses located more than 1,000’ from a town highway shall provide a staging area within 1,000 feet of the house for multiple emergency vehicles.

Article IV. Specific Use Provisions

Section 4.01 Specific Standards for Designated Uses

The following standards shall apply to the designated use in all zoning districts in which the respective uses are allowed. Such uses may be subject to conditional use review in accordance with Section 5.04. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive standard shall apply.

Section 4.02 Campers & Temporary Shelters

(A) It shall be unlawful for any person to park or erect a camper (travel trailer, recreation vehicle) or other temporary shelter (e.g., tent, tipi, yurt), except in an approved campground, an approved sales lot, or on a residential or undeveloped lot, subject to the following provisions.

(B) One camper or other temporary shelter may be parked on a residential lot (lot in which a dwelling is the principal use) provided that:

a. it is not located within required setbacks for the district in which it is located;
b. it is not occupied for dwelling purposes for more than 30 days within any one year period; and
c. is not hooked up to a water system, septic system or other utilities unless permitted as a dwelling unit in accordance with these regulations.

(C) Any sewage generated by a camper or other temporary shelter shall be disposed of in accordance with all applicable local, state and federal regulations.

(D) Campers are permitted to be parked in approved campgrounds for temporary periods and on construction sites subject to the standards contained in Section 3.12.

Section 4.03 Day Care Facilities

(A) Home Day Care.

(1) Home Child Care. In accordance with the Act [§4412(5)], a state registered or licensed child care home serving six or fewer children on a full-time basis and up to four additional children on a part-time basis which is conducted within a single-unit dwelling by a resident of that dwelling shall be considered a permitted use of the property. Such uses shall require a permit issued by the Zoning Administrator in accordance with Section 6.01.

(2) Home Adult Care. The care of eight or fewer persons which is conducted within a single-unit dwelling by a resident of that dwelling for less than 24 hours per day shall

be considered a permitted use of the single-unit residence. Such uses shall require a permit issued by the Zoning Administrator in accordance with Section 6.01.

(3) Other Day Care Facilities. Any day care facility not covered under (1) or (2) above may be permitted in designated zoning districts in accordance with Article II. Such uses are subject to site plan review in accordance with Section 5.03, and to conditional use review under Section 5.04.

Section 4.04 Sand & Gravel Extraction - Commercial

(A) The extraction or removal of topsoil, sand, or gravel or other similar material for commercial purposes, except where incidental to any development lawfully undertaken in accordance with these regulations, may be permitted in designated districts subject to conditional use review under Article V and findings that the proposed operation will not:

1. cause any hazard to public health and safety, or
2. adversely affect neighboring properties, property values or public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features.

(B) The application for a conditional use permit under Section 5.04 also shall include proposed erosion control and site restoration plans showing:

1. existing grades, drainage and depth to water table;
2. the extent and magnitude of the proposed operation including proposed project phasing; and
3. finished grades at the conclusion of the operation.

(C) In granting approval, the Development Review Board may, based on testimony, consider and impose conditions with regard to the following factors as it deems relevant:

1. depth of excavation or quarrying;
2. slopes created by removal;
3. effects on surface drainage on and off-site;
4. storage of equipment and stockpiling of materials on-site;
5. hours of operation for blasting, trucking, and processing operations;
6. effects on adjacent properties due to noise, dust, or vibration;
7. effects on traffic and road conditions, including potential physical damage to public highways;
8. creation of nuisances or safety hazards;
9. temporary and permanent erosion control;
10. effect on ground and surface water quality, and drinking water supplies;
11. effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
12. effect on agricultural land; and

13. public safety and general welfare.

(D) A performance bond, escrow account, bank letter of credit, or other surety acceptable to the Town Manager may be required to ensure reclamation of the land upon completion of the excavation, to include any re-grading, reseeding, reforestation or other reclamation activities that may be required.

(E) The processing of gravel extracted off-site, including crushing, storage and distribution, is only permitted within designated zoning districts as a defined use or as an accessory to another defined use (e.g. town highway facility), and is subject to Development Review Board approval as a conditional use in accordance with this Section and Section 5.04.

Section 4.05 Excavation, Filling, and Storage of Material

(A) The excavation, filling, or storage of more than 200 cubic yards of soil, sand, gravel or other similar material, except where required as part of any development lawfully undertaken in accordance with these regulations, may be permitted in any district subject to conditional use review under Section 5.04, and findings that the proposed operation:

1. **will not** cause any hazard to public health and safety;
2. **will not** adversely affect neighboring properties, public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features, or other fragile features; or
3. **will,** if in the Flood Hazard Overlay District, comply with all provisions of Section 5.05.

(B) The application for a conditional use permit under Section 5.04 also shall include proposed erosion control and site restoration plans showing:

1. existing grades, drainage and depth to water table;
2. the extent and magnitude of the proposed operation including proposed project phasing; and
3. finished grades at the conclusion of the operation.

(C) The DRB may require a performance bond, escrow account, or other surety acceptable to the Town Manager to ensure reclamation of the land upon completion of the excavation, filing and storage to include any regrading, reseeding, reforestation or other reclamation activities that may be required.

Section 4.06 Private Ponds

(A) Private ponds are defined as ponds owned by one person or entity and located entirely on the owner's property. If natural, they may be up to 20 acres in size. Artificial private ponds may be any size. The construction of ponds may be permitted as an accessory use in accordance with Section 6.01 and subject to the following standards:

(1) The pond, including embankments, berms or other impoundment structures that exceeds the natural grade of the site, shall be outside of the required setbacks for the district (Article III, Table 3.2 and Article II, Table 2.8), except for applications submitted by more than one landowner where the pond will be sited on their common boundary line.

(2) An erosion control plan compatible with the Vermont Handbook for Soil Erosion and Sediment Control shall be submitted with the application and maintained until the area is established.

(3) An auxiliary (emergency) spillway shall be located in natural soil and shall be adequate to pass a 100-year storm event through the auxiliary spillway without overtopping the dam. The auxiliary spillway shall discharge at a point well downstream of any embankments, berms or other impoundment structures. There should be a principal spillway or drain tube that will handle smaller flows and will allow the auxiliary spillway to remain dry during small storm events. (1 to 10 year frequency event.)

(4) The pond shall be constructed so as not to change direction, location or quantity of surface water flow upon other properties without the written permission of the affected property owners.

Section 4.07 Snow Removal to Off-site Location

The removal of excess snow to an off-site location in any district may be allowed as a permitted use providing that the site receiving the snow is not within 50 feet of any stream, 75 feet of the Connecticut or Ompompanusuc rivers, or 500 feet of any residential structure unless the owner of the residential structure has given permission in writing. The proposed operation shall not cause any hazard to public health and safety, or neighboring properties, public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features, or other fragile features.

Section 4.08 Home Based Businesses (Home Occupations, Home Industries)

In accordance with the Act [§4412(4)] no provision of these regulations shall prevent a person from using a minor portion of a dwelling for the conduct of an occupation which is customary in residential areas and which does not change the character of the surrounding area or neighborhood. To this end, the following categories of home-based businesses are allowed in accordance with the associated standards.

(A) **Home Office – no permit required.** No permit shall be required for a person using a small portion of their dwelling unit for a home business providing it meets the following standards:

(1) The home office is conducted by residents of the dwelling unit and no more than one non-resident employee at any one time.

(2) The home office is confined entirely to an area within the dwelling unit that occupies less than 50% of the floor area of the dwelling unit.

(3) The home office does not involve the conduct of business with more than occasional on-site visits from clients or customers.

(4) The home office does not involve the outside display or outside storage of goods, or signs related to the business.

(B) **Home Business – permit required**. A home occupation which violates one or more of the standards set forth in subsection (A) may be permitted with the approval of the Zoning Administrator in accordance with Section 6.01 and in accordance with the following provisions:

(1) The home business occupies an area less than 50% of the floor area of a dwelling unit in either the dwelling unit or an accessory structure located on the same lot.

(2) The home business is conducted by residents of the dwelling unit and involves not more than two non-resident employees at any one time.

(3) The home business does not involve the storage or display of goods or equipment visible from the highway or from adjacent properties.

(4) The home business does not change the residential character of the property or surrounding area.

(5) Retail sales are not conducted, with the exception of the sale of goods and/or crafts created on the premises or retail sales that are incidental to the home business.

(6) The aggregate of all home businesses in a single dwelling unit does not exceed restrictions (1) through (5).

(7) The wholesaling of machinery or large items such as furniture, requiring occasional storage on the premises, other than inside the primary residence or accessory structure, is not a home business.

(8) The zoning permit clearly states that the use is limited to a home business, approved in accordance with the above provisions, which is accessory to the residential use and shall be retained in common ownership and management. Any proposed expansion of the home business beyond that permitted will require a separate zoning permit for a home industry under this section, or other use as appropriate.

(9) The home business meets the general conditions of Article III.

(10) Off-street parking conforms with the standards of Section 3.09.

(C) **Home Industry – Conditional Use approval required.** Home industries (as distinguished from Home Businesses) may be permitted in designated zoning districts, may include retail sales, and are subject to conditional use approval of the Development Review Board under Section 5.04 and the following provisions:

(1) The owner and operator of the home industry resides on the lot.

(2) The home industry occupies less than 50% of the floor area of a principal dwelling; or occupies an accessory structure located on the same lot as the principal dwelling, with the total area for retail uses not exceeding 100% of the finished floor area of the principal dwelling.

(3) The home industry involves not more than five non-resident employees, at any one time.

(4) The home industry does not involve the storage or display of goods or equipment visible from the highway or from adjacent properties unless specifically allowed in the permit. Exceptions may be made for goods compatible with the neighborhood such as nursery plants and shrubs.

(5) The home industry does not change the residential character of the property or surrounding area.

(6) The home industry conforms to all performance standards under Article III. Storage of hazardous waste or materials shall comply with the Vermont Hazardous Waste Management Regulations.

(7) The home industry will not generate traffic, including but not limited to delivery truck traffic, in excess of volumes suitable for the neighborhood and all roads providing access to the site.

(8) The aggregate of all home industries in a single dwelling shall not exceed restrictions (1) through (7).

(9) The permit for a home industry shall clearly state that the industry is a home-based business which is accessory to the principal residential use, and shall be retained in common ownership and management. A home industry may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations pertaining to such use, including density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.

(10) Off-street parking conforms with the standards of Section 3.09.

Section 4.09 Mixed Uses

(A) **The Village Business District and the Commercial Industrial District.** More than one use may be permitted within a single building or on a single lot subject to conditional use review in accordance with Section 5.04 and the following provisions:

(1) Each of the proposed uses is otherwise allowed as a permitted or conditional use in the district in which the mixed use is proposed.

(2) The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum setbacks and frontage, maximum lot coverage and minimum lot size.

(3) The mixed use meets all applicable general provisions contained in Article III, including parking requirements under Section 3.09 based on the cumulative parking demand for the various proposed uses.

Section 4.10 Mobile Home Parks

(A) Mobile Home Parks may be permitted subject to PUD review in accordance with Section 5.06 and the following provisions:

(1) Proposed parks comply with the requirements of 10 V.S.A. Chapter 153.

(2) Proposed parks comply with all applicable state and local laws, ordinances and regulations relating to water supply and waste disposal.

(3) Each mobile home is located on a dedicated site of not less than 8,000 square feet in area.

(4) All roads within a mobile home park comply with Town road standards, and adequate walkways are provided.

(5) Parking is provided in accordance with Section 3.09.

(6) A minimum of 25% of the total land area in any mobile home park is set aside for common recreational use or open space. Setback areas shall not be included in the calculation of recreation land or open space.

(7) All mobile home parks meet minimum setback requirements from the perimeter boundary for the districts in which they are located.

(B) An increase in the number of units; changes or alterations to park area, design, layout or common facilities are subject to conditional use review in accordance with the above provisions. Changes or alterations to individual mobile home sites or mobile homes within the park (e.g., the addition of a porch, deck or accessory structure serving

the residents of the dwelling), shall be allowed in the same manner as changes or alterations to a single unit dwelling.

Section 4.11 Public Facilities

(A) In accordance with the Act [§4413(a)], the following public facilities or uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that such regulations do not have the effect of excluding or interfering with the intended use or function:

1. state or community owned and operated institutions and facilities;
2. public and private schools and other educational institutions with a curriculum approved by the Vermont Department of Education;
3. churches and other places of worship, convents, monasteries, and parish houses;
4. public and private hospitals;
5. regional solid waste management facilities certified by the state (under 10 V.S.A. Chapter 159); or
6. hazardous waste management facilities for which a notice of intent to construct has been received by the state (under 10 V.S.A. §6606a).
7. Emergency Shelters; and
8. Hotels and Motels converted to permanently affordable housing developments

(B) Reasonable provision has been made for siting of the above public facilities and uses within all zoning districts. Such facilities or uses must meet applicable district requirements, and shall be subject to conditional use review under Section 5.02; however, associated conditions of approval shall not exceed allowed regulation, as specified in the Act and Subsection (A).

(C) In accordance with the Act [§4413(b)], public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board (under 30 V.S.A. §248) are specifically exempted from municipal land use regulations.

Section 4.12 Cultural Facilities

(A) A cultural facility uses land and/or structures to encourage and promote community, visual or performing arts, or educational goals, which use is available to, and intended for, the benefit of the general public. Examples include a school, library, museum, performing arts center, or community center.

(1) A community use means functioning as a social or activity center for town, community or school organizations or gatherings, which may include amenities such as meeting rooms, large gathering or activity rooms, kitchen facilities, an auditorium, playgrounds or sports fields.

(2) An educational use will include academic learning or studies, or training in visual or performing arts, through classes, seminars or similar learning opportunities taking place at the property.

(B) A cultural facility is not intended to include:

(1) State or community-owned and operated institutions and facilities, or public and private schools and other educational institutions certified by the state department of education. See 24 V.S.A. §4413.

(2) Social or fraternal clubs or membership organizations.

(3) Offices for organizations that only promote or encourage cultural activities which take place in another location.

(C) A cultural facility is a conditional use in all zoning districts and shall meet all applicable general provisions contained in Article III.

(D) With the exception of educational uses, which shall meet the minimum off-street parking requirements for educational facilities, all other cultural facilities must meet the minimum off-street parking requirements for places of public assembly. See Table 3.3.

Section 4.13 Telecommunications Facilities

(A) **Purpose.** Transmission facilities regulated by the Public Utilities Commission may not be regulated under municipal bylaws pursuant to 30 V.S.A 248, except as provided under 24 V.S.A 4414(12).

(B) **Abandoned, Unused, Obsolete, Damaged or Dangerous Towers or Portions of Towers.** Abandoned or unused towers or portions of towers and their facilities shall be removed as follows:

(1) The owner of a facility/tower shall annually, on January 15, file a declaration with the Town of Norwich Zoning Administrator certifying the continuing safe operation of every facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and considered abandoned.

(2) Abandoned or unused towers and associated facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the Development Review Board. In the event the tower is not removed within 180 days of the cessation of operations at a site, the municipality shall notify the owner and may remove the tower and all associated facilities. Costs of removal shall be assessed against the property or tower owner.

(3) Unused portions of towers shall be removed within 180 days of the time that such portion is no longer used for antennas. The replacement of portions of a tower previously removed requires the issuance of a new telecommunications facility permit.

(4) An owner who has failed to file an annual declaration with the Zoning Administrator by January 15 may, within 30 days of an abandonment notice being issued by the Zoning Administrator, file a declaration of use or intended use and may request the ability to continue use of the facility/tower.

(5) As a condition of approval, the Board may require the applicant to provide a performance bond or similar form of surety payable to the Town in an amount sufficient to cover the full costs of removal of a tower and antenna in the event that the facility is declared abandoned.

(C) **Continuing Obligations.** Upon receiving a permit, the permittee shall annually demonstrate that he or she is in compliance with all FCC standards and requirements regarding RFR, and provide the basis for his or her representations. The permittee shall provide a list of the most recent RFR readings at the site, their distances from the tower/transmitter, dates of the readings and the name of the person or company who took the readings. A survey by another permittee on the same site, since it will demonstrate compliance of all emitters, may be submitted provided there is annual demonstration of site compliance.

(D) **Consistency with Federal Law.** These regulations are intended to be consistent with Section 704 of the 4.1096 Telecommunications Act. Accordingly, they shall not prohibit or have the effect of prohibiting the provision of personal wireless communications services; shall not unreasonably discriminate among providers of functionally equivalent services; and shall not regulate personal wireless services based on the environmental effects of radio frequency emissions to the extent that these facilities comply with Federal Communications Commission Regulations concerning such emissions.

Section 4.14 Accessory Dwelling Units

(A) In accordance with 24 V.S.A 4412(1)(e), the purpose of an Accessory Dwelling Unit (ADU) is to allow the creation of subordinate dwelling units within, attached to, or near a primary dwelling, including the conversion of an existing detached nonresidential building to habitable space for an accessory dwelling unit. Up to one accessory dwelling unit within or attached to a primary structure or accessory use structure OR one accessory dwelling unit within a detached structure may be approved provided that the following criteria are met. There shall be only one principal dwelling structure per residential lot.

1. The property has sufficient wastewater capacity.
2. The accessory dwelling unit shall meet all setback and other dimensional requirements for the district in which it is located.
3. The accessory dwelling unit and the principal dwelling shall be located within the same approved existing or new development envelope. A new development envelope shall be created if needed using the criteria in Section 5.07.

The floor area of the accessory dwelling unit shall not exceed 30% of the floor area of the principal dwelling or 1200 square feet, whichever is greater

Section 4.15 Small Wind Energy Systems

Small wind energy systems are allowed on any lot in any district as an accessory use subject to the limitations in this Section.

(A) **Permitted Use.** A small wind energy system with one tower with a tower height of less than 100 feet.

(B) **Conditional Use.** A small wind energy system with one or more towers with tower heights of 100 feet or more may be permitted subject to conditional use review under Section 5.04. In addition to the standards in Section 4.15 (D), the Development Review Board shall find that:

1. the requested height of the tower does not exceed what is reasonably necessary to provide efficient operation of the system; and

2. all reasonable measures have been taken to minimize any undue adverse visual impact of the system.

(C) **Expiration and Abandonment.**

1. A permit issued pursuant to this Section shall expire if the small wind energy system is out-of-service or otherwise unused for a continuous 12-month period.
2. A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn if the Owner provides information that demonstrates the small wind energy system has not been abandoned.
3. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.

(D) **Standards for Small Wind Energy Systems.** All small wind energy systems shall conform to the following standards:

1. Performance standards in Section 3.10.
2. Setbacks. A wind tower for a small wind system shall be set back a distance equal or greater to the Small Wind Energy System Height from:
   i. any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
   ii. any overhead utility lines; and
   iii. all property lines.
3. The rated capacity of the system shall not substantially exceed the on-site electric usage of the end-user.

(E) **Definitions that Apply to Small Wind Energy Systems.**

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity appropriate to the on-site electric usage of the end-user and is not interconnected with the electric utility system.

Small Wind Energy System Height: The tower height plus the blade length.

Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

Turbine: The parts of a wind system including the blades, generator and tail.

Section 4.16 Accessory On Farm Businesses

(A) **Accessory On-Farm Business** means activity on a farm, the revenues of which may exceed the revenues of the farming operation, and comprises one or both of the following:

(1) The storage, preparation, processing, and sale of qualifying products, provided that the qualifying products are produced on a farm; the sale of products that name, describe, or promote the farm or accessory on-farm business, including merchandise or apparel that features the farm or accessory on-farm business; or the sale of bread or baked goods.

(2) Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. "Farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.

Section 4.17 Accessory on Farm Businesses (AOFB) are permitted in all districts with site plan review (Section 5.03)

Section 4.18 Open Air Markets
Open Air Markets are a conditional use in all districts. Open Air Markets shall only be allowed on paved roads and shall be subject to the Performance Standards in Section 3.10 of this bylaw and Site Plan review pursuant to Section 5.03 of this bylaw.

Section 4.19 Roadside Agricultural Stands
(A) Temporary roadside stands for the sale of agricultural products raised on the property may be erected provided that:

1. No stand shall be closer to any side or rear lot line than twenty feet.
2. Off-street parking space shall be provided for at least two motor vehicles.
3. Access to or egress from any stand shall not create a traffic hazard.

Article V. Development Review

Section 5.01 Applicability of Development Review Procedures

(A) **Site Plan Review**, pursuant to Section 5.03, shall apply to all permitted uses as designated in Article II, excluding one- and duplex dwellings, home occupations, home daycare facilities, signs, agriculture and/or forestry and all uses exempted under section 6.02. Uses designated as a conditional use in Article II are not subject to site plan review procedures but site plan review criteria will be incorporated into the conditional use review.

(B) **Conditional Use Review,** pursuant to Section 5.04, shall apply to all conditional uses as designated in Article II or as otherwise specified under Article III or Article IV.

(C) **Flood Hazard Review,** pursuant to Section 5.05, shall apply to all development including but not limited to new or expanded single unit dwellings as designated in Article II. Specific uses subject to site plan or conditional use review shall be reviewed concurrently with Section 5.04.

(D) **Planned Unit Development (PUD) Review,** pursuant to Section 5.06, may be applied at the request of the applicant, or as required under Article II, to any size parcel in designated zoning districts. PUDs shall be reviewed concurrently with the Norwich Subdivision Regulations.

(E) **Development Envelope Review**, pursuant to Section 5.07, shall apply to any undeveloped lot prior to obtaining a permit for construction of a one-unit or two-unit dwelling unless a Development Envelope has already been designated for the lot by an approved subdivision decision.

(F) **Review Process.** Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for Ridgeline Protection Review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

Section 5.02 Application Requirements

(A) An applicant for PUD approval shall submit the information described in Section 5.06(C).

(B) Applicants for conditional use and/or site plan approval shall submit applicable fees and the materials described in Table 5.1.

Table 5.1Site Plan & Conditional Use Review Application Requirements
(A) Required Application Information:
Name and address of owner(s) of record of the property; name, address and interest of the applicant, if different from the owner(s) of record; name and address of the person or firm preparing the application and plans; date of the application and related plans.
A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as otherwise approved by the Development Review Board showing the following: 1. north arrow and scale; 2. legal property boundaries for the property; 3. existing and proposed features, to include topography, land use, existing vegetation, natural areas and critical habitat, streams, floodplains and wetlands, and other fragile features (See Section 3.13); zoning district boundaries; structures (building footprints), signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, utilities and existing and proposed fire hydrants; and 4. traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; and, sidewalks, pathways and trails in the vicinity.
Site location map showing the location of the project in relation to nearby town highways, adjoining parcels and uses and zoning district boundaries.
Proposed landscaping and screening plan, including plant details (size, location, species).
Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns and provision for stormwater management).
Proposed lighting plan, including the design and location, fixture type, mounting height, illumination levels and distribution, and color of all exterior lighting.
Preliminary building elevations for new or altered structures, including an indication of the exterior facade design, window treatment and roof and siding materials.
Phasing schedule for completion of all proposed development and site improvements.
Estimate of traffic to be generated by the project on a peak and daily basis, and the impact of such traffic on area roads.
Statement of compliance with all applicable zoning district standards, including overlay district standards and supplemental standards that may apply within a particular district or subject to a specific use.
(B) The Board may require additional information, including but not limited to the following:
Forest management, tree removal and vegetation management plans.
Stormwater management and erosion control plans.
Visual impact analysis.
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements).
Community service impact assessments (analysis of fiscal costs and benefits to the town).
Fiscal impact study.
Open space management plan.
Site reclamation plan (for proposed projects involving extraction).
Habitat impact assessment (identification of critical wildlife habitat, including wildlife travel corridors, analysis of potential impact and proposed mitigation measures).
Other information or studies reasonably necessary for the Board to conduct a comprehensive review. To assist the Board in its review of applications, the Board may employ or contract with consultants whose services shall be paid for by the Applicant. Any or all final reports or documents prepared by the consultant shall be made available to the applicant and other parties to the proceeding.

Section 5.03 Site Plan Review

(A) **Purpose.** Site plan review is intended to ensure that projects be of high quality, attractive and functional site design, and that the general building site design be consistent as to the size, scale and mass of the other buildings in the zoning district and with the purpose and character of the zoning district in which the project is located. Standards emphasize those related to the internal layout of the site, its physical design and appearance as viewed from off-site, and the functional integration of the site with surrounding properties and uses.

(B) **General Standards.** The Development Review Board shall consider and may impose appropriate safeguards, modifications and conditions relative to the following standards:

(1) Maximum safety of vehicular circulation between the site and the street network. Vehicular access and intersections with roads shall meet all applicable town and state design standards, including the Norwich Private Highway Specifications and the Norwich Driveway Access Specifications. Sightlines shall meet specified guidelines. The public highway accessed from the parking lot must have sufficient excess capacity both at access and egress points and at affected intersections to accommodate the added traffic without undue delay. The Board may limit the number and size of curb cuts to a single access. In instances involving pre-existing curb cuts not in compliance with these standards, the Board may require the reduction, consolidation or elimination of non-complying curb cuts. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by congestion and frequent and/or unsafe turning movements, or parcels having direct access to more than one road, the Board may require shared access between adjoining properties or may limit access to a side street or secondary road. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on a contiguous parcel, or contingent upon future development of neighboring properties.

(2) Adequacy of circulation, parking and loading facilities with particular attention to safety. Parking and loading facilities shall be provided per the requirements of Section 3.09 of these regulations, and in accordance with the following:

a. Parking shall be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. Parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the Board due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.
b. Driveway connections to parking areas on adjacent properties or provision for future connection shall be required where feasible. In the event that

such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to Section 3.09.

c. Adequate parking facilities for people with disabilities shall be provided that comply with ADA standards. Accessible parking spaces shall be located on an accessible route of travel from the parking to an accessible entrance to the building served by the parking. Provisions shall be made for wheelchair van parking with an area for safe loading and unloading.

d. Clearances and turning radii shall be sufficient to accommodate all service and delivery vehicles required for the normal activities on the site, and fire trucks and other emergency vehicles.

e. Loading and delivery areas within the site shall be provided in accordance with Section 3.09 and shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation and landscaping.

(3) Landscaping. Landscaping shall enhance the features and conditions unique to each site, and should include a combination of shade trees (deciduous and/or coniferous), deciduous and evergreen shrubs, well kept grasses and ground covers. Landscaping is required in front and side yards, adjacent to parking areas, and where rear yards abut residential properties or public roads.

a. Landscaping plans shall emphasize the following:

i) The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.

ii) The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards, parking areas and along street lines. Shade trees should be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with surrounding properties, establish a linear pattern of street trees along road frontage, and enhance environmental quality (e.g., wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation).

iii) The use of flowering ornamental trees to complement shade trees in instances where large yard areas exist, and where space limitations prevent the planting of shade trees.

iv) Landscaping beds which enhance the general appearance of the site, define planting strips and buffer areas and minimize the amount of grass lawn area. Such beds are not to be considered a substitute for tree plantings or other open space requirements.

v) A mix of evergreen and flowering shrubs and bushes should be used adjacent to buildings, within planting beds and to complement shade trees and other landscaping features.

b. In addition, landscaping plans are subject to the following:

i) Shade trees shall be a minimum of 2.5" caliper (trunk diameter), measured at a height of 5 feet, or, in the case of coniferous trees, be a minimum of 8 feet in height, unless otherwise specified by the Board upon consideration

of site conditions; be a species with a substantial life expectancy and a tolerance for soil compaction, drought and, if located along street lines, salt; and be of native origin, provided that they meet the above criteria. The planting of single gender deciduous trees shall be avoided.

ii) The Board may require the submission of a three-year plan for all proposed landscaping. Bonding or other surety may be required to ensure installation and maintenance.

(4) Screening. Sufficient screening shall be provided when the Development Review Board determines that adequate screening is not provided by topographical or other barriers. Screening shall be required where a more intensive land use is proposed to abut a less intensive use; adjacent to garbage collection and utility areas, satellite antennas, outdoor storage, and loading and unloading areas and other outdoor utilities and facilities; and when the project adversely impacts adjacent properties (e.g., lighting, outdoor storage, etc.). In addition:

a. Screening shall provide a year-round visual screen, particularly from roads. A diversity of materials to create a naturalized screen is encouraged rather than a large expanse of uninterrupted, uniform material so long as sufficient screening is obtained. Materials may include fencing, shade trees, evergreen and flowering shrubs, rocks, mounds or combinations thereof to achieve the same objectives.

b. Arrangement of screening shall provide protection to adjacent properties and avoid damage to existing plantings. If re-contouring of the site is proposed, the side slope shall be used for plantings. A maximum of 4:1 slope is recommended.

(5) Bicycle & Pedestrian Access. On-site pedestrian circulation linked to pedestrian facilities located on adjacent properties and/or along public roads, and to on-site parking areas, shall be provided. Such access shall take the form of sidewalks for walking and bicycling, or other facilities depending upon the property's location, site conditions and proximity to other bicycle/pedestrian facilities. Access points at property edges shall be coordinated with existing and planned development to provide pedestrian connections between uses. Bicycle racks shall be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the building(s) that are open to the general public shall be provided for people with disabilities.

(6) Outdoor Storage & Display. The outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials is prohibited unless specifically approved by the Board and/or specifically permitted within particular districts. Secured, covered and screened areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. In approving such outdoor display or storage, the Board may place conditions on the area and location of such storage or display, and shall require appropriate screening.

(7) Building Design. Buildings shall not be designed to function as advertisements through the use of garish color schemes; internal illumination of roofs, facades or awnings; oversized display windows; the integration of oversized logos and advertising features into the building's design; or formulaic or homogeneous architectural design based on a national standard for a particular business or franchise that is not consistent with historic building types and designs typical of Norwich.

(8) Lighting. To ensure appropriate lighting while minimizing its undesirable effects, the following general standards apply to all outdoor lighting with the exception of temporary holiday lighting which is exempt:

a. In addition to information regarding exterior lighting fixtures, including fixture type, mounting location and height, illumination levels and distribution, and color, submitted as part of the application, a lighting plan, prepared by a qualified engineer or lighting expert may be required for projects determined by the Development Review Board to pose a potential for significant off-site impact due to the number, location and intensity of proposed lighting fixtures.
b. Outdoor lighting fixtures shall be limited to recessed, shielded or cutoff fixtures so that no light from fixtures is emitted directly or indirectly at an angle less than 15 degrees below the horizontal and the light source shall not be visible from adjacent lots, roads, or waters. The Color Rendering Index (CRI) shall be appropriate for the location of the site and compatible with adjacent properties. In most situations a CRI of over 80 is acceptable. Building or pole mounted, non-reflective lights using an incandescent bulb of one hundred watts or less not used to illuminate a sign are allowed.
c. All outdoor lighting shall be kept to the minimum required for safety, security and intended use, consistent with the character of the neighborhood and zoning district in which it is located. To determine appropriate lighting levels for a particular use or site, the Board may consider technical resources, such as The Outdoor Lighting Manual for Vermont Municipalities and publications of the Illuminating Engineering Society of North America (IESNA).
d. Parking lot lighting shall comply with the standards for maximum mounting height, minimum illumination (at darkest spot) and uniformity ratio as set forth in The Outdoor Lighting Manual for Vermont Municipalities. The Board may waive these standards for good cause if application thereof is inappropriate or unduly burdensome so long as excessive lighting does not result and the proposed lighting scheme otherwise meets the requirements of this section. Applicants may also be required to use lower mounting heights and illumination levels. Lighting of parking lots in the Rural Residential District is generally discouraged except for minimum security needs.
e. Outdoor lighting fixtures should include timers, dimmers, and/or sensors to reduce energy consumption and eliminate unneeded lighting.

f. The use of street or security lighting is only permitted if unusual or hazardous conditions require it. Security lighting, where deemed necessary by the Board, shall be shielded and aimed so that illumination is directed only on to the designated area and not cast on other areas.

g. Exterior building facades shall not be illuminated. The Board may approve the exterior illumination of buildings with symbolic or historic significance, provided the maximum illumination on any vertical or angular roof surface does not exceed 5.0 foot candles; fixtures are carefully aimed and shielded so that light is only directed onto the building surface; and lighting fixtures are mounted on or near the building, preferably directed downward, and are designed to "wash" the facade with light.

h. Except for approved security lighting, outdoor fixtures shall only be illuminated during the hours of operation for non-residential uses unless specifically approved by the Board. Hours of operation shall include any time up to one hour before or after all employees and patrons or customers have vacated the premises. Inns and Bed and Breakfasts are considered open on a twenty-four hour basis.

(9) Stormwater Management. To prevent water quality degradation and to minimize impacts on surrounding properties and town infrastructure, development shall be sited and designed to minimize storm water runoff and prevent erosion during all phases of development. Land development shall incorporate Low Impact Development (LID) stormwater management and erosion control practices where feasible. The Board may require the preparation and implementation of a stormwater management plan as appropriate for the setting, scale and intensity of the proposed development. Plans, if required, shall include provisions for the inspection and long-term maintenance of stormwater management and erosion control practices and be prepared by a qualified licensed engineer that incorporates the LID approach for site design and stormwater management where feasible and the accepted management practices recommended by the state in the Vermont Stormwater Management Manual and the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites, as amended. The Board may, at the expense of the developer, conduct an independent review of the plans. Site plan approval may be granted by the Board upon finding that the proposed development will:

a. Conserve and protect the natural hydrologic assets and functions of a site. Direct development away from sensitive environmental areas, and preserve native vegetation, soils, and existing drainage courses.

b. Create opportunities to retain all runoff on site. Storm water shall be filtered and infiltrated into the ground by directing runoff away from impervious areas and engineered drainage systems and into areas of natural vegetation. All storms up to 1-inch must be captured and infiltrated on-site. The infiltration rate calculations of the system must be based on data collected in the field. Use green space, flatten slopes, disperse drainage, increase distance from streams, maximize sheet flow and incorporate other Integrated Management Practices (IMPs).

c. Minimize impacts of development at all stages. Minimize clearing, grading and limit lot disturbance. Save A and B (top) soils. Reduce impervious surfaces, pipes, curb and gutters. Discontinue engineered drainage systems where feasible.
d. Use a decentralized stormwater management system of small-scale controls that are located near the sources of runoff generation. These controls shall be designed to store, infiltrate, filter and release runoff the way natural areas do and shall limit the post-development peak discharge rate to less than or equal to the pre-development peak discharge rate based on a 2-year and 10-year, 24-hour storm event. IMPs provide a variety of on-site opportunities to control the volume and peak runoff rates of storm water and to filter pollutants.
e. Compliance with the Vermont Stormwater Regulations as evidenced by an approved State Permit will indicate compliance with this Section.

(10) Protection of Natural Resources. Proposed development shall not have an adverse impact on important natural resources or features located on the parcel, including wetlands, steep slopes, rivers and streams, groundwater source protection areas, floodplains and/or the other features in Section 3.13, identified in the town plan, zoning overlay maps, or through field investigation. The Board may require the following protection measures to ensure the protection of natural resources and features:

a. establishment of buffer areas;
b. permanent protection as designated open space;
c. designation of development envelopes to ensure that activities incidental to the operation of the development use, including clearing and yard area, do not adversely impact identified resources;
d. preparation and implementation of management plans for protected resources and associated buffer areas; and/or
e. such other measures as noted in Section 3.3 of the Norwich Subdivision Regulations.

(11) Historic Structures. Consideration shall be given to the impact of the proposed development on historic structures on the site or on adjacent properties. To the extent feasible, continued use of existing historic structures is encouraged; the exterior appearance of historic structures should be protected, and the visual context of historic structures should be maintained.

(12) Fire and Public Safety. Consideration shall be given to measures necessary for fire and public safety including the location of fire hydrants or other fire protection measures, access to buildings by emergency vehicles and personnel, and proper storage of hazardous or toxic substances. The DRB may request the fire and police departments to review the development plans and make recommendations.

(13) Underground Utilities. For new construction, all new utility systems, which may include but not be limited to electric, gas, telephone, fiber optics, and television cable,

shall be located underground, unless doing this is deemed unreasonable and prohibitively expensive by the DRB due to site conditions.

(C) **District Standards.** To ensure that development is designed in a manner that is consistent with the existing and desired character of the district within which it is located, the following standards shall apply within the specified district.

(1) Village Business (VB) District. Within the Village Business District development shall meet the following standards:

a. Buildings and associated site design shall reinforce a well-defined streetscape by being located as close to the front setback as practical. Where the placement of a building along the front setback is not practical due to preexisting site conditions, landscaping features, such as low walls and planting materials, should be incorporated along the setback line to create a transition between the public right-of–way and the site.
b. Buildings should be oriented toward and relate to, both functionally and visually, streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front facade should include a main entry-way and pedestrian access to the street.
c. Buildings, and modifications to existing buildings, shall be designed in a manner that is compatible with, and does not stand in contrast to, nearby historic structures with regard to building scale, massing, materials, orientation and rhythm of openings (fenestration).
d. Large expanses of undivided glass and/or monolithic walls shall be avoided.
e. Buildings shall be a minimum of 1½ stories in height, with the exception of accessory structures with a building footprint of less than 500 square feet.
f. At the boundary between the VB District and the Village Residential (VR) District, the following requirements shall be met unless waived by the Board:
i) Stored materials or refuse containers between a building in the VB District and the VR District boundary line shall be screened by a fence or by shrubs or trees which would provide comparable concealment.
ii) Parking areas in the VB District shall be screened by a fence or by shrubs or trees which would provide comparable concealment.
iii) Open land in the front, side or rear yard of a property in the VB District, contiguous with a property in the VR District shall meet the general landscaping requirements of Section 5.03(B)(3).

(2) Village Residential (VR) District. Within the VR District development shall meet the following standards:

a. The use of front yards shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g., street furniture, pedestrian scale

lighting and signs) and driveways. Outdoor storage, parking and loading areas shall not be located within front yards unless the Board finds that the property is a pre-existing building and that no other practical alternative exists.

b. Buildings should functionally and visually be oriented toward and relate to public streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front facade should include an entryway and pedestrian access to the street. The Board may impose a maximum setback, relative to adjacent buildings, to achieve a consistent streetscape.

c. The size, scale, and massing of new buildings, including height, width, street frontage and roof type, shall be compatible and harmonious with surrounding residential structures. Consideration may be given to buildings serving special civic, social or cultural functions, including places of worship, that may be designed to serve as prominent focal points within the district.

(3) Commercial/Industrial (CI) District. Where any land use in the Commercial/ Industrial District abuts land in any residential district, a strip of land at least twenty-five feet in width shall be maintained as a landscaped buffer unless waived by the Development Review Board.

(4) Rural Residential (RR) District(s). Development within the RR District(s) shall meet the following standards:

a. Site design shall be configured to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape.

b. Buildings shall be sited in a manner that avoids placement on lands actively and exclusively devoted to farming and shall be blended into the site by appropriate landscaping and/or the use of topographic features, or may be required to be screened from view.

c. Parking for non-residential uses shall be screened from public view and shall not be located within 75 feet of a property boundary.

(D) **Procedure for Bonds**. In the event use or occupancy is to occur prior to completion of the proposed development, the DRB may require a performance bond, escrow account or other surety acceptable to the Town Manager and approved by the Selectboard to ensure completion of the development on the terms and conditions approved by the DRB. This requirement is in addition to any bonding for landscaping. [Title 24, §4464(b)(6).]

Section 5.04 Conditional Use Review

(A) **Purpose.** In addition to addressing site design considerations through the application of site plan review standards, conditional use review is intended to ensure

compliance with standards addressing the impact of certain proposed land uses on adjacent properties, the neighborhood and/or zoning district in which the project is located, and the community at large. Typically, land uses are subject to conditional use review because the scale, intensity or potential off-site impacts warrant careful scrutiny by the Development Review Board. Standards and conditions emphasize those considerations in which off-site impacts of a proposed project can be identified, avoided and/or mitigated.

(B) **Determination by Zoning Administrator.** The Zoning Administrator may determine whether a conditional use approval is needed for a proposed use in which all applicable provisions of these regulations have been satisfied (e.g., if there will be no increase in the number of clients and customers or the number of parking spaces). In the event that there is no change in site conditions or circumstances involving one or more applicable provision of these regulations, the Zoning Administrator may issue a zoning permit in accordance with Section 6.01 without Development Review Board review under this Section. Conditional uses approved under this provision shall be subject to Site Plan Review.

(C) **Other Uses.** Uses not explicitly listed in Article II, but of a similar type or character to those listed within the district, may be conditionally permitted following a specific written determination by the DRB, based on substantial evidence, that the use achieves the purpose of the district and that the use is not detrimental to other uses in the district as well as adjoining uses.

(D) **General Standards.** Conditional use approval shall be granted by the Development Review Board upon finding that the proposed development will not result in an undue adverse effect on the following:

(1) The capacity of existing or planned community services or facilities. The Board shall consider the demand for community services and facilities resulting from the proposed development in relation to the available capacity of such services and facilities. Available capacity may be determined in part through consultation with other municipal and/or state officials having jurisdiction over affected services and facilities, and consideration of any capital budget and program in effect. Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity.

(2) The character of the area affected. The Board shall consider the location, scale, size, mass, materials, type, density and intensity of use associated with the proposed development in relation to the character of the area likely to be affected, as defined by the Board based on the Norwich Town Plan, applicable zoning district purposes and standards, submitted materials, and testimony presented at public hearing. Conditions may be imposed as appropriate to ensure project compatibility with the character of the area affected.

(3) Traffic on roads and highways in the vicinity. The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians, bicyclists, or motorists, or unacceptable levels of service for roads, highways and intersections, unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies, or improvements in public transportation.

(4) Ordinances, Bylaws and Regulations in effect. The Board shall consider whether the proposed development complies with all ordinances, bylaws, and regulations in effect at the time of application, including other applicable provisions of this bylaw, other municipal permit and/or approval conditions (e.g., subdivision, highway access). Conditions may be imposed or incorporated as appropriate to ensure compliance with other municipal regulations, bylaws and ordinances in effect.

(5) The utilization of renewable energy resources. The Board shall consider whether the proposed development will interfere with the sustainable use of renewable energy resources, including access to, direct use or future availability of such resources. Conditions may be imposed as appropriate to ensure long-term access, use and availability of such resources.

(E) **Site Plan Standards.** In addition to the general standards set forth in subsection (B), the Development Review Board shall also apply all applicable site plan review standards set forth in Section 5.03(B) and (C). Compliance with such standards shall be a requirement of conditional use approval.

Section 5.05 Flood Hazard Review

(A) **Review Procedures.** All development within the flood hazard area overlay district, with the exception of permitted uses within the district as identified in Table 2.7, shall be subject to conditional use review by the Development Review Board under Section 5.04 and the following flood hazard area regulations. Permitted uses within the underlying district, which would otherwise not be subject to conditional use review, are not required to meet conditional use standards under Subsections 5.04(D) and (E). Conditional uses within the underlying district are subject to both conditional use and flood hazard area requirements. Permitted uses requiring site plan review under Section 5.03 may, at the discretion of the Board, be reviewed under Section 5.03 and this Section concurrently.

(B) **Development Standards:**

(1) Floodway Areas

a. Development, except for minor improvements to existing structures or relating to bridges, culverts, roads or stabilization projects, within the regulatory floodway is prohibited. Such exceptions require conditional use approval prior to permitting and must comply with the other standards in Section 5.05(B) demonstrated through hydrologic and hydraulic analyses performed and certified in accordance with standard engineering practice by a registered professional engineer that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
b. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.
c. Wastewater Systems are prohibited within the floodway.
d. In areas within the flood hazard overlay district where no regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(2) Floodway Fringe Areas: (i.e., special flood hazard areas outside of the floodway) All development shall be reasonably safe from flooding and:

a. designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
b. constructed with materials resistant to flood damage,

c. constructed by methods and practices that minimize flood damage, and
d. constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Residential Development:

a. Construction of new residential structures is not permitted.
b. Existing buildings to be substantially improved that are located in Zones A, A1-30 and AE shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.
c. Existing manufactured homes to be substantially improved that are:
i) located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood; or
ii) located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, shall have the lowest floor supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and securely anchored to an adequately anchored system to resist flotation, collapse, and lateral movement.

(4) Non-residential Development:

a. Construction of new non-residential structures is not permitted.
b. Existing buildings to be substantially improved located in Zones A, A1-30, AE (See FIRM panels) shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
c. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

(5) Subdivisions:

a. New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than either 50 lots or 5 acres shall include base flood elevation data.
b. Subdivisions (including manufactured home parks) shall be designed to ensure that:
i) such proposals minimize flood damage within the flood-prone area,
ii) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage,
iii) drainage is adequate to reduce exposure to flood hazards, and
iv) any access roads to habitable structures or critical facilities are at least one foot above base flood elevations and able to withstand a 100-year event without failure or overtopping.

(6) Enclosed Areas Below the Lowest Floor:

a. Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage and such a condition shall clearly be stated in any permits.
b. Existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
c. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(7) Recreational Vehicles: Recreational Vehicles placed on sites with special flood hazard areas shall either:

a. be on the site for fewer than 180 consecutive days,
b. be fully licensed and ready for highway use, or
c. be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Section 5.05 (B)(2) and (3).

(8) Accessory Structures: A small accessory building (footprint area less than 600 square feet) that represents a minimal investment need not be elevated to the base flood elevation provided the building:

a. is not used for human habitation,
b. is designed to have low flood damage potential,
c. is constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
d. is firmly anchored to prevent flotation, and
e. has service facilities such as electrical and heating equipment elevated or floodproofed.

(9) Water Supply Systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(10) Sanitary Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(11) On-Site Wastewater Disposal Systems. On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(12) Watercourse Carrying Capacity. The flood and sediment carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

(C) **Duties and Responsibilities of the Zoning Administrator.** The Zoning Administrator shall maintain a record of:

1. All permits issued and denied for development in areas of special flood hazard;
2. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
3. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;
4. All floodproofing certifications required under this regulation; and
5. All variance actions, including justification for their issuance.

(D) **Variances to the Development Standards.**

(1) Variances shall be granted by the Development Review Board after a hearing noticed in the same manner as for a conditional use and only in accordance with 24 V.S.A. §4469 and the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

(2) A decision in favor of the appellant shall be granted if all the following facts are found, and the supporting findings are specified in the decision:

a. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional

topographical or other physical conditions peculiar to the particular property, and unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located;

b. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

c. Unnecessary hardship has not been created by the appellant;

d. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare;

e. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan; and

f. The variance will not result in increased flood heights, increased susceptibility to flooding or erosion, additional threats to public safety or infrastructure (including emergency services during flood events), or extraordinary public expense.

(E) **Application Requirements.** In addition to a development review application prepared in accordance with Table 5.1, an applicant for conditional use review within the flood hazard area overlay district shall submit to the Zoning Administrator the following:

1. the location on the site plan and elevations of all roads, water supply and wastewater facilities in relation to the channel, floodway, and base flood elevations;
2. a completed FEMA "Elevation Certificate" prepared by a registered surveyor, engineer, architect or other state official who is authorized by the state to certify building elevation information;
3. where floodproofing is proposed (as allowed for nonresidential buildings), a completed FEMA "floodproofing certificate" prepared by a qualified licensed engineer or licensed architect appropriate to this issue who is authorized by the state to certify floodproofing design and construction;
4. a hydraulic analysis for development located within the floodway; and
5. a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(F) **Warning of Disclaimer of Liability.**

(1) This ordinance does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages.

(2) This ordinance shall not create liability on the part of the Town of Norwich or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(G) **Enforcement and Penalties.**

(1) It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance. Whenever any development occurs contrary to these flood hazard area regulations, the Zoning Administrator shall follow the same procedure as in Section 6.06 and shall notify the landowner in the Notice of Violation that failure to cure may result in loss of flood insurance.

(2) If the violation is not remedied within 7 days, or appealed, the Zoning Administrator shall mail a copy of the notice of violation to the state NFIP Coordinator and the Administrator of the National Flood Insurance Program. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The notice shall consist of:

a. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
b. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
c. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
d. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
e. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

(H) **Definitions.**

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

Basement means any area of the building having its floor elevation sub-grade (below ground level) on all sides.

Building means any structure used for the shelter or accommodation of persons, animals, goods, personal property, or equipment, which has a roof supported by columns or walls.

For development within the flood hazard area overlay district, this definition also includes a gas or liquid storage tank that is principally above ground. See also Structure.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood means

a. A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "flood").

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

Historic Structure means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    i. By an approved state program as determined by the Secretary of the Interior; or
    ii. Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

a. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
b. A manufactured home; or
c. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Section 5.06 Planned Unit Developments

(A) **Purpose.** Planned Unit Developments (PUDs), authorized under the Act [§4417], are allowed in designated zoning districts to allow landowners to present to the Development Review Board development plans that differ from the basic requirements of the zoning regulations in cases where an alternative configuration may promote more desirable development design that achieves the goals and objectives of the Town Plan. PUDs are encouraged in designated districts to:

1. enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land;
2. increase density, reduce lot size and/or facilitate the adequate and economical provision of streets and utilities in a cost effective manner;
3. cluster development to encourage the preservation of productive farm land, forest and wildlife habitat, and enhance Norwich's rural character as described in the Town Plan;
4. accommodate new development in a manner that maintains the Town's historic settlement patterns, and protect significant natural, cultural and scenic features as described in the Town Plan;
5. provide opportunities for a diversity of housing types, and promote affordable housing and moderate-income housing in appropriate locations; and/or
6. be consistent and harmonious with the historic settlement patterns, scale, size, and mass in its respective zoning district.

(B) **Applicability.** Planned Unit Development (PUD) provisions may be applied, at the request of an applicant, to any sized parcel within the Rural Residential District, or the Village Residential I and II Districts, and any other subsequently created district which expressly so provides. Any change to an approved PUD shall require an amendment to the prior approval in accordance with this section. Adjoining landowners may combine all or a portion of contiguous parcels for the purpose of submitting a joint PUD application provided such property owners intend that each of their properties will:

1. be subject to all requirements and conditions of PUD approval issued in accordance with this Section, and
2. upon approval of the application, be subject to the terms and conditions established by the Development Review Board in approving the official development plan.

(C) **Application Procedures and Coordination with Other Review Processes.** Applications for PUDs shall be reviewed in accordance with the following procedures:

(1) One or more pre-application conferences are encouraged at which the Development Review Board and interested municipal officials may exchange information with the applicant and understand the nature and scope of the applicant's proposal.

(2) Application for a PUD shall be filed with the Zoning Administrator simultaneously with additional applications for subdivision review, variances, and Conditional Use, if needed. All PUD applications will be reviewed under the criteria for subdivisions in the Norwich Subdivision Regulations, Site Plan Review in NZR Section 5.03, and PUDs in this Section. In addition to the application materials set forth in Table 2.2 of the subdivision regulations, the application for a PUD must include the following:

a. A narrative master plan which, together with all required submission materials, shall comprise the official development plan for the PUD. Such

master plan shall include a brief summary of the project and how it meets the standards set forth in this Section. In addition, the master plan shall describe the nature of all proposed modifications or changes of existing land use and development regulations, including those in Section 3.3 of the Subdivision Regulations, and all proposed standards and criteria for the design, bulk and spacing of buildings and sizes of lots and open spaces.

b. Application materials required for Site Plan Review set forth in Table 5.1.

c. Any additional materials required by the Board under subsection (C) or (D).

d. Applications of PUDs may be reviewed simultaneously with applications for subdivision review in accordance with the requirements and procedures set forth in the Norwich Subdivision Regulations. If a subdivision is not proposed, the PUD application shall be subject to subdivision review standards set forth in Section 3 of the Norwich Subdivision Regulations. PUD applications shall also be subject to site plan review standards set forth under NZR Subsections 5.03(B) and (C). Approval granted by the Development Review Board under this Section for a PUD involving a use which requires site plan in accordance with Section 5.03 may be exempted from such review should the Board find in the course of granting PUD approval that the proposed PUD meets applicable site plan review standards.

e. Approval granted by the Development Review Board under this Section for a PUD involving one or more conditional use under Section 5.04 shall not exempt the proposed development from such review. The Board may, however, conduct the conditional use review concurrently with PUD review.

f. Within 45 days after the close of the final public hearing, the Development Review Board shall approve or deny the PUD application. This Decision shall include a clear indication of all approved modifications of developmental standards. The Development Review Board may, as a condition of granting approval, impose such restrictions and conditions related to the location, scale, density, intensity or overall design of future development within the PUD as the Board deems necessary. Subdivision, site plan, or conditional use approval may be granted simultaneously with approval of the PUD application. The applicant shall be notified by certified mail of the Development Review Board's decision.

g. Nothing herein permitting a PUD shall be construed to limit the right of the Development Review Board to grant special exceptions or variances which are permitted by these regulations or by statute. Approval of a PUD application does not nullify or change any existing zoning regulation affecting the project land not specifically modified in connection with the Development Review Board's approval of that application.

(D) **Standards.** All Planned Unit Developments (PUDs) shall meet the following standards:

(1) Any residential use permitted in the district in which the PUD is located is permissible under the PUD, including home occupations as provided in Section 4.08. A PUD may include, at the discretion of the Development Review Board, dwelling units of varied types, including single- and two-unit dwellings and multi-unit dwellings in districts where permitted.

(2) Certain non-residential uses, designed primarily to service the residents of a PUD, also are permitted. Examples of such uses include: recreational facilities; day care facilities; and accessory uses.

(3) The PUD shall be an effective and unified treatment of the development possibilities on the site, and the development plan shall make appropriate provision, where applicable, for the protection of: wetlands; steep slopes, prominent knolls and ridgelines; wildlife habitat and natural areas; historic and cultural resources; farm land; forest resources; scenic areas and other unique features as described in Section 3.13.

(4) The overall density of the project shall not exceed:

a. in the case of property within the Rural Residential District: the number of units permitted based upon maximum allowable density calculated pursuant to Section 3.2 of the Subdivision Regulations; or
b. in any other district, the number of units permitted if the land were subdivided into lots in accordance with the standards for the district(s) in which the land is situated;

provided, however that, in each of the above instances, the permitted density so determined may be increased as permitted below to reflect:

i) a density bonus of up to 25% of the permitted overall density in the Rural Residential District in instances in which not less than 60% of the total acreage is set aside in the deed as open space in accordance with Section 3.10 of the Subdivision Regulations; or
ii) a density bonus of up to 25% of the permitted overall density in the Village Residential I District in instances where the PUD complies with the standards set forth in subsection (10) below; or
iii) a density bonus of 50 % of the permitted overall density, in accordance with Section 4407(3) of the Act, in instances in which not less than 20% of the total number of dwelling units created are affordable housing units, as defined in Section 7; or
iv) a density bonus of up to 100% of the permitted overall density, in accordance with Section 4407(12) of the Act, in instances in which not less than 50% of the total number of dwelling units created are affordable housing units, as defined in Section 7.

Note: Fractional density bonuses are not rounded up.

(5) A greater concentration or intensity of residential development may be located within some portion(s) of the site offset by open space areas designed to enhance the scenic qualities of the site and the neighborhood with reference to historic settlement patterns, the working landscape, and natural resource features.

(6) The PUD shall be consistent with the goals and objectives of the Town Plan.

(7) The PUD shall result in no greater burden on present and planned municipal services and facilities than would result from traditional development of the parcel with the same number of units as proposed in the PUD. The available public or private facilities and services, including schools, streets, emergency services, and utilities, will be adequate to provide service to the proposed PUD. The Development Review Board shall require written certification from town departments that the town has adequate resources to support any proposed PUD with five or more units, and may require this certification for any proposed PUD with less than five units.

(8) The Development Review Board may restrict points of access to state or town highways and, subject to Norwich Selectboard approval, where necessary, require improvements to roads to meet town road or private highway specifications.

(9) The layout, number, configuration of lots and placement of buildings shall be consistent with the historic pattern, size, mass, and scale of development found within the applicable district and support the goals of the Town Plan.

(10) In addition to the standards set forth in subsections (1) through (9) above, a PUD within the Rural Residential District shall be designed to blend new development into the rural landscape and maintain important natural, scenic and cultural resources as described in the Town Plan. Accordingly, PUDs in that district are encouraged to be designed in accordance with the standards for either crossroads hamlets or farmstead clusters, as described below:

a. Crossroads Hamlet - A proposed PUD may be designed in a manner which replicates a traditional crossroads hamlet, characterized by a concentration of residential buildings and one or more prominent cultural, community or civic structures, located at a road intersection.

b. Farmstead Cluster - A proposed PUD may be designed in a manner which replicates a traditional Vermont farmstead, characterized by a variety of building scales, which visual character is typified by the appearance of a principal dwelling and a mix of agricultural buildings (e.g., barns and outbuildings) located within a compact area surrounded by open farmland. Such a farmstead cluster shall be designed to include:

i) a contiguous grouping of dwellings within a compact area, in which the inclusion of multi-unit, affordable housing and moderate-income housing is encouraged;

ii) no fewer than three dwelling units within a single farmstead cluster. Multiple farmstead clusters may be placed on a single parcel provided they are separated by adequate open space;
iii) no fewer than 25% of the units being affordable housing or moderate-income housing as defined in Section 7.02; and
c. not withstanding Section 5.06(D)(1), farmstead clusters may include multi-unit dwellings.

(11) In addition to the standards set forth under (1) through (7) above, a PUD within any Village Residential District shall be, at a minimum, designed in the following manner:

a. Development envelopes should be established so that buildings front upon and are oriented toward roads or common areas.
b. Roads and driveways shall be laid out in a manner that reflects historic village street design characterized by a well-defined streetscape comprised of street trees, sidewalks and/or a consistent building setback.
c. Adequate provision for open space and common areas shall be included in the design.

(12) All PUDs shall be three units or more.

Section 5.07 Development Envelope Review

(A) **Purpose.** Designating Development Envelopes on undeveloped lots prior to granting permits for construction of a one-unit or two-unit dwelling structure in the Rural Residential District will limit adverse effects on significant natural, scenic, and cultural resources.

(B) **Applicability**. This section shall apply to any undeveloped lot prior to obtaining a permit for construction of a one-unit or two-unit dwelling unless a Development Envelope has already been designated for the lot by an approved subdivision decision.

(C) **Administrative Review.** If after reviewing the complete application, the zoning administrator determines that the proposed development will have no impact on farm lands, forest lands or scenic areas as defined in Section 3.13(B), the zoning administrator shall issue a permit waiving the requirement for Development Envelope Review under this Section.

(D) **General Standards.** The Development Envelope will identify and limit the location of principal and accessory structures, parking areas, and associated site development including road and utility rights-of-way or easements on one or more portions of a lot to limit adverse impact of proposed development on any of the features in Section 3.13. The Development Review Board shall consider and may impose appropriate safeguards, modifications and conditions relative to the standards in Section

3.13. A sketch depicting the location and size of the Development Envelope shall be attached to the written decision of the Development Review Board. This sketch shall also include measurements from known points on a recorded survey, tax maps, or on the ground to reasonably allow determination of the location of the Development Envelope.

(E) **Application Requirements.** Applicants for Development Envelope Review shall submit:

(1) A plan drawn to scale based on a survey or the latest Norwich Tax Map showing a north arrow, scale, legal property boundaries for the property and the approximate location of the proposed development envelope(s).

(2) Plans depicting the location of any of the following features or overlay districts listed in Section 3.13 that the proposed development envelope may impact. Delineation of these features may be based in Norwich GIS data or field data.

a. Wetlands: as defined in the Vermont Wetlands Regulations
b. Aquifer Protection Zone(s)
c. Floodplains
d. Shoreline Protection
e. Ridgeline Areas
f. Steep Slopes
g. Endangered Species
h. Open farmland and areas with “prime” and “statewide” agricultural soils
i. Scenic Resources

(3) Narrative addressing impact of any of the features or overlay districts listed in (2) above.

(F) Development Envelopes approved under this Section shall remain effective until such time as amended by the DRB after a new hearing.

Section 5.08 Ridgeline Protection Review

(A) **Purpose.** Review the potential visual impact, as seen from public roads, of new development within the Ridgeline Protection Overlay District prior to granting permits for construction. For the purposes of this section, public roads shall include Class I, II, and III town highways, state highways and interstate highways within the town.

(B) **Applicability**. This section shall apply to development within the Ridgeline Protection Overlay (RPO) District other than exempt uses in Table 2.9 (E).

(C) **General Standards.** Proposed development shall comply with the standards in Table 2.9 (F) & (G).

(D) **Application Requirements.** Applicants for Ridgeline Protection Review shall submit:

(1) A plan drawn to scale based on a survey prepared by a licensed surveyor or the latest Norwich Tax Map showing a north arrow, scale, legal property boundaries for the property and the location of the proposed development.

(2) Plans depicting the location of the following based on Norwich GIS data or field data:

a. Ridgeline Protection Overlay District boundaries;
b. Contours with intervals of 20' or less;
c. Scenic Resources Area boundaries;
d. Public and private roads; and
e. Existing development.

Note: These plans are available from the Norwich Planning Office.

(3) The applicant shall select one or more specific vantage points along public roads from where the proposed development may be seen. These vantage points shall be shown on a plan. The plan shall also depict areas where existing trees will be maintained or new trees will be planted to provide screening.

(4) The applicant may either submit a specific plan for a new or enlarged structure at a specific location or may designate a development envelope for all future structures.

(5) Any additional information describing the visual impact of the development as seen from public roads and measures to minimize this impact shall be submitted.

(E) Ridgeline Protection Review approval under this Section shall remain effective until such time as amended by the DRB after a new hearing.

Article VI. Administration & Enforcement

Section 6.01 Zoning Permit Requirements

(A) **Applicability.**

(1) No development, as defined in Article VII (with the exception of the exemptions listed in Section 6.02) may commence without issuance of a zoning permit by the Zoning Administrator.

(2) No development requiring a wastewater disposal system may commence until all required permits for the wastewater disposal system have been issued by the state. (See Vermont on-site septic regulations.)

(B) **Application Requirements.** An application for a zoning permit shall be submitted to the Zoning Administrator on forms provided by the town, along with any application fees as established by the Selectboard. In addition, the following information, certified by the applicant to be correct to the best of the applicant's knowledge and belief, will be required as applicable:

(1) Permitted Uses. Applications for permitted uses shall include a statement of the existing and intended use of land and structures, and be accompanied by a sketch plan, no smaller than 8½" x 11," drawn to scale, that accurately depicts and includes:

a. the dimensions of the lot, including existing and proposed property boundaries;
b. the location, footprint, and height of existing and proposed structures and additions;
c. the location of existing and proposed easements, rights-of-way and utilities;
d. setbacks from property boundaries, rights-of-way, surface waters, and wetlands;
e. the location and type of existing and proposed water supply, sewage treatment and disposal, and surface water drainage systems;
f. description of existing and intended use of each building, lot, or part thereof, including the number of bedrooms and/or proposed occupancy (e.g., number of families, lodgers, employees);
g. a surveyor's plot plan, if available; and
h. such other information as may be needed to determine compliance with these regulations.

Note: The Zoning Administrator may waive the requirement for any of the above information if not needed to determine compliance with these regulations.

An applicant signature on the application for a zoning permit is deemed to be the owner's consent to an inspection of the real estate that is the subject of the application by the Zoning Administrator and the Development Review Board.

(2) Uses Requiring Development Review Board Approval. An application for development that requires approval under site plan review, conditional use, planned unit development, Development Envelope Review or flood hazard area review prior to the issuance of a zoning permit shall include, in addition to the application information under Subsection (B), application materials prepared in accordance with the applicable requirements set forth in Article V. The Zoning Administrator shall not consider any application for a zoning permit to be complete until such time as all necessary Development Review Board approvals have been granted.

(C) **Issuance of Permits.** In accordance with the Act [§§4443, 4464] and the following requirements:

(1) The Zoning Administrator shall determine whether an application for a zoning permit is in literal compliance with a permitted use or action as defined by these Regulations. If the Zoning Administrator determines that it is in compliance, the application for permit shall be approved and the permit issued.

(2) In the event the Zoning Administrator determines that the application is not in literal compliance with a permitted use or action as defined by these regulations, the application shall be denied. The Zoning Administrator shall so notify the applicant in writing, stating the reasons for the denial and including a statement of the applicant's right to appeal that denial within 15 calendar days of the date on the written notice. The applicant may appeal the denial to the Development Review Board, as set forth below.

(3) The Zoning Administrator shall act to issue or deny the application within 30 days of the date of receipt of a complete application. A complete application includes all materials, fees, and required approvals from the town. For uses subject to state agency referral (e.g., flood hazard area review), an application is not complete until a response has been received from the applicable state agency, or the expiration of 30 days following the submission of the application to the state, whichever is less. If the Zoning Administrator fails to act with regard to an application for a permit within 30 days, the permit shall be deemed issued on the 31st day.

(4) If public notice has been issued by the Selectboard for their first public hearing on a proposed amendment to these regulations, the Zoning Administrator shall issue a zoning permit for development that is subject to the proposed amendment only in accordance with the requirements of the Act [§4449(d)].

(5) Within three days following the issuance of a zoning permit, the Zoning Administrator shall deliver a copy of the permit to the listers of the Town and post a copy of the permit in at least one public place in the Town for at least 15 calendar days from the date of issuance of the permit.

(D) **Effective Date.** No zoning permit shall take effect, and development may not commence until the time for appeal under Section 6.03(A) has passed or, in the event

that a notice of appeal is properly filed, until final adjudication of said appeal by the DRB.

(E) **Permit Display.** In accordance with the Act [§4449], the notice of a zoning permit must be displayed within view from the public right-of-way nearest to the property until the time for appeal under Section 6.03(A) has passed.

(F) **Permit Expiration.** A zoning permit shall remain valid for two years from the date it is issued. In addition:

(1) If the zoning permit authorizes only a change in the use of any building or other structure, or in the use of land, the change in use must occur prior to the two-year expiration date of the zoning permit. At the expiration date of the permit, it shall become null and void and the permit is not renewable.

(2) If the zoning permit authorizes construction, reconstruction, conversion, relocation, alteration or enlargement of any building or structure, said construction activity must be initiated prior to the two-year expiration date of the zoning permit. If the construction activity is not begun, the permit shall become null and void and is not renewable.

(3) If the zoning permit authorizes construction, reconstruction, conversion, relocation, alteration or enlargement of any building or other structure (either with or without a change of use), and if said construction activity has been initiated before the two-year permit expiration, the applicant may file an application to renew the permit, without fee, with the Zoning Administrator. The application to renew must be received by the Zoning Administrator at least 30 calendar days prior to the expiration date of the original permit. A zoning permit authorizing construction activity may be renewed in this manner for up to two consecutive 12-month periods to allow for completion of construction. No zoning permit allowing construction activity shall be valid after the expiration date of the original or renewal permit, nor longer than a total of four consecutive years if renewal applications are timely applied for and issued. If construction is not completed by the end of four consecutive years, the zoning permit and any renewals thereof shall become null and void.

(4) The expiration of a zoning permit under this subsection shall include the expiration of all associated zoning approvals, and at its expiration, any land development on the lot must cease. All subsequent land development, if desired, must be approved after the submission of a new application for a zoning permit and all laws and ordinances then in effect will be applicable.

(G) **Certificates of Compliance.** Upon request or as specified in these regulations, the ZA may issue a Certificate of Compliance stating whether a parcel of land has any outstanding violations or permits. The ZA shall review all pertinent records on file in the Town Office and shall visit the property in question before issuing a Certificate of

Compliance.

(H) **Certificate of Occupancy.** No newly constructed residence shall be occupied without a Certificate of Occupancy issued by the ZA. Substantial alterations or additions to residential structures or uses which require a municipal permit may require a Certificate of Occupancy.

Section 6.02 Exemptions

Notwithstanding Section 6.01, no zoning permit shall be required for the following:

(A) Modifications of building interiors if no change of use is proposed; repairs and minor alterations (including chimneys, re-roofing or re-siding) to existing structures not resulting in any change to the exterior dimensions or height of the structure. Modifications to buildings in the Flood Hazard Overlay District may not be exempt if the modifications constitute "substantial improvement." (See Section 5.05(H)).

(B) Maintenance of existing roads, driveways and infrastructure within their existing and/or approved configuration. This includes associated ditching, resurfacing, and/or relocation within existing or approved right-of-way or easement areas.

(C) Site work incidental to permitted development including clearing, grading, and foundation excavation; and, minor grading and excavation associated with road and driveway maintenance (including culvert replacement and re-surfacing) and yard improvements associated with accessory uses to existing principal uses (contouring yards, establishing garden and landscape areas) that has all impacts contained within the development envelope or that does not impact any of the features listed in Section 3.13(A). Impacts shall include but are not limited to erosion or siltation from stormwater runoff.

(D) Residential accessory structures such as a dog house, child's play house, shed, solar panels or similar structure, for each of which the floor area does not exceed 100 square feet and the height does not exceed 12 feet, provided that such accessory structures comply with all setback requirements for the district in which they are located and are completely contained within the development envelope or do not impact any of the features listed in Section 3.13(A).

(E) Roadside Agricultural stands that comply with the criteria listed in Section 4.18.

(F) The construction, repair and maintenance of residential stone walls and fences provided that they do not exceed a height of four feet and do not extend into or obstruct public rights-of-way, or interfere with corner visibility or sight distances for vehicular traffic, and provided that the construction of new fences or stone walls does not impact any of the features listed in Section 3.13(A). See Section 3.07(E) and Section 7.02 Definition – Structure.

(G) Garage sales, yard sales, auctions, or related activities not exceeding three consecutive days or more than 12 days in any calendar year.

(H) Accepted Agricultural Practices (AAPs) and Best Management Practices (BMPs), including farm structures, as defined by the Commissioner of Agriculture, Food and Markets in accordance with the Act [§4413(d)]; however, pursuant to associated state rules as most recently amended:

a. Prior to the construction of farm structures, the farmer must notify the Zoning Administrator in writing of the proposed construction activity. The notification must contain a sketch of the proposed structure, including setbacks from adjoining property lines, road rights-of-way, and surface waters.
b. The proposed structure shall comply with all setback requirements for the district in which it is located unless, upon written petition, the Secretary of Agriculture has approved other setbacks for the specific farm structure being constructed or expanded. Such approval shall be attached to the notification filed with the Zoning Administrator.
c. Violations of the AAPs or BMPs may be reported to the Secretary of Agriculture for enforcement action.

(I) Accepted Management Practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§4413(d)].

(J) Home offices that meet the specific standards set out in Section 4.08(A).

Section 6.03 Appeals

(A) **Decisions of the Zoning Administrator.** In accordance with the Act [§4465], the applicant or any other interested person may appeal a decision or act of the Zoning Administrator by filing a notice of appeal with the Clerk of the Development Review Board, or the Town Clerk if no Secretary has been elected, within 15 days of the date of such decision or act. A copy of the notice of appeal also shall be filed with the Zoning Administrator.

(1) As required by the Act [§4468], the Development Review Board shall hold a public hearing on a notice of appeal within 60 days of the filing of the appeal. The Board shall give public notice of the hearing as required under Section 6.06(D), and shall mail a copy of the hearing notice to the appellant at least 15 days prior to the hearing date.

(2) The Board may reject an appeal or request for reconsideration without hearing and render a decision, which shall include findings of fact, within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant [§4470].

(3) All appeal hearings shall be open to the public in accordance with the Act [§4468]. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes [3 V.S.A. §810]. The hearing may be adjourned by the Board from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.

(4) A decision on appeal shall be rendered within 45 days after the adjournment of the hearing, as required under the Act [§4464(b)]. Failure to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. A decision shall be issued in writing and shall include a statement of the factual bases on which the Board has made its conclusions, and a statement of conclusions. The decision shall also include a statement of the time within which appeals may be taken under Subsection (B). The decision shall be sent by certified mail to the appellant within the 45-day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Town Clerk as part of the public records of the municipality [§4464(b)(3)].

(B) **Decisions of the Development Review Board.** The applicant, appellant or other interested person who has participated in a regulatory proceeding of the Development Review Board may appeal the decision rendered by the board within 30 days of such decision, to the Vermont Environmental Court, in accordance with the Act [§4471].

(1) "Participation" in a board or commission proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.

(2) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Norwich Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

(C) **Notice of Appeal.** Pursuant to the Act [§4466], a notice of appeal shall be in writing and include:

a. the name and address of the appellant;
b. a brief description of the property with respect to which the appeal is taken;
c. a reference to applicable bylaw provisions;
d. the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations;
e. the alleged grounds why such relief is believed proper under the circumstances; and
f. any request for a stay of enforcement which may be granted or denied by the DRB in accordance with the Act [§4466].

Section 6.04 **Waiver Authority**

(A) Applicability. The DRB may grant applicants waivers to reduce dimensional standards as authorized by 24 V.S.A 4414f(8) and as specified in these regulations. Waivers will not be granted for a use that is not permitted or conditional in the district in which the subject property is located. Waivers are intended to provide additional flexibility in the application of these regulations in addition to what is provided through the variance process as described in these regulations.

(B) Application Procedure. The steps to be taken to file and review a request for a waiver are the same as those for a variance, with the addition of the following:

1. The applicant's request for a waiver shall include a brief response to each of the criteria listed in paragraph D, as applicable.
2. The DRB shall make its decision on the request by applying the facts presented in the application and its hearing to the criteria listed below. The DRB shall respond to each condition in its written finding of fact.
3. The applicant shall submit to the ZA at least 21 days prior to the regular meeting of the DRB.

(C) Conditions for Waiver. In granting a waiver, the DRB may impose conditions on the waiver. The nature of any waiver and any condition attached to it shall be entered on the face of the zoning permit or subdivision approval, incorporated therein and shall be enforceable in the same manner as any other application requirements of these regulations.

(D) Criteria for Waiver of Dimensional Standards. The DRB may grant waivers to reduce dimensional standards if the applicant can satisfy all of the following standards:

1. The waiver is for a use allowed within the district in question;
2. The waiver requested is in conformance with the Norwich Town Plan and the goals set forth in 24 V.S.A Chapter 117.

3. The waiver requested is designed to conform to the character of the land use area in which the property is located as defined in the Norwich Town Plan and further designed to reasonably limit impact or the potential for impact upon neighbors.
4. The waiver being requested is reasonable.

(E) **Specific Use Waivers.**

(1) **Shoreline Protection Overlay**. The Development Review Board may grant a waiver permitting development within the shoreline buffers specified in Table 2.8(B). In granting the waiver, the Development Review Board shall be required to:

a. Find that due to special circumstances of a particular site, development outside of the buffer areas will adversely affect the significant natural or scenic resources, or the rural character, or that there is no other reasonable area on the lot for the proposed development other than within the buffer area;
b. Find that provisions can be made to provide protection for the water body and its functions, taking into consideration the potential for lateral or horizontal channel adjustment, floodplain requirements; and the potential for erosion based on soil and slope conditions; and
c. Require reasonable conditions that will, in its judgment, provide protection substantially the same for the waterbody and its functions as if the full setback were to be observed.

(2) The applicant shall submit an application form and a site plan showing existing and proposed development on the lot, the location of the waterbody, the top of bank, top of slope, low flow, and floodplain area. The application shall also include a narrative addressing the criteria in Section (D)(1). The Development Review Board may require a fluvial geomorphic assessment by a qualified consultant.

(3) The Development Review Board shall hear and decide upon requests for waivers permitting development within the shoreline buffers pursuant to the Act [§4414(8)]. The Board shall follow the same hearing procedures as for a conditional use hearing (Section 5.04). A request for a waiver permitting development within the shoreline buffers may also be combined with another hearing for the same development project.

(2) Driveway Waivers.

a. The Development Review Board may grant a waiver permitting portions of the driveway to be steeper than the above standards. In granting the waiver, the Development Review Board shall be required to:

b. Find that due to special circumstances of a particular site, a less steep road will adversely affect significant natural or scenic resources, or that there is no reasonable access with grades conforming to the standards;

c. Find that provisions can be made for a steeper road to provide access for vehicles using or servicing the driveway or area and, with the concurrence of the fire and police chiefs; and
d. Require reasonable conditions that will, in its judgment, and with the concurrence of the police and fire chiefs, provide access substantially the same for emergency vehicles as with the less steep road. Examples of conditions for improving access on driveways include but are not limited to:
i) Additional turn-offs;
ii) Greater width on corners;
iii) Paving steep grades;
iv) Improving fire protection with a residential sprinkler system or on-site water supply; and
v) Special provisions to assure long term maintenance.

(2) The Development Review Board may grant a waiver of the requirements for a staging area if a residential sprinkler system that meets the requirements of NFPA 13D: *Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes* with a minimum of 20 minutes of water is provided.

Section 6.05 Variances

(A) The Development Review Board shall hear and decide upon requests for variances pursuant to the Act [§4469(a)] and appeal procedures under Section 6.03. The Board may grant a variance, and render a decision in favor of the appellant, only if all of the following facts are found, and the findings are specified in its written decision:

(1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the regulations in the neighborhood or district in which the property is located;

(2) Because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is necessary to enable the reasonable use of the property;

(3) The unnecessary hardship has not been created by the appellant;

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

(5) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

(B) In addition to the requirements under Subsection (A), variances for development within the Flood Hazard Overlay District shall be granted by the Development Review Board only:

1. in accordance with the Act [§4424] and the criteria for granting variances found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations;
2. upon determination that during the base flood discharge, the variance will not result in increased flood levels; and
3. upon determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(C) On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure, the Board may grant such variance only if it finds that all of the facts listed in the Act [§4469(b)] are found in the affirmative and specified in its decision.

(D) In granting a variance, the Development Review Board may attach such conditions as it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect.

Section 6.06 Violations & Enforcement

(A) **Violations**. The commencement or continuation of any land development or use that does not meet the requirements of these regulations shall constitute a violation. A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions 24 V.S.A. §1974a and §1977 as amended, et seq. and as described below:

(1) A penalty of $100 shall be imposed for the initial violation of any provision of this Ordinance. The penalty for the second offense within a one-year period shall be $250, and the penalty for each subsequent violation within a one-year period shall be $500. As per statute, in cases where a violation is not contested, a "waiver fee" shall be paid in the amounts of: $50 for the first offense, $125 for the second offense within a one-year period, and $250 for each subsequent offense within a one-year period. Each day that a violation continues will constitute a separate violation of this Ordinance.

(2) If the above enforcement strategy is not sufficient to deter violations, enforcement proceedings may also be initiated pursuant to 24 V.S.A. §§4451 and/or 4452, as they exist or are hereafter amended or revised. These additional penalties may be up to $100 per day (with each day constituting a separate violation), and issuance of injunctions.

(3) Issuing officials authorized to enforce this Ordinance include the Norwich Zoning Administrator and Town Manager.

(B) **Notice of Violation.** No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists, as required under the Act [§4451]. The notice of violation also shall be recorded in the land records of the town within 30 days of the issuance. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

(C) **Limitations on Enforcement.** An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act [§4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality under Section 6.06(E).

Section 6.07 Municipal Administrative Requirements

(A) **Appointments.** The following appointments shall be made in association with the administration and enforcement of this bylaw as provided for in the Act:

(1) Zoning Administrator. The Zoning Administrator shall be first nominated by the Planning Commission and then approved by the Selectboard in accordance with the Act [§4448]. In the absence of the Zoning Administrator, an Acting Zoning Administrator may be nominated by the Planning Commission and then approved by the Selectboard. The Zoning Administrator shall administer and enforce these regulations literally and shall not have the power to permit any land development which is not in conformance with these regulations. In so doing, said officer shall have the power to inspect developments, and shall maintain records and perform all other tasks necessary to carry out the literal provisions of these regulations.

(2) Development Review Board. There shall be a Development Review Board, the members and alternates of which shall be appointed by the Selectboard for specified terms in accordance with the Act [§4460]. The Board shall adopt rules of procedure to guide its official conduct as required under the Act and Vermont's Open Meeting Law [1 V.S.A., §310-314] and shall have all powers and duties as set forth in the Act to

administer the provisions of these regulations, including but not limited to the power to hear and decide:

a. appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the administration of these regulations;
b. requests for site plan approval in accordance with Section 5.03;
c. requests for Planned Unit Development approval in accordance with Section 5.06;
d. requests for subdivision approval in accordance with the Norwich Subdivision Regulations;
e. requests for a conditional use approval in accordance with Section 5.04;
f. requests for variance in accordance with Section 6.04; and
g. requests for development envelope review in accordance with Section 5.07.

(3) Planning Commission. There shall be a Planning Commission whose members, as well as their number and term of office, shall be determined by the Selectboard in accordance with the Act [§4321]. The Planning Commission shall have the following duties:

a. prepare amendments to these regulations and other regulations as permitted by the Act;
b. prepare and update the Town Plan every five years and prepare amendments to the Plan as necessary;
c. undertake studies and make recommendations on matters related to land development, transportation, economic development, historic and scenic preservation, natural resource protection and related areas; and
d. perform other acts or functions as it may deem necessary or appropriate to fulfill the intent and purposes of the Act.

(B) **Fee Schedule**. The Selectboard shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering administrative costs. In accordance with the Act [§4440], the fee schedule may include provisions which require applicants to pay for reasonable costs of an independent technical review of their applications.

(C) **Application Forms.** The planning commission is hereby authorized to prepare and revise application forms from time to time, in consultation with the Zoning Administrator. In no case shall the introduction of a new or revised form have the effect of, or be construed as, amending these regulations. Application forms will be made available at the Norwich Town Office during regular business hours.

(D) **Hearing Notice Requirements.**

(1) In accordance with the Act [§4464(a)], a warned public hearing shall be required for all development review applications. Any public notice for a warned public hearing

shall be given not less than 15 days prior to the date of the public hearing by all of the following:

a. publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town;
b. posting of the same information in three or more public places within the municipality, including posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;
c. written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and
d. for hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality.

(2) The applicant or appellant shall be required to bear the cost of public warning and the cost and responsibility of notifying adjoining landowners, as required under Subsections (C)(1) and (C)(2). The applicant may be required to demonstrate proof of delivery to adjoining landowners, as determined from the most recent municipal grand list, either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

(3) No defect in the form or substance of any required public notice under this section shall invalidate the action of the DRB where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Court, the action shall be remanded to the Board to provide new posting and notice, hold a new hearing, and take a new action.

(4) Public hearings concerning proposed amendments to these regulations shall be noticed and warned in accordance with the Act [§§ 4441, 4444].

(E) **Recording Requirements.** The Zoning Administrator shall keep on file and available to the public during regular business hours a full and accurate record of all applications received, permits issued, plats approved, and violations committed during his or her term of office.

(1) Within 30 days of the issuance of a municipal land use permit or notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of the municipal land use permit or notice of violation to the Town Clerk for recording in the land records of the town generally as provided for in 24 V.S.A. §1154(a) and (c), and file a copy in the Town Office in a location where all municipal land use permits shall be kept, as required under the Act [§4449(c)]. The applicant may be charged for the cost of the recording fees.

(2) For development within the Flood Hazard Area Overlay District, the Zoning Administrator shall also maintain a record of:

a. permits issued for development in areas of special flood hazard;
b. elevation certificates that show the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings;
c. the elevation, in relation to mean sea level, to which buildings have been floodproofed;
d. all floodproofing certifications required under this regulation; and
e. all variance actions, including the justification for their issuance.

Section 6.08 Role of Advisory Commissions in Development Review

The Norwich Conservation Commission or any other advisory commission that has been established through Section 4433 of Chapter 117 of this Title and that has been granted authority under the bylaws, by ordinance, or by resolution of the legislative body to advise the Development Review Board, applicants, and interested parties, shall perform the advisory function.

The zoning administrator shall provide the advisory commission copies of applications subject to review by the advisory commission at least 15 days before the public hearing.

The advisory commission shall perform the advisory function as follows:

(A) The advisory commission may review the application and prepare recommendations on each of the review standards within the commission's purview for consideration by the appropriate municipal panel at the public hearing on the application. The commission or individual members of the commission may meet with the applicant, interested parties or both conduct site visits, and perform other fact-finding that will enable the preparation of recommendations. The applicant may choose to meet with the advisory commission prior to submitting an application for a permit.

(B) Meetings by the advisory commission on the application shall comply with the open meeting law, Subchapter 2 of Chapter 5 of Title 1, and the requirements of the commission's rules of procedure, but shall not be conducted as public hearings before a quasi-judicial body.

(C) The advisory commission's recommendations may be presented in writing at or before the public hearing of the appropriate municipal panel on the application, or may be presented orally at the public hearing.

(D) If the advisory commission finds that an application fails to comply with one or more of the review standards, it shall make every effort to inform the applicant of the

negative recommendations before the public hearing, giving the applicant an opportunity to withdraw the application or otherwise prepare a response to the advisory committee's recommendations at the public hearing. Advisory commissions may also suggest remedies to correct the deficiencies that resulted in the negative recommendations.

Article VII. Definitions

Section 7.01 Terms and Uses

(A) Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in this bylaw shall have their usual, customary meanings.

(B) For the purposes of flood hazard area regulation under Article V, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein and in Section 5.05(H).

(C) Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Development Review Board under Section 6.03 for a written declaratory ruling. In such cases, the Board shall base its ruling upon the following definitions, state statute, and the need for reasonable and effective implementation of this bylaw. The Board shall publish and update from time to time such rulings of interpretation, to ensure consistent and uniform application of the provisions of this bylaw.

Section 7.02 Definitions

Accepted Agricultural Practices (AAPs) - Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Commissioner of Vermont Department of Agriculture, Food and Markets in accordance with the Act [§4413 (d)].

Accessory Dwelling Unit – A distinct habitable unit, within, attached or detached, that is clearly subordinate to a primary dwelling on an owner-occupied lot.

Accessory Structure - A structure that is incidental and subordinate to the primary structure on a lot. Examples include garages and storage sheds.

Accessory Use - A use which is customarily incidental and subordinate to the principal use of a lot or parcel of land, is located on the same lot as the primary use, and is clearly related to the principal use.

Adaptive Re-Use - The use of a historic building or structure for other than its originally intended use or purpose, in a manner which maintains its historic features and character, in accordance with the requirements of these regulations.

Affordable Housing - Housing that is either (1) owned by its inhabitants whose gross annual household income does not exceed 80% of the Windsor County median income, and having a total annual cost, including principal, interest, taxes, insurance, and condominium association fees of not more than 30% of the household's gross annual

income; or (2) rented by its inhabitants whose gross annual household income does not exceed 80% of the county median income, as defined by the United States Department of Housing and Urban Development, and having a total annual cost, including rent, utilities, and condominium association fees, of not more than 30% of the household's gross annual income. "Perpetually affordable" shall mean housing that meets the affordability requirements of these regulations for a minimum of 99 years from the date of first sale or lease. See also Moderate-Income Housing.

Affordable Housing Development - Housing development of which at least 20% of the units or a minimum of five units, whichever is greater, are affordable housing units.

Agriculture - The growing and harvesting of crops; raising of livestock, raising of horses, operation of orchards, including maple orchards or sugar bushes; and the sale of farm products that have been grown, produced and processed on the premises. See also Accepted Agricultural Practices.

Agricultural Building or Structure - A building or structure primarily used for agriculture.

Alteration - Structural change, change of location, or addition to a building or structure, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area. See also Improvement, Substantial Improvement.

Antenna - A device attached to a tower or other structure for transmitting or receiving electromagnetic waves.

Applicant - The owner of land or property proposed to be developed in accordance with these regulations, and/or his or her duly authorized representative. Any party with a legal interest in land development may apply in cooperation with the owner of the property.

Bed & Breakfast - A single family dwelling occupied by the owner or operator, in which not more than six double occupancy rooms within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; food and beverage service shall be limited to overnight guests. The bed and breakfast shall function as a private home with house guests.

Buffer - Any space between adjoining land uses or between a land use and a natural feature which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

Building - A structure used for the shelter or accommodation of persons, animals, goods, personal property, or equipment, which has a roof supported by columns or walls.

Building Height - Vertical distance measured from the average elevation of the proposed finished grade around a building to the highest point of the roof. The distance measured is exclusive of chimneys, lightning rods, antennas, or rooftop solar collectors less than 10 feet high. Average grade is determined by dividing the perimeter of the building into two or more equal sections, determining the proposed finished grade of each section, and calculating the average.

Building Line - The line parallel to the lot line transecting that point in the principal or accessory dwelling face which is closest to the lot line, including porches, whether enclosed or unenclosed, but excluding steps. See also Lot Line, Street Line.

Building Orientation - The location on a lot of a building or other structure in relation to roads, rights-of-way, parks, and building or street lines.

Bulk Fuel Storage - A structure used for the safekeeping and containment of a mass or aggregate of fuel which is counted, weighed, or measured for subsequent sharing, parceling out, allotting, dispensing, or apportioning, excluding fuel storage of less than 1,050 gallons for use by the owner or occupant of the property on which the fuel is stored.

Camper - Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or is towed by a motor vehicle. This definition includes recreational vehicles and travel trailers, but specifically excludes mobile homes. See Mobile Home.

Campground - A parcel of land upon which two or more campsites are located for occupancy by a tent, cabin, lean-to, or similar structure as temporary living quarters for recreation, education, or vacation purposes. "Primitive" campgrounds are further characterized as campgrounds which are limited to substantially unimproved camp sites intended for tenting use only.

Cemetery - Land used or dedicated to the burial of the dead, including as accessory structures mausoleums, columbariums, or maintenance facilities, but excluding crematoriums. An individual or family burial site on private land, registered with the Norwich Town Clerk in accordance with state law, is exempted from this definition.

Community Center - A building owned by a public or nonprofit entity or a homeowners or similar community association which is used for recreational and social activities and is intended primarily to serve the population of the community in which it is located.

Conditional Use - A use which is permitted only after review by the Development Review Board in accordance with Section 5.04.

Contractor's Yard - A parcel of land with or without buildings thereon to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction and related trades.

Crossroad Hamlet - See Section 5.06(D)(10)a.

Cultural Facility - A structure used for cultural or educational purposes, such as a school, library, or museum. See Section 4.12.

Day Care Facility - A state registered or licensed day care facility, other than home day care, including any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is the protection, care, and supervision of more than six persons outside their homes for periods of less than twenty-four hours a day by a person other than the person's own parent, guardian or relative. See also **Home Day Care**.

Degree of Nonconformity - The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. The extension of a structure which results in an additional encroachment of the non-complying feature/element, including the expansion of the volume or area of a structure within a building setback, would increase the degree of nonconformity. (Nonconformity, noncompliance and any variations of those words are used interchangeably and shall have the same meaning.)

Density - The ratio of dwelling units or structures to land area.

Development - The erection, construction, reconstruction, conversion, relocation or enlargement of any building, exterior sign or structure, or water recreation facilities or water storage facilities, including but not limited to public swimming pools, man-made or improved ponds, reservoirs, water tanks, sewer lagoons, or fish hatcheries; any mining, excavation or landfill activity; or any change in the use of any building or structure, including but not limited to the commencement of a home business, or any change in, or extension of, the use of any land.

Development Envelope - A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located.

Drive-through - A business establishment which includes a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.

Driveway - A minor, private travel way serving one parcel, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

Duplex – Duplex means a residential building that has two dwelling units in the same

building and neither unit is an accessory dwelling unit.

Dwelling, Multi-Unit - A building containing three or more separate dwelling units having separate or joint entrances and covered by a common roof system

Dwelling, One-Unit - A building or structure containing one dwelling unit.

Dwelling Unit - A space consisting of one or more rooms designed, occupied or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within that space for the exclusive use of one or more persons maintaining a household.

Extraction of Earth Resources - A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone, rock or organic substances other than vegetation, from land or water. Customary extraction operations include sand and gravel pits, rock quarries, and accessory operations such as the crushing, screening, and temporary storage of materials excavated on-site (see Section 4.04).

FAA - Federal Aviation Administration.

Family Child Care Home - A home or facility where the owner or operator is to be licensed or registered by the state for childcare.

Farm Land – Land currently supporting crops, orchards, or grazing; or open land with significant potential to support crops based on the presence of prime or statewide agricultural soils, accessibility, adequate size and shape, and compatibility with adjacent uses.

Farm Structure - In accordance with the Act [§4413(d)], a building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, as "farming" is defined in T.10. V.S.A. §6001(22). This definition includes such farm structures as barns, silos, fences and manure pits, but specifically excludes a dwelling for human habitation. See also Agriculture, Accepted Agricultural Practices.

Farmstead Cluster - See Section 5.06(D)(10)b.

FCC - Federal Communications Commission.

Floor Area - Any interior portion of a building or set of buildings which is included in rental area or which is normally used as part of the quarters of any owner, tenant, occupant or user of such premises. Areas specifically excluded are garages, entry halls or foyers, elevator shafts, stairways, room used only for electrical, mechanical, or maintenance facilities, public restrooms, attics and basements.

Forestry - The use and management of woodlands for purposes of timber production and harvesting for commercial, wildlife and/or conservation purposes. This definition specifically excludes permanent sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products; but may include, as accessory uses, portable sawmills and equipment used on-site in association with timber harvesting operations.

Frontage - The width of a lot abutting a road as measured at the street line.

Funeral Home - A building or part thereof used for human funeral services. Such building may also contain space and facilities for preparation of the dead for interment or cremation, not including facilities for cremation; the performance of autopsies and associated surgical procedures; the storage and sale of caskets, funeral urns and related funeral supplies; and the storage of funeral vehicles.

Group Home - A state licensed residential care home serving persons who have a handicap or disability as defined in 9 V.S.A. §4501. In accordance with the Act [§4412(1)(G)], a group home, as defined, serving not more than 8 persons, shall be considered by right to constitute a permitted single family residential use of property except that no such home shall be considered if it is located within 1,000 feet of another existing or permitted such home.

Hazardous Waste Facility - A facility that stores processes, neutralizes, reclaims, treats or disposes of hazardous waste for which a notice of intent to construct has been received under state law [10 V.S.A., §6606a].

Height - See Building Height.

Home Adult Care - The care of eight or fewer persons conducted within a single unit dwelling by a resident of that dwelling for less than 24 hours per day. See Section 4.03(A)(2).

Home Business - A home-based business that meets the specific standards set out in Section 4.08(B) of this regulation.

Home Child Care - In accordance with the Act [§4412(5)], a state registered or licensed child care home serving six or fewer children on a full-time basis, and up to four additional children on a part-time basis, which is conducted within a single family dwelling by a resident of that dwelling. A child care home as defined shall be considered a permitted use of a single family dwelling.

Home Day Care - Either Home Child Care or Home Adult Care. See Section 4.03(A).

Home Industry - A home-based business that meets the specific standards set out in Section 4.08(C) of this bylaw. See also Home Occupation, Home Business.

Home Office - An accessory use conducted within a dwelling or accessory building by the residents thereof, which is clearly secondary to the dwelling's use for living purposes, does not change the residential character thereof and meets the specific standards set out in Section 4.08(A).

Inn - A facility consisting of a building or group of buildings which offers transient lodging accommodations to the general public and additional services such as dining and meeting rooms, entertainment, and recreational facilities. This definition includes lodging facilities such as motels and tourist cabins (auto courts), but specifically excludes bed and breakfasts and campgrounds. A hotel or motel is not a dwelling unit. See also Bed & Breakfast, Campground.

Land Development - See "Development."

Large Wind Energy System - A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity exceeding the on-site electric usage and is interconnected with the electric utility system. These systems are exempt from municipal zoning regulations and are permitted by the State under Act 148.

Light Industry - The manufacture of relatively small articles (computer parts as opposed to girders), using small amounts of raw materials and resulting in limited impacts on the environment.

Loading Space - An off-street space at least 12 feet wide, 35 feet long, and 14 feet high, not including the access driveway, and having direct access onto a road, which is used for the temporary parking of one licensed motor vehicle.

Lot - A designated lot, tract or area of land established by plat, subdivision, or as otherwise permitted by law; to be used, developed or built upon as a unit; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these Regulations. A lot cannot be divided by a public highway as defined by 19 V.S.A.

Lot Frontage - See Frontage.

Lot Line - Property line bounding a lot (parcel).

Low Impact Development (LID) - Is a land planning and engineering stormwater design approach that focuses on minimizing adverse impacts of development on water quality. This approach is implemented by replicating the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining stormwater runoff close to its source.

Mixed Use - A building or parcel containing two or more principal uses which are otherwise allowed as permitted or conditional uses within the district in which the

building or parcel is located, which requires conditional use review by the DRB. See Section 4.09.

Mobile Home - A prefabricated dwelling unit which is (1) designed for continuous residential occupancy; and (2) is designed to be moved on wheels, as a whole or in sections

Mobile Home Park - A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate three or more mobile homes.

Moderate Income Housing - Housing that is either (1) owned by its inhabitants whose gross annual household income does not exceed 120% of the Windsor County median income, and having a total annual cost, including principal, interest, taxes, insurance, and condominium association fees of not more than 30% of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 120% of the county median income, as defined by the United States Department of Housing and Urban Development, and having a total annual cost, including rent, utilities, and condominium association fees, of not more than 30% of the household's gross annual income. "Perpetually affordable" shall mean housing that meets the affordability requirements of these regulations for a minimum of 99 years from the date of first sale or lease. See also Affordable Housing.

Municipal Land Use Permit - As defined in the Act [§4303(11)] to include, as issued by the municipality:
(1) Final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development;
(2) Septic or sewage system permits;
(3) Final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals;
(4) Certificates of occupancy, compliance or similar certificates; and
(5) Any amendments to the previously listed permits, approvals and/or certificates.

Nonconforming Structure - A structure or part thereof lawfully in existence as of the effective date of these regulations, but not in compliance with the provisions of these regulations, including but not limited to building bulk, height, setbacks, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of these regulations. (Nonconformity, noncompliance and any variations of those words are used interchangeably and shall have the same meaning.)

Nonconforming Use - The use of land or a structure lawfully in existence as of the effective date of these regulations, which does not conform with these regulations (including but not limited to allowed uses within the district in which it is located), where such use conformed to all applicable laws, ordinances and regulations prior to the

enactment of these regulations. (Nonconformity, noncompliance and any variations of those words are used interchangeably and shall have the same meaning.)

OPEN AIR MARKET - A building or site or an event or a series of events used for selling or offering for sale at retail of locally grown vegetables or produce, occurring in a pre-designated area, where there may be a collection of individual vendors or single vendor who have/has raised the vegetables or produce or have/has taken the same on consignment for retail sale. Also includes the incidental sale at retail of artisan-produced handicrafts, artwork, and baked and prepared goods.

Objectionable Odors - Odors which because of persistence or character would be considered offensive in a particular location by a reasonable person.

Office - A room, suite of rooms or building used for conducting the affairs of a business, profession or government. The on-premise retail sale of goods is specifically excluded from this definition.

Parking Area - A portion of a lot designated for vehicle parking related to the primary use of the lot.

Parking Facility - A lot whose primary use is parking and on which there is no structure for which off street parking is required.

Permanent - Being in position or in use whether movable or fixed for thirty or more days or portions of days in a calendar year.

Permitted Use - A use that requires a permit issued by the Zoning Administrator in accordance with Section 6.01.

Person - An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

Plan - A municipal plan adopted under section 4385 of V.S.A. 24.

Planned Unit Development (PUD) - An allowed method of land development for mixed use development in which an area of land, consisting of one or more parcels, is developed as a single entity, to allow two or more uses allowed within the designated zoning district and accessory structures and facilities. In a PUD, zoning district dimensional standards under these regulations (Table 3.2), including lot size, density, coverage, frontage and setback requirements, may be modified by the Development Review Board to provide flexibility in subdivision and site design in order to promote desired types and patterns of residential development.

Planning Commission - A planning commission for a municipality created under Subchapter 2 §4303, 24 V.S.A.

Pre-existing - A use or structure that was legally in existence as of the effective date of these regulations.

Principal Structure - A building or structure within which the main or primary use of the lot on which the building is located is conducted. See also Accessory Uses and Structure, Structure.

Private Club - A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only.

Private Highway - A privately owned access road serving two or more lots or dwelling structures.

Property Line - For that portion of a property not abutting a road or highway property line means lot line. For that portion of a property abutting a public road or highway, property line means the edge of the right of way.

Public Road - A road (street, highway) constructed within the boundaries of an officially deeded and municipally accepted public right-of-way (town highway) or a designated state road.

Recreational Facility [indoor] - A building or structure designed, equipped and used for sports, leisure, and other recreational activities, except for such facilities which are an Accessory Use to an approved educational facility or a residential use. This includes, but may not be limited to bowling alleys, skating rinks, gymnasiums, and indoor swimming pools. See also Community Center, Cultural Facility.

Recreational Facility [outdoor] - A facility for outdoor recreation, including but not limited to a tennis or basketball court, athletic field, in-ground swimming pool, or cross-country skiing center, except for such facilities which are an Accessory Use to an approved educational facility, public park, or a residential use. This definition specifically excludes golf courses and public parks and shooting ranges.

Renewable Energy Resources - Energy available for collection or conversion from direct sunlight, wind, running water, and such fuels as wood, agricultural products, waste materials, waste heat, and geothermal sources.

Research and Development Facility - An establishment, consisting of a building or group of buildings, for carrying out scientific investigations in the natural, physical or social sciences, which may include laboratory testing, engineering, product development, and pilot plant operations, but not facilities for the manufacture or sale of products except as incidental to the principal research.

Residential Care Facility - A facility licensed by the state which provides primarily non-medical residential care services to seven or more individuals who may need personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, on a 24-hour-a-day basis.

Restaurant - Licensed premises where food and drink are prepared, sold, served and consumed primarily within the principal building.

Retail - Premises where goods, services, or merchandise are offered for retail sale or rent to the general public for personal, business, or household consumption and services incidental to the sale of such goods are provided. This definition specifically excludes the retail sale of gasoline or motor vehicles and other separately regulated retail uses defined herein.

Ridgeline - The uppermost points on a profile of a hill, cliff, slope or face. Ridgelines used to delineate the Ridgeline Protection Zone are those depicted on the Ridgeline Protection Zone map. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

Screening - The use of planted vegetation, fencing, walls, natural topography or earthen berms to visually shield or obscure a structure or use from neighboring structures, properties, rights-of-way, and/or designated public vantage points.

Service Area - An area designated on-site to accommodate customary accessory services to a principal use or structure, including but not limited to recycling and waste disposal facilities, snow storage, cart and bicycle storage, emergency service areas (e.g., fire lanes), and transit services.

Setback - The horizontal distance from the edge of a road right-of-way, lot line, boundary or other delineated feature (e.g., a stream bank, shoreline, or wetland area), to the nearest structural element of a building, structure, or parking area on the premises.

Sign - Any structure, display, device, or representation, which is designed or used to advertise, direct to, or call attention to any thing, person, business activity or place, and is visible from any public highway or other public vantage point. This definition does not include the flag of any nation, state, or municipality. See Section 3.11.

Slope - The inclination of a surface. The gradient of a slope is defined as the ratio of the "rise" divided by the "run" between two points on a line expressed as a percentage.

Small Wind Energy System - A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity appropriate to the on-site electric usage of the end-user and is not interconnected with the electric utility system.

Stormwater Management - The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating or filtering of surface water and/or runoff, together with applicable non-structural management techniques.

Stream - See Table 2.7(A)

Street Line - The boundary of an existing or proposed road (street) right-of-way. Where the width of a public road right-of-way is not established, the street line shall be considered to be twenty-five feet from the center of the road.

Structure - An assembly of materials for occupancy or use including but not limited to a building, a mobile home or trailer, inground swimming pool, tennis court, billboard sign, wall, or fence, but not including the following: a fence or wall four feet tall or less; a fence or wall on an operating farm; a wire mesh fence used to enclose a dog run; a swing set; a sandbox; a retaining wall; a flower trellis; a mailbox; a public phone and its support; hazard driveway entry indicators; or solar panels, sheds or playhouses which have a footprint of less than 100 square feet of floor area, are 12 feet or less high, are not on a permanent foundation and are not within the setbacks.

SUBDIVISION: The division of a lot or parcel of land held individually, in common or jointly, into two or more lots, plats, sites or other division of land or boundary line adjustments, or any change of a recorded plat or any such change if it affects any map, plan or conditions recorded in association with the recorded plat. For lot mergers, please refer to Section 2.1(A) of the Subdivision Regulations.

Substantially Completed - The completion of a permitted building or structure to the extent that it may be safely occupied for its intended use.

Tower - A structure more than 20 feet in height above the ground elevation built for the purpose of supporting, elevating, or placement of antennas for broadcast services or wireless services.

Use - The purpose for which a building, structure, or parcel of land is designed, intended, occupied or utilized.

Vantage Point - A point located on a public highway or public water body in Norwich from which proposed development will be visible.

Variance - As set forth in the Act [§4469]. See Section 6.04.

Vernal Pool – Is a seasonal body of standing water that typically forms in the spring from melting snow and other runoff, dries out completely in the hotter months of summer, and often refills in the autumn. Vernal pools range from broad, heavily vegetated lowland bodies to smaller, isolated upland bodies with little permanent vegetation. They are free of fish and provide important breeding habitat for many terrestrial or semi-aquatic species such as frogs, and salamanders..

Warehouse/Storage - One or more structures used for the storage of goods and materials, and not as a primary location or outlet for business or retail uses.

Wetlands - (*State of Vermont Definition)* "Wetlands" means those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

Windmill - A machine designed to convert the kinetic energy of the wind into mechanical energy for water pumping, grinding grain, or other uses.

Wireless Telecommunication Facility - Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives electromagnetic frequency waves carrying FCC licensed Wireless Telecommunication Services.

Yard - The area on a lot defined by front, side or rear setback distances which is not occupied by a building or structure. See also Setback.

Yard Sale - The casual sale of personal property open to the general public and generally denoted by the terms “garage sale” “attic sale,” “lawn sale,” “flea market,” “barn sale” or similar phrase. [See Section 6.02(G).]

Zoning Administrator - The Norwich Administrative Officer.

Zoning Maps and Overlays

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Map 3 Flood Hazard Overlay District
Map 4 Shoreline Overlay District
Map 5 Ridgeline Overlay District

Town of Norwich, Vermont

SUBDIVISION REGULATIONS

DRAFT FOR PUBLIC COMMENT
JUNE 10th, 2025

Norwich Subdivision Regulations

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ARTICLE 1. AUTHORITY AND PURPOSE

SECTION 1.1 ENACTMENT AND AUTHORITY

(A) In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117, §4401 and §4413 through §4421], hereinafter referred to as "the Act," as most recently amended, there are hereby established subdivision regulations for the Town of Norwich, Vermont. These regulations shall be known and cited as the "Norwich Subdivision Regulations."

(B) It is the policy of the Town of Norwich to regulate all subdivision of land, and subsequent development of the subdivided plat, in accordance with these regulations, to ensure the orderly planned, efficient and economical development of the Town. No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred or leased until a final plat prepared in accordance with these regulations has been approved by the Development Review Board.

SECTION 1.2 PURPOSE

These regulations are adopted to further the following objectives:

1) To guide future development in accordance with the Norwich Town Plan, Norwich Zoning Regulations, capital budget and program, and all other bylaws and regulations enacted to implement the Plan, in a manner which maintains and strengthens the traditional settlement pattern of compact villages surrounded by an open, rural landscape.

2) To encourage development of affordable housing and promote economic diversity in Norwich.

3) To ensure that land to be subdivided is of such character that it can be used safely for its intended purposes.

4) To establish criteria for determining development capacity of land and to regulate the density and location of development in a manner that reflects traditional settlement patterns.

5) To protect and provide for the public health, safety, and general welfare of the Town of Norwich.

6) To promote conservation of energy and permit utilization of renewable energy resources.

7) To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that those public facilities and services are available and will have sufficient capacity to serve any proposed subdivision.

8) To preserve natural areas, critical habitat, scenic and historic resources and productive farmland through proper configuration of parcel boundaries and arrangement and location of development on parcels.

9) To provide the most efficient relationship between land use and circulation of traffic throughout the Town; and to avoid undue traffic congestion and overburdening of roads, highways and intersections.

10) To prevent pollution of air, streams and ponds; to ensure the adequacy of drainage facilities; to safeguard ground and surface waters; and to encourage wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and value of the land.

11) To minimize fragmentation of productive resource lands, including farm and forest land, to ensure its continued use and availability for agriculture, forestry and wildlife habitat.

12) To further the purposes contained in the Act, and in particular those purposes set forth in Section 4302.

SECTION 1.3 ADOPTION & AMENDMENT

(A) These regulations shall take effect 21 days after being adopted by a majority of the members of the Norwich Selectboard at a meeting which is held after the final public hearing, in accordance with the procedures set forth in the Act [§4404].

(B) Amendments to these regulations shall be enacted in accordance with the provisions of the Act [§§4403, 4404].

SECTION 1.4 SEVERABILITY

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.

Article 2. Subdivision Application Procedures

SECTION 2.1 APPLICABILITY

(A) **Subdivision Approval Required.** Whenever any subdivision of land or boundary line adjustment is proposed [(refer to the definition of subdivision in Article V) , the landowner or authorized agent (applicant) shall apply for and secure approval of such proposed subdivision or boundary line adjustment in accordance with the procedures set forth in these regulations prior to:

1) commencing any construction, land development or land clearing (excluding forestry or agricultural activities);
2) the sale or lease of any subdivided portion of a property, excluding:
    a. parcels leased for agricultural purposes, where all resulting parcels are at least 5 acres in size, and no new roads are created for uses other than accepted agricultural practices; and
    b. parcels leased for utilities, cell towers, or municipal use, where the lease will end when the use ceases; and
3) filing a subdivision plat with the Town Clerk.
4) Lot mergers are exempt from this requirement provided that a deed merging the lots is recorded in the Norwich Land Records and a Notice of Intent to Merge Lots is submitted to the Department of Planning and Zoning on a form provided by the Department and accompanied by a copy of the recorded deed.

(B) **Coordination with Other Regulations.**

(1) Determination of Allowable Density. The maximum allowable development density shall be determined for all proposed subdivisions of land located in the Rural Residential District in accordance with the standards set forth in the Norwich Zoning Regulations and the standards and procedures set forth in Section 3.2(B) of these regulations.

(2) Planned Unit Development Review. Subdivision applications for Planned Unit Developments (PUDs) shall be reviewed as a subdivision under this Article. PUDs shall meet the standards set forth in the Norwich Zoning Regulations, as well as subdivision standards included in Article 3 of these regulations, unless otherwise waived by the Development Review Board.

(C) **Waiver Authority**. In accordance with the Act [§4413(b)], the Development Review Board may waive, subject to appropriate conditions: either (i) application requirements set out in Table 2.2, preliminary plat review and associated public hearing requirements; or (ii) development review standards set forth in Article III.

In the case of (i), the applicant shall identify the specific requirements for which the waiver is requested and state those that are not applicable and why they are not applicable and the basis for the requested waiver.

In the case of (ii), the applicant shall be required to establish that due to the special circumstances of a particular site, the requirements of the development review standards for which waiver is sought will create an unreasonable hardship or adversely affect valuable natural resources, rural character, or aesthetics and that granting the waiver will be consistent with the purposes of these regulations as set forth in Article 1.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and

to enable the Development Review Board to make the findings cited below and make a decision. The Board may grant or deny waivers, in whole or in part. In granting waivers, the Board shall require such conditions as will in its judgment secure substantially the objectives of the provisions that are the subject of the waiver. Before granting a waiver to the development review standards set forth in Article III, the Board shall make the following findings, including the rationale for each finding:

1) That the development review standards for which the waiver is sought will create an unreasonable hardship or adversely affect valuable natural resources, rural character, or aesthetics, and
2) That granting the waiver will be consistent with the purposes of these regulations, and
3) That, in consultation with the fire and police chiefs, granting the waiver will not adversely affect public safety, and
4) That granting the waiver will not adversely affect the character of the neighborhood.

(D) **Boundary Line Adjustment Reviews.** (Also known as Annexations)

(1) Boundary line adjustments shall be reviewed under the same criteria and process as a subdivision unless, after review of the boundary line adjustment plan, the Development Review Board determines that the proposed boundary line adjustment:

a. is a minor realignment in that:
   1) area of the land to be transferred is less than the half of the area of the original parcel to be reduced in size, or
   2) both parcels are already developed.
b. does not change substantially the nature of any previously approved subdivision;
c. does not result in the creation of any new lots;
d. will not impair access to any parcel;
e. will not impact adversely any valuable natural resource or result in fragmentation of agricultural or conservation lands; and
f. will not create a nonconforming lot or nonconforming structure, or increase the degree of nonconformity of a preexisting nonconforming lot or structure.

Boundary Line Adjustment: Adjustments of boundary lines in which there is a sale, conveyance or exchange of land from adjacent lots which does not increase the number of parcels of land. (Also known as an Annexation)

(2) A public hearing is not required in connection with a review of a proposed boundary line adjustment plan. If the Development Review Board, at a regular meeting, determines that the proposed boundary line adjustment meets the criteria in Section 2.1(D)(1), it shall authorize the Zoning Administrator to approve the filing with the Town of a final plat for recording in substantially the same manner as final plats for approved subdivisions under Section 2.7(E). In those instances where the Development Review Board determines that the proposed boundary line adjustment does not meet the above criteria, it may also issue, if requested by the applicant, the findings supporting the determination.

Table 2.1 Norwich Subdivision Regulations Subdivision Review Process Outline	
ACTION	**RESPONSIBLE PARTY; TIMELINE**
Pre-Application Meeting(s):	Planning Department Staff: reviews completeness of proposed application and determines maximum density based on Tables 3.1 & 3.2
Preliminary Plan Review & Density Determination:	
(1) Submission of preliminary plan application – See Table 2.2 submission requirements	Applicant; at least 30 days prior to public hearing scheduled before Development Review Board
(2) Development Review Board hearing	Applicant (or agent): attendance required
(3) Review of compliance with criteria in Sections 3.2 to 3.10	Development Review Board; issues a Preliminary Plan Review determination within 45 days of close of preliminary plan review hearing
Intermediate Plan Review: Optional **–** May be requested by either Applicant or Board	
(1) Submission of intermediate subdivision plan including: • any waiver requests; • compliance with design changes recommended in preliminary plan approval; and • documentation requested in preliminary plan approval	Applicant; within 12 months of the date of preliminary plan determination, at least 30 days prior to scheduled hearing before Development Review Board
(2) Development Review Board public hearing	Development Review Board; issues an Intermediate Plan Review determination within 45 days of close of intermediate plan review hearing
Final Plan Review	
(1) Submission of final subdivision plan, including: • any waiver requests; • compliance with design changes set forth in preliminary or intermediate plan approval; and • proposed final plat and supporting documentation requested in the preliminary or intermediate plan review.	Applicant; within 12 months of date of preliminary plan approval or intermediate plan review, unless waived, and at least 30 days prior to scheduled hearing before Development Review Board.
(2) Final Plan Review Decision	Development Review Board; issues a Final Plan Review Decision within 45 days of the hearing adjournment date.
(3) Final plat recording in the town records	Applicant; within 120 days of date of subdivision approval. Zoning Administrator may extend date for recording by an additional 90 days, if final local or state permits or approvals are still pending.

(4) Certificate of Compliance (if required)	Zoning Administrator; upon completion of improvements.

SECTION 2.2 PRE-APPLICATION MEETING

(A) **Applicability.** Any person contemplating submitting an application for subdivision in accordance with these regulations is required to meet with town planning and zoning staff prior to submitting an application for subdivision approval (preliminary plan, intermediate plan or final plan) to receive guidance regarding the application and review process and the subdivision standards in effect. Any person may also meet with the Development Review Board to discuss conceptual plans, the subdivision review process, and to review the standards set forth in Article 3. The pre-application meeting is intended to be an informal, preliminary discussion. Accordingly, a person seeking a pre-application meeting will be placed on a duly posted agenda of the first available regularly scheduled Board meeting.

(B) **Information.** The applicant may present any information that he or she deems appropriate at the pre-application meeting, including site information and/or conceptual subdivision design.

(C) **Action of the Development Review Board.** The Development Review Board will not take formal action of any kind at the pre-application meeting. Board members may provide guidance as to the application and review process, and/or comment on the intent of specific planning and design standards relative to the potential subdivision of the applicant's parcel(s). No comments made at the pre-application meeting will be binding upon any future review of a subdivision application.

(D) **Notification of Abutters.** All applicants for subdivision review are encouraged to notify abutting landowners and other potentially interested persons prior to submitting an application to ensure that legitimate concerns of neighbors are addressed early in the subdivision design process. Notification of abutters will be required as part of the formal review process.

SECTION 2.3 PRELIMINARY PLAN REVIEW [APPLYING TO ALL APPLICATIONS FOR SUBDIVISION]

(A) **Applicability.** All applicants for subdivision approval or boundary line adjustment review are required to submit a preliminary plan for Development Review Board review, unless total density of the proposed subdivision does not exceed one dwelling unit per every 20 acres. These applicants are encouraged to schedule a pre-application meeting in accordance with Section 2.2, and may submit an application for final plan review in accordance with Section 2.5.

(B) **Application Requirements**. The applicant shall submit to the Zoning Administrator, at least 30 days prior to a regularly scheduled Development Review Board hearing, a subdivision application and associated fee. The application shall include a proposed sketch and associated materials plan that include the information for Preliminary Plan Review and Density Determination specified in Table 2.2.

(C) **Preliminary Plan Review Hearing**. The applicant and/or an authorized representative shall attend a Preliminary Plan Review Hearing with the Development Review Board to review the subdivision application and proposed preliminary plan. Prior to the Preliminary Plan Review Hearing, Norwich planning and zoning staff shall notify the owners of contiguous properties in accordance with Section 4.3. The Board may request any additional information as needed to act on the preliminary plan and/or density determination.

(D) **Action on Preliminary Plan.** Within 45 days of closing the Preliminary Plan Review Hearing, the Development Review Board, based on the information provided, shall issue in writing:

1) a preliminary determination of the maximum allowable density in accordance with the standards and procedures set forth in Section 3.2;
2) the granting or denial of requested waiver provisions;
3) a preliminary determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 3, and with other municipal regulations currently in effect;
4) recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation; and
5) conditions proposed to be included in the final decision.

(E) **Effect of Preliminary Plan Review Determinations**. Preliminary Plan Review Determinations shall remain in effect for 12 months from the date of approval, unless otherwise extended by the approval of a waiver request to extend the effective date by not more than an additional 12 months. Waiver requests shall be submitted by the applicant prior to the end of the initial 12-month period. Waivers may be granted at the discretion of the Board where there is evidence of an ongoing effort by the applicant to meet recommendations in the Preliminary Plan Determination or to obtain additional permits from other jurisdictions. Prior to the expiration of the 12 months or extended period, the applicant shall submit a completed application for an Intermediate Plan Review, if required by the Board or requested by the applicant or an application for a Final Plan Review. Otherwise, the Preliminary Plan Review Determination shall expire and a new Preliminary Plan Review application will be required, based on the subdivision and zoning regulations in effect at the time of the new application.

SECTION 2.4 INTERMEDIATE PLAN REVIEW [Optional – May be requested by either Applicant or Board]

(A) **Application Requirements**.
In accordance with Section 2.3(E), within 12 months of the Preliminary Plan Review Determination by the Development Review Board, the applicant may apply to the Board for Final Plan Review under Section 2.5, unless the applicant either elects, or is required by the Board in the Preliminary Plan Review Determination, to apply for an Intermediate Plan Review under Section 2.4. The information required for intermediate plan review is specified in Table 2.2.

(B) **Public Hearing**. The Development Review Board shall hold a public hearing on the intermediate plan. The hearing shall be warned in accordance with Section 4.3.

(C) **Intermediate Plan Review Determination**. Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall issue an Intermediate Plan Review Determination including:

1) A determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 3, and with other municipal regulations currently in effect based on modifications to the preliminary plan;
2) Recommendations for proposed changes in the Final Plan Review submission, including any requests for additional studies or supporting documentation;
3) Granting or denial of additional requested waivers; and
4) Conditions proposed to be included in the final decision.

(D) **Phasing**. At the time that the Development Review Board issues an Intermediate Plan Review Determination, it may require the plat to be divided into two or more phases to ensure project conformity

with the Town Plan and Capital Improvement Program currently in effect. Such conditions as the Board deems necessary to ensure the orderly development of the plat and avoid overburdening town facilities and services may be imposed upon the filing of application for final plat approval for each phase.

(E) **Effect of Intermediate Plan Review Determination.** An Intermediate Plan Review Determination shall remain in effect for 12 months from the date of approval, unless otherwise extended by the approval of a waiver request. A waiver request may be submitted to extend the effective date by not more than an additional 12 months. The waiver request must be submitted by the applicant prior to the end of the initial 12 month period. Waivers may be granted at the discretion of the Board where there is evidence of an ongoing effort by the applicant to meet recommendations in the Preliminary or Intermediate Plan Determinations or to obtain additional permits from other jurisdictions. Prior to the expiration of the 12 months (or extended period provided by waiver), the applicant shall submit a completed application for a Final Plan Review. Otherwise, the Preliminary and Intermediate Plan Review Determinations shall expire and a new Preliminary Plan Review application will be required based on the subdivision and zoning regulations in effect at the time of the new application.

SECTION 2.5 FINAL PLAN APPROVAL [Applying to all applications for subdivision]

(A) **Application Requirements**. Within 12 months of the date of Preliminary Plan Determination or Intermediate Plan Determination, if applicable, the applicant shall submit an application for Final Subdivision Plan approval, including plat approval. If the applicant fails to do so, s/he will be required to resubmit a new preliminary plan for approval subject to zoning and subdivision regulations effective at the time of the new application. The application for final subdivision plan and plat approval shall include associated fees and, unless otherwise specified or waived by the Development Review Board under 2.1(D), plans and documents for final plan and plat review specified under Table 2.2.

(B) **Public Hearing**. The Board shall hold a public hearing on the final plan and associated plat, warned in accordance with Section 4.3.

(C) **Final Plan Approval**. In accordance with the Act [§4464], within 45 days of the date of the close of the public hearing, the Development Review Board shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Article 3. Failure to act within such 45-day period may result in deemed approval of the application. Approval, conditions of approval, or grounds for disapproval and provisions for appeal under Section 4.5, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant by certified mail, and any other interested persons by first class mail.

(D) **Effect of Final Plan Approval**. Approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with state statute. The Development Review Board may impose a time limit for the start and completion of site improvements, such as roads, erosion control measures, and bridges that are an integral part of the subdivision approval.

SECTION 2.6 PERFORMANCE AND MAINTENANCE BONDS

The Development Review Board may, as a condition of subdivision approval, require from the applicant a performance bond or comparable surety in a form approved by the Norwich Town Manager in an amount sufficient to cover the full costs of new streets and/or other required improvements and their

maintenance for a period of not more than 3 years from the date of completion. With the mutual written consent of the Development Review Board and applicant, such bond or surety may be extended. If any required improvements have not been installed or maintained as provided within the term of the performance bond or other surety, such bond or other surety shall be forfeited to the Town. The Town shall, if necessary, install or maintain such improvements to the extent of the proceeds from such bond or other surety.

SECTION 2.7 PLAT RECORDING REQUIREMENTS [Applying to all approved subdivisions]

(A) In accordance with the Act [§4463], within 180 days of the date of receipt of final plan approval under Section 2.5(C), the applicant shall file two copies of the final subdivision plat for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180-day period shall expire. The Zoning Administrator may extend the date for recording by an additional 90 days, if final local or state permits or approvals are still pending.

(B) Prior to plat recording, the plat must be signed by the Development Review Board Chair or Vice-Chair. All final plats must include a notation to include the following statement:

> *"The subdivision depicted on this plat was duly approved, as conditioned, by the Norwich Development Review Board in accordance with the Norwich Subdivision Regulations and all other applicable laws and regulations on the ___ day of _____ 20____. [Subdivision Permit#_____].*
> *Signed: _____ [Development Review Board Chair or Vice-Chair]"*

The Board may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.

(C) For any subdivision which requires the construction of roads or other public improvements by the applicant, the Board may require the applicant to post a performance bond or comparable security in accordance with Section 2.6.

(D) The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 4.6.

(E) A final plat for a Boundary Line Adjustment shall be filed for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180-day period shall expire. The Zoning Administrator may extend the date for recording by an additional 90 days, if final local or state permits or approvals are still pending.

(1) Prior to plat recording for a Boundary Line Adjustment, the plat must be signed by the Development Review Board Chair or Vice-Chair. All final plats must include a notation to include the following statement:

> *"The boundary line adjustment depicted on this plat was duly approved by the Norwich Development Review Board in accordance with the Norwich Subdivision Regulations and all other applicable laws and regulations on the ___ day of _____ 20___. [Boundary Line Adjustment Permit#_____].*
> *Signed: _____ [Development Review Board Chair or Vice-Chair]"*

SECTION 2.8 COMPLIANCE WITH SUBDIVISION APPROVAL

(A) Prior to any development of an approved subdivision that requires issuance of a zoning permit; the applicant shall demonstrate that public and private improvements have been installed in accordance with the conditions of subdivision approval, and that all other applicable conditions have been met. In establishing conditions of subdivision approval, the Development Review Board may provide for a phased schedule of completion of improvements. The Zoning Administrator may rely on any information contained in the zoning permit application regarding the location of parcel boundaries. In the event that there is a discrepancy between the information provided by the applicant and the true facts, issuance of a zoning permit does not constitute a waiver by the Town of future enforcement authority.

(B) To assist the Zoning Administrator in determining whether public or private improvements have been met, the Development Review Board may, as a condition of subdivision approval, require the submission of "as-built drawings," which shall indicate by dimensions, angles and distances the location of all utilities, structures, roadways, easements, landscaping and other improvements as installed. The Zoning Administrator may rely upon any information submitted as part of the applicant's application for subdivision approval to determine whether the as-built drawings conform to the approved plat and all associated conditions. In the event of any material differences between the approved subdivision and the as-built drawings, the Zoning Administrator shall be entitled to initiate enforcement action pursuant to Section 4.4. The applicant may either bring the improvements into conformance or apply for an amendment to the approved plan under Section 2.9 to bring the project into conformance with the approved plan.

(C) The Development Review Board may also require, as a condition of final subdivision plan approval, that the applicant apply for a certificate of compliance to ensure that specified public or private improvements have been accomplished in accordance with the conditions of subdivision approval. When so conditioned, the issuance of a certificate of compliance is required before the applicant will be issued zoning permits for the future development so specified in the approved subdivision. For example, a certificate of compliance as to completion of a particular road or certain utilities in one section of the subdivision might be required prior to granting permits for the construction of residences in that section of the subdivision.

When a certificate of compliance is required, the applicant shall submit an application containing the information specified in (B) above and any additional information that the Zoning Administrator may reasonably require. Within 30 days of receipt of a complete application, the Zoning Administrator will inspect the subdivision to ensure that all required work has been completed in accordance with the appropriate condition(s) of subdivision approval, and act to grant or deny the certificate of compliance. If the certificate of compliance is denied by the Zoning Administrator, no zoning permits may be issued for the future development specified. If the Zoning Administrator fails either to grant or deny the certificate of compliance within 30 days of submission of a completed application, the certificate of compliance shall be deemed issued on the 31st day.

(D) The Board may, as a condition of subdivision approval, require the applicant to fund the cost of any review or inspections performed by an appropriate professional (e.g., civil engineer) retained by the Town to determine whether improvements were installed in accordance with the subdivision approval.

SECTION 2.9 REVISIONS TO AN APPROVED PLAT

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first submitted to the Development Review Board for an amendment to the previously approved plan and the Board approves such revisions after a public hearing warned in accordance with Section 4.3. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

Exceptions may be made for minor changes to a Final Plat that has previously been approved after determining that the revisions have no bearing on the basis of the decision and are of a corrective nature. If the Development Review Board approves the change, a memo or a copy of the meeting minutes shall be attached to the Notice of Decision and the Chair shall be authorized to sign the revised Final Plat.

Table 2.2 Subdivision Application Requirements			
	Preliminary Plan	**Intermediate Plan**	**Final Plan**
(A) Application Information	(if required)	(if required)	
Application Form [number of copies]	1	1	1
Application Fee	Y	Y	Y
Name of project, if any	Y	Y	Y
Name and address of applicant and landowner	Y	Y	Y
Written description of proposed development plans, including number and size of lots; general timing of development	Y	Y	Y
Additional completed forms requested	Y		
Waiver requests, in writing	Y	Y	Y
Written request for modification of dimensional requirements or other standards contained in the zoning bylaws in instances involving applications for a Planned Unit Development (PUD).	Y	Y	Y
(B) Plan/Plat Mapping Requirements	**Preliminary**	**Intermediate**	**Final Plat**
Materials	Paper	Paper	Mylar
Date, North Arrow, Legend	Y	Y	Y
Preparer Information, Certifications	Y	Y	Y
Scale (not less than 1 inch = 200')	Y	Y	Y
Project boundaries and property lines	Drawn	Drawn	Surveyed[2]
Existing and proposed lot lines, dimensions	Drawn	Drawn	Surveyed[2]
Adjoining land uses, roads and drainage	Y	Y	Y
Zoning district designations and boundaries	Y	Y	Y
Location of Natural and Cultural Resources, as identified in Section 3.3 (including wetlands, floodplains and surface waters; steep slopes, prominent knolls and ridgelines; wildlife habitat and natural areas; historic resources; farm land and forest resources) in area to be developed.	Y Based on Norwich GIS and site visit observations	Y Delineated in area to be developed	Y Delineated in area to be developed
Existing and proposed contour lines in area to be developed, if required by DRB		2' interval	2' interval
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Drawn	Drawn	Surveyed
Utility rights-of-way or easements		Y	Y
Digital data as specified by the Planning Office			Y

Table 2.2 Subdivision Application Requirements (cont.)			
(B) Plan/Plat Mapping Requirements (continued)	**Preliminary**	**Draft Plat**	**Final Plat**
Proposed development envelopes	Y	Y	Y
Survey Monument locations			Y
Road profiles; road, intersection and parking area geometry and construction schematics within area to be developed		Y	Y
Proposed landscaping and screening		Y	Y
Proposed conservation buffer and/or easement areas		Y	Y
Notation prepared in accordance with Section 2.7			Y
Copies of full size plans	4	4	4
Reduced (11' x 17') copies of proposed plan [number of copies]	12	12	12
(C) Supporting Information & Documentation	**Preliminary Plan**	**Intermediate Plan**	**Final Plan**
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	Y	Y	Y
Completed density determination checklist and associated documentation (provided by the Town or, at the discretion of the applicant, supporting documentation may be prepared by a licensed engineer or surveyor – see Section 3.2)	Y	Y	Y
Engineering reports (water and wastewater systems)		Y	Y
Off-site easements (e.g., for water, wastewater, access)	Description	Draft	Final
Proposed phasing schedule	Description	Draft	Final
Proposed road maintenance agreements, covenants and/or deed restrictions	Description	Draft	Final
Proposed homeowner or tenant association or agreements	Description	Draft	Final
Proposed performance bond or surety		Description	Final
(D) As may be required by the Development Review Board			
Stormwater and erosion control plan		As required under preliminary plan approval	As required under preliminary/ intermediate approval
Grading plan (showing proposed areas of cut and fill)			
Open space management plan			
Site reclamation plan (for subdivisions involving extraction)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Fiscal impact analysis (analysis of fiscal costs and benefits to the town)			

See Notes on next page.

Notes for Table 2.2:
1. Upon written request specific requirements may be waived by the Development Review Board per Section 2.1(D)

2. If a lot over 50 acres is to be subdivided and new lot(s) will be created containing a total of less than 20% of the original lot, the Board may waive the requirement of a full survey of the remaining large parcel and require that the only portions of the remaining large lot required to be surveyed be the common boundaries with the smaller lot(s) and any additional boundaries or points required to determine the accurate location of the boundaries of the smaller lot(s). A complete survey of the smaller lots is required to be recorded in compliance with Section 2.7.

Article 3. Planning and Design Standards

SECTION 3.1 PLANNING AND DESIGN PROCESS

(A) All subdivisions shall be designed to ensure that the resulting pattern and density of development are appropriate for the site's location, character, and physical capacity. Subdivisions shall not result in development which places an undue burden on the Town of Norwich and/or neighboring landowners, or results in the loss or degradation of the Town's natural, scenic or cultural resources. To this end, applicants shall design subdivisions in accordance with the following five steps:

Step (1) The applicant shall meet with the town planning and zoning staff in order to become familiar with the review process, required application materials, and subdivision planning and design process. Applicants may also request a pre-application meeting with the Development Review Board.

Step (2) The applicant shall seek a determination of the pre-subdivision site's allowable density from the Norwich Planning Office, in accordance with the standards and procedures set forth in Section 3.2 and Section 2.3 of these regulations. Such determination shall be considered a preliminary indication of the maximum development potential, as expressed in total density for the existing (pre-subdivision) parcel, and shall serve as the basis of subdivision design in accordance with the following steps. The preliminary density will be confirmed by the Development Review Board at the Preliminary Hearing as a result of site analysis performed in accordance with step (3), or as a result of the proposed subdivision's impact on municipal services, or the applicant's ability to provide adequate infrastructure, as described in step (4).

Step (3) The applicant shall conduct a detailed analysis of site conditions, including an assessment of the natural resources and physical features found on the site. Based upon this analysis, the applicant shall identify, in order of sequence, (a) building site areas; (b) preliminary utility and facility locations; and (c) proposed boundary configurations. The site analysis and subdivision design process shall, at a minimum, meet the requirements of Sections 3.3 and 3.4.

Step (4) The applicant shall develop a final subdivision plan, including final design of proposed utilities and facilities, including those standards set forth in Sections 3.4 - 3.9. In addition, the applicant shall identify appropriate mitigation to address any off-site impact of the development on municipal facilities and services. The final density shall be based upon the ability of the applicant to provide appropriate facilities and services in accordance with these regulations and to avoid or mitigate impacts on the community or surrounding area.

Step (5) With the approval of the final plan, the applicant shall then meet all legal requirements set forth in Section 2.7, and shall comply with all conditions included in the Final Plan Review Notice of Decision approved by the Development Review Board.

(B) **Waivers**. The Development Review Board may waive or modify one or more of the standards in Article 3 if (a) the subdivision will not result in the creation of more than 2 lots and (b) the Board determines, based upon its review under Sections 3.2 and 3.3, that the subdivision clearly meets the intent of these regulations.

SECTION 3.2 DETERMINATION OF MAXIMUM DENSITY

(A) **Village & Commercial Districts.** Within the Village Residential, Business and Commercial/Industrial Districts, the maximum density shall be as defined in the Norwich Zoning Regulations.

(B) **Rural District**. In accordance with Section 6.4 of the Norwich Zoning Regulations, the maximum number of lots created within the Rural Residential District after the effective date of these regulations shall be determined as set forth below.

(1) Minimum Lot Size. The minimum lot size within the Rural Residential District shall be not less than 20,000 square feet, unless the lot is part of a Planned Unit Development approved by the Development Review Board in accordance with the Norwich Zoning Regulations, in which case the minimum lot size shall be as determined by the Board.

(2) Maximum Density. Except as provided in subsection (D) of this section below, the maximum density (total number of lots allowed on any pre-existing parcel) shall be as determined by the Development Review Board in accordance with this section of the regulations. The maximum density shall range from a density of one lot per every 2 acres of developable area to one lot per every 20 acres of developable area, based upon the formulas set forth in Tables 3.1.

(3) Determination of Developable Area. It is the intent of these regulations to limit development density on parcels on which steeper slopes wetlands, surface waters and wetland/surface water buffers are located. To achieve this intent, development density shall be calculated based upon the total amount of developable area found on the pre-subdivision parcel. The developable area shall be determined by excluding all of the area of certain non-developable features from the density calculations, and by excluding half the area of other important features. The total developable area shall be based upon the formula described in Table 3.2.

(4) In determining the amount of developable area located on a parcel during preliminary plan review, the Norwich Planning and Zoning Office shall provide the location and total area (in acres) of each of the features identified in Table 3.2 based upon the designated data in the Town's Geographical Information System (GIS) program. The applicant may choose to provide data, prepared by a licensed engineer or surveyor, providing a more accurate indication of the features indicated in Table 3.2, and use such data as the basis of the determination of developable area.

(5) Subdivision of previously subdivided lots. Lots created under any subdivision permitted after September 1, 2002, shall be subject to the determination of development density of the original Notice of Decision. The total number of lots within the boundaries of the original parcel shall not exceed the maximum number of lots permitted under the original density determination. Allocation of potential future lots to specific parcels shall be specified in the Notice of Decision and in the notes on the final recorded plat.

(6) Determination of Maximum Density. In accordance with the Norwich Town Plan, it is the intent of these regulations to maintain low development densities in areas of Town with limited and/or poor access to Town facilities and services, to maintain low development densities contiguous to large blocks of conserved public lands, and to encourage moderate to high densities in areas of Town with good access to Town facilities and services and close proximity to the village center.
Rather than designating multiple zoning districts within the designated Rural Residential District, maximum density shall be based upon the unique characteristics of the parcel relative to highway access, distance to the town center, and proximity to protected open space. The maximum density of the

parcel shall be one lot per every 2 acres of developable area adjusted lower in accordance with the formulas set forth in Table 3.1. In no instance shall the maximum density be less than one lot per every 20 acres of developable area.

Table 3.1
Determination of Maximum Density

Parcel Location	Density Adjustment	Maximum Density (2 acre maximum density x density adjustment)
A. Type of public road from which the development will be accessed. (Reclassification of town roads may change the development potential of land accessed from them)		
State Highway or Paved Class 2 Road	x 1	2 x 1 = 2 acres
Paved Class 3 Road	x 1	2 x 1 = 2 acres
Gravel Class 3 Road	x 2	2 x 2 = 4 acres
Substandard Class 3 Road (as identified in Appendix A)	x 4	2 x 4 = 8 acres
Class 4 Road	x 6	2 x 6 = 12 acres
B. After adjusting for access, adjustments shall be made for travel distance from the Norwich Town Office, measured to the nearest part of the parcel having a deeded right-of-way or 50 feet of frontage along a town or state highway by the most direct route using town or state highways.		
Less than 1.5 miles	x 1	2 x 1 = 2 acres
1.5 to 3 miles	x 1.5	2 x 1.5 = 3 acres
3 to 4.5 miles	x 2	2 x 2 = 4 acres
4.5 to 5.5 miles	x 2.5	2 x 2.5 = 5 acres
5.5+ miles	x 3	2 x 3 = 6 acres
C. After adjusting for access and travel distance, adjustments to the maximum density shall be made for proximity to conserved large blocks of public lands		
Not contiguous to (does not share boundary with) Norwich Fire District Agreement Lands or Appalachian Trail Corridor	x 1	2 x 1 = 2 acres
Parcel has a shared boundary with Appalachian Trail Corridor or the Norwich Fire District Agreement Lands	x 2	2 x 2 = 4 acres
Finally, the maximum density shall be as adjusted or 1 lot for every 20 acres of developable area, whichever achieves the highest density. *Notes:* *(1) Table 3.1 is applicable to all applications for Planned Unit Developments (PUDs)* (2) *A Legal Trail, although a Town right-of-way, may not be used for vehicle access to a newly created parcel. See Norwich Trails Ordinance.*		

Table 3.2 **Determination of Developable Area**	**Example** **100 acre parcel**

Physical Features Found on Parcel	Developable Area Adjustment	Acreage Covered by Physical Features	Developable Area
Slopes in excess of 25%	no credit	10 acres	10 x 0 = 0 acres Developable Area
100 year floodplains	no credit	10 acres	10 x 0 = 0 acres Developable Area
Wetlands and surface waters	no credit	20 acres	20 x 0 = 0 acres Developable Area
Setback areas from wetlands and surface waters	50% credit	10 acres	10 x 0.5 = 5 acres Developable Area
Slopes between 15% and 25%	50% credit	10 acres	10 x 0.5 = 5 acres Developable Area
All Other Land	100% credit	40 acres	40 x 1.0 = 40 acres Developable Area
Total 100-acre parcel	**–**	**--**	**100 acres = 50 acres Developable Area**

Notes:
(1) The determination of developable area only applies to the proposed creation of new lots under these regulations, and does not apply to the use of pre-existing parcels in accordance with the Norwich Zoning Regulations.
(2) In instances where two or more features overlap, development credit will only be applied once for the lowest credit available, depending upon the feature (e.g., land in both 100 year floodplain and setback from wetlands receives no credit).
(3) *Table not applicable to applications for Planned Unit Developments (PUDs), i.e., developable area is deemed to be actual size of parcel.*
(4) Wetlands shall include Vermont Class 1 & 2 mapped wetlands.
(5) *Setback areas (buffers) from wetlands shall be 50 feet and from surface waters 25 feet on either side.*
(6) *Surface waters are those shown on the designated Norwich GIS surface water coverage.*

(7) Determining Number of PUD Lots for a Previously Subdivided Lot. If a parcel has been previously subdivided after March 2002 and the owner of one of those subdivided lots wants to further subdivide the lot using a Planned Unit Development (PUD), the maximum density for a PUD of that lot is based on dividing the acres in the lot by the maximum density determined in the original subdivision and subtracting any lots from the original subdivision that were allocated to other previously subdivided lots.

SECTION 3.3 PROTECTION OF NATURAL, SCENIC, AND CULTURAL RESOURCES

(A) **Suitability of Land for Subdivision.** All land to be subdivided must be, in the judgment of the Development Review Board, of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, the environment, neighboring properties, or the character of the area or district in which it is located. To this end, each application for subdivision shall provide a detailed site analysis which identifies all fragile features and natural and cultural resources described below, identify the impact of the proposed subdivision on those resources, and sets forth the protection measures proposed to avoid or mitigate those impacts.

(B) **Establishment of Development Envelopes.** All lots shall have one or more designated development envelopes, unless waived by the Board in the case of small lots. Development envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The maximum size and shape of the development envelope shall be determined by district setback requirements unless otherwise specified in these regulations. The Board may require the identification of specific building footprints if, in its judgment, such information is required to meet the standards set forth in these regulations. Where the Board deems it appropriate to do so for the purposes of this Section 3.3, the Board may consider features of immediately adjacent properties that are relevant to the Board's evaluation of the proposed development envelope.

(C) **Protection of Wetlands, Flood Hazard Areas, and Surface Waters**. Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid undue adverse impact to wetlands, flood hazard areas, and surface waters, including streams, rivers and all shoreline as defined in the Norwich Zoning Regulations.

(1) Wetlands. Development envelopes and the layout of roads, driveways and utilities shall be located and sized to comply with all state and federal wetland regulations. Compliance with these regulations will be evidenced by approved state and federal permits or letters from the state and federal authorities indicating compliance.

(2) Flood Hazard Area. Development envelopes shall be located to comply with the Flood Hazard Area sections of the Norwich Zoning Regulations (Table 2.7, Section 5.05)

(3) Surface Waters (Streams, rivers and all shorelines as defined in the Norwich Zoning Regulations). Development envelopes shall be located to comply with the Shoreline Overlay District sections of the Norwich Zoning Regulations (Table 2.8) and any additional state and federal water quality regulations that apply.

(D) **Protection of Steep Slopes, Prominent Knolls and Ridgelines.** Development envelopes shall be located and configured to minimize adverse impacts to slopes, especially those greater than 15%, and to avoid the placement of structures on prominent knolls and ridgelines. Methods for avoiding such adverse impacts may include, but not be limited to, the following:

(1) Development envelopes shall be located to exclude these features. In the event that development of an area with slopes greater than 15% is necessary to achieve the most desirable subdivision design for a site, the Board shall limit clearing, excavation and filling on such lands to the greatest extent practical, and may require the preparation and implementation of an erosion and sedimentation control plan for the property, in accordance with Section 3.5, as a condition of approval.

(2) Development envelopes shall be located and configured so that the height of any structure placed on the site after subdivision will not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure, and shall be located down-slope of ridgelines and prominent knolls.

(3) On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. The Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.

(4) The location of development envelopes and associated development within the Ridgeline Protection Overlay District shall comply with the standards in Table 2.9 NZR, either in conjunction with the subdivision application process or as a condition for obtaining a zoning permit for development of structures. On ridgelines and prominent knolls that have been cleared prior to subdivision, the Board shall take into account the location of buildings and development patterns on surrounding properties in evaluating the proposed location of development envelopes and associated development.

(5) Access roads, including the conversion of logging roads to private roads or driveways, and utility corridors, shall use or share existing accesses and rights-of-way where feasible, follow existing contours to achieve angled ascents, and avoid areas of steep slope.

(E) **Protection of Wildlife Habitat and Natural Areas.** Development envelopes shall be located and configured to minimize adverse impacts on valuable wildlife habitat, including travel corridors and crossings, and natural areas identified in Norwich Conservation Commission inventories, by Vermont Department of Fish & Wildlife inventories, or through site investigation. Methods for minimizing such adverse impacts include, but may not be limited to, the following:

(1) Development envelopes shall be located to minimize impact on identified valuable natural areas and wildlife habitat. A buffer area of adequate size shall be established to ensure the protection of these habitats.

(2) To avoid the fragmentation of natural areas and wildlife habitat, including large tracts of forest land and undeveloped corridors serving as wildlife travel corridors between larger tracts of core habitat, the Board may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify the function and relative value of impacted habitat and provide recommended management strategies to maintain or enhance those values and function. The Board may also consult with Vermont Fish and Wildlife Department staff prior to issuing a decision.

(3) Roads, driveways and utilities shall be designed to minimize the fragmentation of identified natural areas and wildlife habitat.

(4) Identified natural areas and wildlife habitat should be excluded from development envelopes.

(F) **Protection of Historic & Cultural Resources.** Development envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in Norwich historical and archeological resource inventories, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include, but may not be limited to, the following:

(1) Historic features, including stone wall and cellar holes, should be preserved and integrated into the subdivision design (e.g., driveways may follow stone walls) to the extent practical.

(2) Prior to development on sites that have been identified as being archaeologically sensitive in town or state inventories, or through site investigation, the Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.

(3) The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

(G) **Protection of Farm Land.** Development envelopes shall be located and configured to minimize adverse impacts to farm land and areas with "prime" and "statewide" agricultural soils suitable for farming. Methods for avoiding such adverse impacts include but may not be limited to the following:

(1) Development envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development in such a way as to minimize the impact on productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.

(2) Buildings and associated building lots should be clustered to avoid fragmentation of productive farm land.

(3) Vegetated buffer areas may be required to buffer agricultural operations from other uses to minimize land use conflicts.

(4) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize fragmentation of agricultural land and visual impacts.

(5) Intact parcels of productive farmland shall be designated as open space; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.

(H) **Protection of Forest Resources**. Development envelopes shall be located and configured to minimize adverse impacts to productive forest land, including large (e.g., 50+ acres) tracts of forest, forest land contiguous to other large, undeveloped tracts that have either been protected through public or private land conservation initiatives or are subject to use value appraisal contracts, and forest land that possesses natural areas, valuable wildlife habitat, wildlife travel corridors, and/or exceptional recreational resources. Methods for minimizing such adverse impacts include, but may not be limited to, the following:

(1) The subdivision of forest land shall, to the extent practical, be configured to allow for ongoing forest management of the parcel after subdivision. Lot boundaries and development envelopes should be laid out to avoid unnecessary fragmentation of distinct timber stands, and provision for forest management access should be a consideration of the final plan.

(2) In order to protect recreation areas, conserved open space, and critical wildlife habitat, and to avoid conflict between new residential development and existing forest management activities on land enrolled in the current use program, the Board may require setbacks and buffers from adjacent forest land greater than the setbacks and buffers set forth in the Norwich Zoning Regulations.

(I) **Protection of Scenic Resources.** Development envelopes shall be located and configured to avoid undue adverse impacts to scenic resources identified in the scenic resource mapped areas created in conjunction with the *Inventory of Scenic Resources* prepared by the Scenic Resources Committee of the Norwich Conservation Commission and dated January 2000. Methods for avoiding such undue adverse impacts include, but may not be limited to, the following:

(1) Subdivisions within view of scenic roads, as identified in the aforementioned planning documents, shall be designed to avoid undue adverse impact to the identified scenic resources.

(2) Development envelopes located within view of identified scenic roads or within identified scenic view sheds shall be located to avoid prominent placement within the view shed.

(3) Subdivisions, development envelopes and lots should be designed to maintain the contrast between compact village centers and surrounding countryside.

(J) **Modifications for Norwich Village and Cluster Development.** The Board may waive or modify one or more of the Section 3.3 standards within the Village Residential or Business District, or within a Planned Unit Development, in the event the Board determines that the benefits of modification would result in a more desirable settlement pattern, and the impacts on identified resources can be mitigated either on or off site.

SECTION 3.4 DISTRICT SETTLEMENT PATTERNS

All subdivisions shall be designed and configured to reflect the desired settlement pattern for the respective district in which the subdivision is located, as defined by the Norwich Zoning Regulations and the Norwich Town Plan.

(A) Subdivisions within the Village Residential District I shall be designed to reflect the historic character of the surrounding area. Lot sizes should be consistent with traditional densities within the Village, and development envelopes should be located to maintain a consistent building line and streetscape along public roads. Sidewalks and other pedestrian and bicycle facilities may be required where appropriate.

(B) Subdivisions within the Commercial/Industrial District shall be configured to minimize driveway and road accesses onto public roads, including Route 5; to allow for innovative site design that allows for parking and related infrastructure to be located in rear yards; and to avoid commercial strip development along Route 5.

(C) Subdivisions within the Rural District and Village Residential District II shall be designed and configured to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape.

SECTION 3.5 STORM WATER MANAGEMENT, EROSION PREVENTION AND SEDIMENT CONTROL

(A) Erosion prevention and sediment control measures shall be incorporated into subdivision design and layout to control runoff, sedimentation, and water pollution on-site and downstream from the proposed subdivision during construction and for the completed project. Some of the factors to be considered in determining the types of controls necessary shall include size and terrain of watershed draining onto the development envelope, pre-development site and runoff conditions, vegetation and ground cover, slope, drainage patterns, soil types, impermeable surfaces, distances to streams and other surface waters, and impacts on adjoining properties.

(B) Development within the subdivision shall comply, at a minimum, with the requirements of the Low Risk Site Handbook for Erosion Prevention and Sediment Control issued by the Department of Environmental Conservation, regardless of any provisions in that handbook that limit its applicability. (See manual "B" in Appendix B)

(C) In situations where there are steeper slopes, excess surface water, or other conditions that warrant it, the Board may require the preparation and implementation of stormwater management and/or erosion prevention and sediment control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction, site clearing, and grading, will not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer or an otherwise qualified designer, be based upon Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources and include provisions for long-term maintenance of stormwater management and erosion control facilities as well as periodic evaluation and reporting on such maintenance. The Board may require a final inspection by the Zoning Administrator or a certificate of compliance from the designer to ensure compliance with the approved plans. (See manuals "C" and "D" in Appendix B)

(D) Compliance with the Vermont Stormwater Regulations, as evidenced by an approved state stormwater permit, will indicate compliance with this section.

(E) Low Impact Development (LID) design principles shall be utilized on all development where feasible. (See manual "A" in Appendix B)

SECTION 3.6 COMMUNITY SERVICES AND FACILITIES

(A) **Municipal Facilities and Services.** The proposed subdivision shall not create an undue burden on municipal facilities and schools, or create an unreasonable demand for public services. The Development Review Board may require the phasing of development to coordinate the anticipated demand for municipal facilities and services with the planned provision of those facilities and services, in accordance with a duly adopted capital budget and program.

(B) **Fire Protection Facilities and Emergency Access.** Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Board, based on the following requirements:

Lots in Subdivision	Maximum Distance to Hydrant (Feet)	Fire Flow (gpm)

Two or fewer new single family residential structures or development envelopes separated by 50 ft. or more	5,000	500
Three to five new single family residential structures or development envelopes separated by 50 ft. or more	3,000	500
Six to ten new single family residential structures or development envelopes separated by 50 ft. or more	2,000	500
All other subdivisions	1,000	Based on the Needed Fire Flow Requirements of the Fire Suppression Rating Schedule of the Insurance Services Office

The Board may waive the above requirements if, as a condition of subdivision approval, the Board adds the requirement that prior to the issuance of a zoning permit for any lot in the subdivision, any new residential structure will be protected by an automatic fire sprinkler system that meets the requirements of the applicable National Fire Protection Association (NFPA) Standard; NFPA 13: *Installation of Sprinkler Systems*, NFPA 13R: *Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height* or NFPA 13D: *Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*.

Fire hydrants serviced by the municipal water system or dry hydrants installed into a pond or stream shall be installed by the applicant to meet the requirements of Section 3.6(B). When dry hydrants are used to satisfy these requirements they shall have sufficient volume or flow to meet the requirements in a 2% drought condition for a minimum of 2 hours. Dry hydrants shall be designed to be accessible and to operate at all times of the year.

Plans for sprinkler systems and dry hydrants shall be approved by the Norwich Fire Department prior to installation and inspected and approved after installation. Certification of these approvals shall be sent to the zoning administrator and filed with the zoning permits for the project.

(C) **Emergency Access.** The Board may require documentation from the Norwich Fire Department or other appropriate municipal officials as to the adequacy of emergency access for fire, police, ambulance, or other services and fire protection facilities. Compliance with the Driveway Specification (3.14 NZR) or Private Highway Specifications will, in most cases, be considered as providing adequate access for municipal and emergency vehicles.

SECTION 3.7 ROADS, DRIVEWAYS AND PEDESTRIAN ACCESS

(A) **Road Standards.** The following standards shall apply to all proposed public roads and to private roads serving two or more lots. Acceptance of private roads by the Town is subject to approval of the Norwich Selectboard, pursuant to state law for the laying out of public rights-of-way. Construction of roads to these standards does not ensure such acceptance.

(B) **Road Design: Private Development Roads.** All private development roads serving two or more lots shall be designed in accordance with the Town of Norwich *Private Highway Specifications* as most recently amended by the Norwich Selectboard. Driveways serving a single lot shall comply with the driveway standards in the Norwich Zoning Regulations (3.14 NZR) applicable at the time of the subdivision

application.

(C) **Road Design: Town and State Roads.** All public roads serving proposed subdivisions shall be designed in accordance with the Town of Norwich *Specifications for Town Highways***,** adopted and administered by the Norwich Selectboard.

(D) **Coordination with Adjoining Properties.** The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, currently or when later required, of needed utilities and public services. The above conditions may be modified where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impracticable.

(E) **Access Management.** All private road and driveway access to public roads shall be subject to the approval of the Vermont Agency of Transportation, in the case of state highways, and the Norwich Town Manager, in the case of town roads. Access to all lots created by subdivision and to all buildings or other land development located thereon shall be only from such permitted access road or driveway. To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and avoid strip development, the following access management standards shall apply to all subdivisions:

(1) Shared driveways and/or internal development roads providing access to multiple lots may be required to limit the number of access points onto public highways.

(2) If a subdivision has frontage on two or more roads, access shall be from the road determined by the Development Review Board to be more suitable based on topographic or traffic safety conditions.

(3) The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

(F) **Traffic & Road Capacity.** Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Board may request the preparation of a traffic impact study, the cost of which is to be borne by the applicant, to identify impacts and mitigation measures necessary to ensure road safety and efficiency. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

(1) Where an existing access road is inadequate or unsafe, the Board may require the applicant to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. Upgrades to Town highways will require the approval of the Town Manager.

(2) In situations where a development may require the realignment, widening or increase in the capacity of an existing road, or where the town plan or capital program indicates that such improvements may be required in the future, the applicant may be required to reserve land for such improvements.

(3) When a proposed subdivision necessitates an upgrade in the capacity of a public road to accommodate traffic generated by that subdivision, the Board may withhold approval for such subdivision until such upgrade has been completed. The applicant may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

(G) **Road Names & Signs.** Roads shall be named in accordance with the Norwich Road Naming Ordinance. Said names shall be identified on signs designed and located in accordance with the town policy, and shall be clearly depicted on the final plat. Internal road name signs shall be installed by the applicant. Road name signs at intersections with public roads shall be installed by the town.

(H) **Pedestrian Access**. The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities. Such rights-of-way, which may be required to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or to extend recreational greenways and trail networks identified in the town trail planning documents, shall include perpetual unobstructed easements at least 10 feet in width which shall be indicated on the plat.

(I) **Legal Requirements.**

(1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of-way is intended to be accepted by the Town. In the event that the right-of-way is not intended for acceptance by the Town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.

(2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the applicant, a homeowners' association or through other legal mechanism. Such documentation shall be in a form approved by the Board and filed in the Norwich Land Records.

SECTION 3.8 WATER SUPPLY AND WASTEWATER DISPOSAL

(A) **Water Supply.** Water supply systems shall be designed, installed, and maintained to meet all applicable state requirements.

(B) **Wastewater Disposal Capacity**. The applicant may be required to demonstrate that soil conditions on-site are adequate to accommodate the installation of a wastewater disposal system designed in accordance with state requirements.

SECTION 3.9 UTILITIES

(A) **Location.** All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

(1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Board due to site conditions.

(2) The applicant shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for the proposed subdivision and anticipated development on lands adjacent to the subdivision.

(3) Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farmland, and any adverse impacts to natural, cultural or scenic resources and public health.

(B) **Easements**. Utility easements of sufficient width shall be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

SECTION 3.10 DEDICATION OF OPEN SPACE AND COMMON LAND

(A) **Creation of Common Land.** Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including road and trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

(B) **Legal Requirements.** The Board may require that land offered by an applicant as protected open space is dedicated to not being developed either in fee or through a conservation easement approved by the Board. The prospective grantees to which the applicant may grant such land may include a community association comprising all of the present and future owners of lots in the subdivision, a non-profit land conservation organization, or the Town of Norwich. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent land owners.

Article 4. Administration and Enforcement

SECTION 4.1 ADMINISTRATION

These regulations shall be administered by the Norwich Development Review Board ("Board"), as authorized by the Act [§4401].

SECTION 4.2 FEES

(A) Application fees for each phase of subdivision approval shall be established by the Norwich Selectboard. Such fee(s) shall include the costs for publishing hearing notices, notifying abutting landowners and conducting public hearings, administrative review, creating town GIS maps, and, if needed, for periodic inspections by Town-retained consultants during the installation of public improvements.

(B) Should the Board deem it necessary to employ an engineer, attorney, design professional or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the applicant.

SECTION 4.3 HEARING NOTICE REQUIREMENTS

(A) All public hearings required under these regulations shall be warned in accordance with the Act [§4464].

(B) Notice shall be given not less than 15 days prior to the date of the public hearing by the publication of the date, place and purpose of the hearing in a newspaper of general circulation; and by the posting of the same information in three or more public places within the municipality including posting within view from the public right-of-way most nearly adjacent to the property for which the application is made.

(C) In the case of a plat located within 500 feet of a municipal boundary, a copy of such notice shall be sent to the Clerk of the adjacent municipality at least 15 days prior to the public hearing.

(D) Abutters and owners of property within 250 feet of the parcel to be subdivided shall be notified, via U.S. Mail, by Norwich planning and zoning staff at least 15 days prior to any public hearing scheduled in accordance with Sections 2.3, 2.4 and/or 2.5. Such notice may include a general description of the proposed subdivision, including the number of new lots to be created, and any other information required by statute or deemed relevant by the Board and/or Town staff.

(E) A completed Preliminary Hearing may be recessed and continued to a specific time, date and place within 90 days for an Intermediate or Final Hearing if requested by the applicant and approved by the Board. For purposes of public notice, the continuation of the public hearing shall not be required to be re-warned in accordance with Section 4.3 (A), (B), (C), (D) if the time, date and place of that later session is announced prior to the end of the Preliminary Hearing and the Preliminary Hearing is continued to the Intermediate or Final Hearing. If for any reason the hearing is not continued at the announced time, date and place, including a lack of quorum or further continuation without substantial addition, the subsequent hearing or continuation shall be warned in accordance with Section 4.3 (A), (B), (C), (D).

SECTION 4.4 ENFORCEMENT AND PENALTIES

(A) The enforcement of these regulations shall be the responsibility of the Zoning Administrator in accordance with the Act [§§4451, 4452, 4454].

(B) Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [§4451] for each offense; and each day that a violation continues shall constitute a separate offense.

(C) Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act [§4451]; and each lot, parcel, or unit so sold or transferred shall be deemed a separate violation.

(D) Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§4454] as currently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

SECTION 4.5 APPEALS

(A) Any decision of the Board may be appealed to the Vermont Environmental Court by an interested person who has participated in the municipal public hearing in accordance with the Act [§4471]. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

(B) "Interested person" for the purposes of appeal shall be defined pursuant to the Act [§4465].

(C) The requirements for filing a notice of appeal shall be included in all Notices of Decision issued by the Board.

SECTION 4.6 TOWN RECORDING REQUIREMENTS

The Zoning Administrator shall deliver copies or memorandums of permits and Notices of Violation to the Town Clerk for recording within 30 days of being issued pursuant to the Act [§4449(b)].

Article 5. Definitions

Section 5.1 Interpretation

(A) Unless otherwise defined herein, the definitions contained in the Act and the Norwich Zoning Regulations shall apply to these regulations.

(B) Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

(C) Any interpretation or clarification of words, phrases or terms contained herein by the Norwich Development Review Board or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

Section 5.2 Definitions

For the purposes of these regulations, the following words shall be defined as follows:

Abutter: The owner of record of a parcel of land which is contiguous at any point with the parcel being subdivided.

Access Road: Public or private road providing access to two or more lots.

Act: The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Affordable Housing: Affordable housing units include owner-occupied or rental dwelling units which are constructed and made subject to sufficient restrictions so that they will remain affordable on a long-term basis. Eligible households shall have incomes that are up to 120% of the median Windsor County household income, as last reported by the Vermont Department of Housing and Community Affairs.

Applicant: Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others.

Approval: A decision by the Development Review Board, certified by written endorsement on the Plat, that the final plan meets the requirements of these regulations. Such approval may include conditions to be met by the applicant, which shall run with the land and be applicable to future owners, and which shall be forwarded to the applicant in writing.

As-built Plans: Plans or drawings reflecting the actual public or private improvements, showing actual field dimensions, locations, and other relevant information, made or installed in connection with an approved subdivision, filed with the Zoning Administrator to establish compliance with relevant conditions of the subdivision approval.

Authorized Agent: A person or group of persons who have been duly authorized in writing filed with the

Board by the owner of record to act on his or her behalf.

Boundary Line Adjustment: A change in the boundary line between adjacent lots in which there is a sale, conveyance or exchange of land that does not increase the number of parcels of land. (Also known as an Annexation)

Buffer: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

Certificate of Compliance: See Section 2.8(C).

Community Wastewater System: Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons that disposes of sewage for domestic, commercial, industrial or institutional uses for two or more users or customers.

Community Water System: Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

Density: Ratio of dwellings to land area.

Development Envelope: A specific area delineated on a lot within which all structures are to be located. See Section 3.3(B).

Developable Area: Area used for density calculation. See Table 3.2.

Disturbed Area: An area in which the natural vegetative soil cover has been removed, altered, or subject to any other activity making it susceptible to erosion. Natural vegetative cover may include grasses, shrubs, trees, and other vegetation that holds and stabilizes soils.

Driveway: A privately owned access road serving one lot or dwelling structure.

Dwelling Structure: A structure containing one or more dwelling units

Dwelling Unit: One room or rooms connected together, constituting a separate housekeeping establishment containing independent cooking and sleeping facilities and bath facilities. A dwelling unit does not include boarding houses, bed and breakfast establishments, hotels, motels or clubs.

Two-Unit Dwelling Structure means two separate dwelling units covered by a common roof system.
Multi-Unit Dwelling Structure means three or more separate dwelling units covered by a common roof system.

Farm Land: Land currently supporting crops, orchards, or grazing; or open land with significant potential to support crops based on the presence of prime or statewide agricultural soils, accessibility, adequate size and shape, and compatibility with adjacent uses.

Final Plat: The final drawings on which the subdivision is presented to the Development Review Board for approval and which, if approved, are filed for record with the Town Clerk. See Section 2.5.
GIS: Geographic Information System. A computer system capable of assembling, storing, manipulating, and displaying geographically referenced information, i.e., data identified according to their locations. The Norwich GIS consists of data layers maintained by the Norwich Planning Office.

Intermediate Plan: The preliminary drawings for a subdivision indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration. See Section 2.4.

Lot A designated lot, tract or area of land established by plat, subdivision, or as otherwise permitted by law; to be used, developed or built upon as a unit; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these Regulations. A lot cannot be divided by a public highway as defined by 19 V.S.A. § *1*

LOT MERGER— The combination of two or more lots into one single lot pursuant to a single deed

Open Space: The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or protection of natural areas.

Maximum Density: Total number of new lots allowed on any pre-existing parcel. See Table 3.1

Planned Unit Development (PUD): An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units and commercial and/or industrial uses, if any, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets, utilities, buildings, open spaces and other site features and improvements; the plans for which do not correspond in lot size, dimensional requirements, or type of use or density under the Zoning Regulations except as a planned unit development.

Plat: A plan or a map of a piece of land with actual or proposed features (as lots).

Preliminary Plan: An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to reach general agreement with the Development Review Board as to the form of the subdivision and objective and requirements of these regulations. See Section 2.3.

Private Highway: A privately owned access road serving two or more lots or dwelling structures.

Ridgeline: A ridge top line of intersection between the opposite slopes on a range of hills or mountains.

Slope: The inclination of a surface. The gradient of a slope is defined as the ratio of the "rise" divided by the "run" between two points on a line expressed as a percentage. In the context of these regulations, slope is to be measured from the top to the bottom of the disturbed area.

Street: Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving three or more lots.

Subdivision: The division of a lot or parcel of land held individually, in common or jointly, into two or more lots, plats, sites or other division of land or boundary line adjustments, or any change of a recorded plat or any such change if it affects any map, plan or conditions recorded in association with the recorded plat. For lot mergers, please refer to Section 2.1(A).] . Any transfer, conveyance or sale of land held in one ownership, but already divided into lots by an existing public right-of-way, shall not be considered a subdivision for the purposes of these regulations.

Town Plan: The Norwich Town Plan as most recently adopted.
Wetlands: All wetlands identified on National Wetland Inventory (NWI) maps, wetland areas identified as "Ecologically Significant Wetlands" by the Vermont Nongame and Natural Heritage Program, and/or areas identified through site analysis, pursuant to the Vermont Wetland Rules, to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction.

Appendix

Appendix A - Substandard Class 3 Roads – Only applicable to Table 3.1 calculations.

Name	Start	End
Elm Street	Hopson Rd	Heyl Trail
Hickory Ridge	Elm St	End
Dutton Hill - East	Beaver Meadow RD	Class 4 Section
Tilden Hill	Turnpike RD	Brigham Hill
Four Wheel Drive	Church ST	End
Blood Hill East	Goodrich 4 Corners	Class 4 Section
Bowen Road	Waterman Hill	VT Rt 132
Waterman Hill	Bowen Road	Class 4 Section
Bradley Hill Road	#398 Hanlon	Class 4 Section
Pattrell Road	Union Village	Kerwin Hill
Campbell Flat RD	#498 Sargent	Thetford Line
Turnpike Road	Bramble Lane	Class 4 Section
Upper Turnpike	Needham Road	Class 4 Section
Stowell Road	Norford Lake Road	Thetford Line
Rock Ledge Lane	New Boston Road	Class 4 Section
Chapel Hill	Beaver Meadow	Sharon
Tigertown Road	Mitchell Brook	Hartford
Mitchell Brook	Ridgewood Hill	Sharon
Cossingham Road	Bragg Hill Road	Class 4 Section
Happy Hill Road	Bragg Hill Road	Class 4 Section
Tucker Hill Road	Bragg Hill Road	South end
Sugarhouse Road	Beaver Meadow RD	Class 4 Section
Town Farm Road	Goodrich Four Cors	Class 4 Section
Patterson Road	Campbell Flats	Hogback Road
Sugartop Road	Hartford Line	North End

Appendix B - Erosion Prevention and Sediment Control Resources

Vermont Manuals:

A. Vermont Low Impact Development Guide for Residential and Small Sites – December 2010 (Green Book) http://www.vtwaterquality.org/stormwater/docs/sw_LID%20Guide.pdf
B. The Low Risk Site Handbook for Erosion Prevention and Sediment Control – 2006 (Yellow Book) http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw_low_risk_site_handbook.pdf
C. Vermont Erosion Prevention and Sediment Control Field Guide – 2006 (Blue) http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw_vermont_field_guide.pdf
D. The Vermont Standards & Specifications For Erosion Prevention & Sediment Control - 2006 http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw_vt_standards_and_specifications_2006_updated_2_20_2008.pdf

MEMORANDUM

TO: Selectboard and Town Manager
FROM: Marcia Calloway, Selectboard
DATE: August 7, 2025
RE: 8/7/2025 Selectboard Handbook for 8/13/2025 final review

The attached 8/7/2025 Selectboard Handbook is presented for final review with incorporated changes discussed and agreed at the 7/23/2025 Selectboard meeting, being more specifically:

- Page 12 – Struck the paragraph which read

The Selectboard similarly affirms by adoption of this Handbook that appointed individuals may be removed and/or Selectboard-created committees, boards, commissions, may be dissolved by unanimous vote where there is a violation of law or town policy or when the purpose of a specially created group has been fulfilled.

- Page 46 – Added explanatory notes about the Land Management Council and Fire District:

Explanatory Notes:

- The Land Management Council is included in this Handbook because the Selectboard appoints two members of the three-member Land Management Council ["LMC"]. The LMC function is to administer the "public use of the land" as referred to in an agreement between the Town of Norwich Selectboard and the Norwich Fire District, "Amended and Restated Charles Brown Brook Watershed Land Management Agreement," dated June 21, 2001.
    - Of the three LMC members, two members are appointed by the Selectboard, "one of whom must reside in the Fire District, and one appointment by the Prudential Committee." See the aforementioned "Amended and Restated Charles Brown Brook Watershed Land Management Agreement," dated June 21, 2001, page 1 "Agreement."
- A Fire District is a statutorily-allowed municipal entity, which may be established by a selectboard, with specific and limited powers which can include:
    - "It may vote a tax upon the taxable estate for the protection of property in the district from damage by fire; for the acquisition, construction, and maintenance of sewers and sewage treatment works; sidewalks; public parks; water works, water companies, and equipment and real estate used in connection therewith, including reservoirs and dams; for lighting; and for other lawful purposes." See 20 V.S.A. § 2601
- For more information about Fire Districts, see Vermont Statutes Annotated, Title 20: Internal Security and Public Safety, Chapter 171: Fire Districts.

- Pages 62 and 63 – Added the clarifying words about where to find the final reports of the two Temporary Committees.

    - Page 62 – See the Final Report of the Article 36 Task Force, here: http://norwich.vt.us/wp-content/uploads/2021/04/Article36TaskForce-Charge_Final.pdf
    - Page 63 –See the Final Report of the Childcare Committee here: http://norwich.vt.us/wp-content/uploads/2022/02/Town-of-Norwich-Childcare-Committee-Final-Report-2.2.22.pdf

Town of Norwich

SELECTBOARD HANDBOOK

[hereinafter referred to as “the Handbook”]

Adopted by the Norwich Selectboard
August 13, 2025

User Outline

Organization of the Handbook

- Pages 3-4 Table of Contents
- Pages 5-6 Introduction, Statutory Authority and Town Policy
- Pages 6-8 The Differences between Elected people and Appointed people
- Pages 9-23 Elected people and the various offices they hold
- Pages 24-53 Appointed people and the committees, boards, commissions they work on
- Pages 54-59 Appointed representatives to non-Norwich committees/commissions
- Pages 60-61 Temporary committees created by the Selectboard for a limited purpose and time
- Pages 62-81 Appendices with statutes, town and state policies, reporting requirements, and
    - an FAQ Sheet for committees, boards, commissions and
    - Forms for requesting creation of a subcommittee

Structure of the pages for elected and appointed people/groups

NAME OF THE OFFICE OR GROUP

Number of Members, Current Members and Term Lengths: Refers the reader to the Official Website of the Town of Norwich, Vermont to find information about the number of members for the office or group, names of current members, and their term lengths.

Budget: Yes or No. The Finance Office is the official source of budgetary information. The reader is reminded that

- Town budgets are developed by the Town Manager with the Departments and Finance Office, approved by Selectboard to be presented to the voters, and voted by the voters at town meeting.
- The Town Manager should be contacted if any funding issues arise.
- Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office through their supervisor, the Town Manager.

Charge: Yes or No. There may be a charge developed by the Selectboard, or just statutory duties. If there is a charge, it appears here.

Statutory (Regulatory) requirements: Yes or No.

- If there are statutes pertaining to the elected office or appointed person(s) or group, they are copied and pasted in this section.
- Where federal regulatory requirements exist they are noted, e.g. Historic Preservation Commission.

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Introduction

Purpose of this Handbook. A host of Norwich residents volunteer to serve their community in a variety of ways. Some positions or "groups" are elected and have statutory responsibilities, these are generally titled "commissions" or "boards." Some positions or "groups" are appointed by the Selectboard and may or may not have statutory responsibilities, these are generally titled "committees". Where no statutory responsibilities exist, a created "committee" will have a charge. Whether elected or appointed, all individuals and "groups" are subject to the laws of the State of Vermont and to applicable Town of Norwich policies as enacted by the Selectboard, the Town's legislative body, for use in town governance. This Handbook does not supersede Selectboard policies but incorporates them herein by reference. The Handbook is a tool to assist all volunteers of whatever genesis to understand the parameters of their position and the intersection with other "offices." It is in the best interest of the Town for all individuals to work collaboratively with Town administration and the legislative body to realize expressed town goals. The intended audience for this document includes:

- Elected and appointed members of our community to ensure that they are:
  (1) working efficiently and effectively toward the fulfillment of our shared and often changing goals,
  (2) in compliance with laws and charges pertaining to town government, and
  (3) identified correctly in furtherance of a transparent government.
- Norwich residents to better understand:
  (1) who is responsible for particular town functions and how they work together,
  (2) what the various offices and entities are authorized to do, and
  (3) what opportunities exist for future volunteerism in, and engagement with, the Town of Norwich.

Accessibility of the Handbook, Caveats and Disclaimer. Given the nature of municipal government, this document must be an organic reference source with an on-going Selectboard commitment to keep it up to date and accessible. To that end the Selectboard will publish and maintain this document on the town website. http://norwich.vt.us New and existing, appointed and elected, individuals are expected to understand its content as to their particular role(s) and remain in compliance with the statutes, rules, regulations and policies referenced herein. Notwithstanding the above, it is understood that laws, rules and policies are not static, therefore, this document may not be completely up-to-date at any given moment. References to statutes should be checked, e.g.: https://legislature.vermont.gov/statutes/ If clarification of statutory responsibilities or municipal charges is required, individuals should contact the Town Manager in the first instance; and if legal assistance/advice is required, it must be requested through the Town Manager.

Individuals and Terms and Budgets. This Handbook does not include information which changes frequently and which is more efficiently and properly maintained by Town staff, specifically:

- Names of individuals elected or appointed to the various offices or committees, and their terms of appointment, may be found on the Town website, here: https://norwich.vt.us/
- Official and current budgetary information is maintained by the Finance Office. On the Handbook page for each such office/committee, there will be a notation to indicate whether or not a budget exists for that activity. More information should be requested through the Town Manager and Finance Office.

Statutory Authority and Town Policy

Dillon's Rule. Formulated in 1872 by a local government legal scholar, Judge John Forest Dillon, the so-called Dillon's Rule is consistently adhered to by Vermont courts.

- Dillon's Rule holds that a "municipality has only those powers and functions specifically authorized by the legislature, and such additional functions as may be incident, subordinate or necessary to the exercise thereof." City of Montpelier v. Barnett, 2021 VT 32 ¶ 20, 191 Vt. 441, 49 A.3d 120.
- It "…means that the town and its voters or selectboard have no authority beyond that which is given by statute, or that which is necessarily implied by a statute. Accordingly, municipal officials must check all relevant statutes before acting to ensure that they will comply with the specific requirements of the enabling legislation." Vermont Office of the Secretary of State, Municipal Law Basics (2014), p. 2.
- Any such body must abide by Dillon's Rule and applicable laws, including but not limited to the so-called "Open Meeting" law.

Open Meeting Law. Title 1, Chapter 5, Subchapter 2: Public Information may be known and cited as the Vermont Open Meeting Law. See 1 V.S.A. § 311(b). Referred to generally as "the OML" it requires, among other things, notice of meetings, the right of public access to meetings, and publication of minutes of those meetings, as well as penalties and enforcement thereof. See Appendix "A" for the following selections from the OML:

- 1 V.S.A. § 310 Definitions
- 1 V.S.A. § 312 Right to attend meetings of public agencies
- 1 V.S.A. § 312a. Meetings of public bodies; state of emergency
- 1 V.S.A. § 313 Executive Sessions
- 1 V.S.A. § 314 Penalty and enforcement

Effective Dates: "In Act 133 (2024) and Act 51 (2025), the Legislature made permanent changes to the Open Meeting Law." https://www.vlct.org/topics-all/vermonts-open-meeting-law Legislative amendments to the OML were signed by the Governor of Vermont on 05/30/2024 and went into effect 07/01/2024, with the exception of 1 V.S.A. § 312(k) which took effect on 01/01/2025. See ACT133 As Enacted.pdf
On 06/09/2025 Act 51 (2025) changes took effect.

OML applies to "public bodies": Among other changes, the definition of "public body" was amended and expanded to specifically include the term "subcommittee." See 1 V.S.A. § 310(6). As a public body, subcommittees must comply with the OML:

> "The law applies to every "public body" of a municipality. A public body is any board, council, commission, committee, or subcommittee of a municipality. 1 V.S.A. § 310(4). This includes bodies that are specifically mentioned in state statue and municipal charter such as selectboards, prudential committees, planning commissions, conservation commissions, cemetery commissions, development review boards, boards of civil authority, boards of health, zoning boards of adjustment, etc. It also includes committees and subcommittees of those groups…" https://www.vlct.org/resource/open-meeting-law-faqs

Meetings and Quorums:

> "The requirements of the law are triggered whenever a "quorum" of the body is "meeting." A quorum is a majority of the total members of the body. Quorum is determined based on the number of positions on the body, not the number of persons occupying those positions.
>
> "Therefore, quorum does not change when there is a recusal or a vacancy. "Meeting" is defined as a gathering of a quorum of the members of a public body for the purpose of discussing the business of the body or for the purpose of taking any action. 1 V.S.A. § 310(3)(A). "Business of the public body" is

defined as the public body's governmental functions, including any matter over which it has supervision, control, jurisdiction, or advisory power. 1 V.S.A. § 310(1).

"The Law applies regardless of the physical location of the members; the members don't all have to be in the same room at the same time for it to be considered a "meeting" under the Law. Therefore, a phone conversation between a quorum of the members is a "meeting" for purposes of the law. Furthermore, time likely is also not a factor. If a conversation occurs over a period of time (for instance in a string of emails) that conversation may still amount to a "meeting" under the Law. This is why public bodies should generally avoid the use of group emails." See https://www.vlct.org/resource/open-meeting-law-faqs

Public bodies attending meetings of other public bodies:

"A gathering of a quorum of a public body at a duly warned meeting of another public body is not considered to be a "meeting," provided that the attending public body does not take action on its own business. 1 V.S.A. § 310(3)(D)." See https://www.vlct.org/resource/open-meeting-law-faqs

VLCT summary of the OML requirements --See https://www.vlct.org/resource/open-meeting-law-faqs -- include:

1. Provide advance notice of meetings. 1 V.S.A. §§ 312(c), 310(5)
2. Create and post an agenda for all regular and special meetings. 1 V.S.A. § 312(d)
3. Conduct all business in an open meeting (unless an exemption applies). 1 V.S.A. §§ 312(a); 313(a)
4. Vote by roll call when there is electronic participation. 1 V.S.A. § 312(a)(2)(B)
5. Allow public comment at meetings. 1 V.S.A. § 312(h)
6. Take and post minutes. 1 V.S.A. § 312(b)
7. Record, in audio or video form, all meetings of non-advisory bodies.
8. Post copies of recordings of non-advisory body meetings in a designated electronic location for a minimum of 30 days following the posting of the meeting minutes.
9. Respond to complaints of violation. 1 V.S.A. § 314(b)(2).
10. Provide electronic/telephonic or in-person meeting access to a local resident, member of the public body, or member of the press to a regularly scheduled meeting, upon request, unless:
    1. there is an all-hazards event or state of emergency;
    2. there is a "local incident;" and
    3. compliance would impose an "undue hardship."
11. Post on its website (if it maintains one):
    1. an explanation of the procedures for submitting notice of an Open Meeting Law violation to the public body or the Attorney General; and
    2. a copy of the text of 1 V.S.A. § 314.

"Advisory" versus "Non-Advisory" Public Bodies:

"***Advisory body***
"The law defines an "advisory body" as a "public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters." 1 V.S.A. § 310(1). An advisory body, by its very name, advises, which means that it lacks final statutory decision-making authority. If a public body has final decision-making authority over any legislative, quasi-judicial, tax, or budgetary matter then it is categorically not an advisory body, which makes it, in turn, a decision-making body." See https://www.vlct.org/resource/open-meeting-law-faqs

"***Non-advisory ("decision-making") body***
"Though not explicitly defined by the law, a "non-advisory body" is a decision-making body, one that

does have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters. Making the call here will likely necessitate a short, fact-based determination. For example, a planning commission that hears applications for development review would be considered a decision-making body because it exercises control over some quasi-judicial matters, even though most of its time may be spent advising the selectboard on the adoption, amendment, or repeal of the town plan and zoning regulations. Some other examples of decision-making public bodies include the legislative bodies (selectboard, school board, city council, village trustees, prudential committee, and alderman), cemetery commission, library trustees, board of listers, board of civil authority, board of abatement, water and sewer commission, and local board of health." See https://www.vlct.org/resource/open-meeting-law-faqs

Questions about "advisory" versus "non-advisory" status should be addressed to town counsel via the Town Manager. Public bodies can always follow the stricter requirements for "non-advisory" bodies. See https://www.vlct.org/resource/open-meeting-law-faqs

Training: The OML requires annual professional training for chairs of legislative bodies and the Town Managers. "The Secretary of State's office has developed the training and has made it available to municipalities, subdivisions, and public bodies. The training may be in person or on-line, live or recorded. Find the training on the Secretary of State's Open Meetings page." See https://www.vlct.org/resource/open-meeting-law-faqs

Town of Norwich website: More OML information is on the Town website, here: Open Meeting Law (OML) Information | Official Website of the Town of Norwich, Vermont.

Conflict of Interest Policy. As authorized in the enumeration of powers of a municipality, a conflict-of-interest policy may be established to apply to all elected and appointed officials. See 24 V.S.A. § 2291
Note: As of 02/23/2024 the Vermont House Committee on Government Operations and Military Affairs had drafted a bill which would create new statewide ethics standards and duties for municipal officials. The outcome of that effort could have an effect on the town's current Conflict of Interest Policy.

Incompatible Offices. By statute, 17 V.S.A. §2647, some elected officials and the Town Manager may not be elected to certain other offices. The statute listing those prohibitions is found in Appendix "B", page 72 of this Handbook.

Legal counsel. For questions of interpretation of statute or Town policy, the Town Manager will notified of the issue. If necessary, the Town Manager may authorize use of Town counsel, and the expense of same.

Grants, Contracts, Donations, Gifts, Solicitations, and Norwich Policy. The Selectboard supports and values the many individuals who volunteer to serve on the myriad committees, boards, commissions or other positions which serve our town and make it a vibrant place to live. The willingness of these volunteers to engage deeply with their chosen groups and to investigate ways and means to better fulfill their particular group's charge is commended and encouraged by the Selectboard.

However, the Town of Norwich operates under a Town Manager form of government. It is the Town Manager's office which monitors grants, signs contracts, assesses the need for or adequacy of insurance coverage and ensures that anything like donations, gifts, etc. are in compliance with town policy. Therefore, all committees, subcommittees, boards, commissions, and individuals are required to contact the Town Manager before applying for any grants, soliciting donations of any kind, accepting gifts of whatsoever nature, engaging in activities which might invoke liability, or acting in any manner which could be interpreted to involve or affect the Town financially or otherwise.

Statutory Authority and Town Policy Continued

Budgets and Reimbursement. In conjunction with the Town Manager, the Selectboard develops budgets for approval by the voters. Elected officials and Town Department Heads work with the Town Manager and the Finance Office to prepare budget requests for Selectboard review and action. Appointed committees, commissions, boards and individuals should contact the Town Manager, and Department Heads in some instances, to request budgetary appropriations; such requests should be made in September each year to be in time for inclusion in the budget work undertaken in the last quarter of the calendar year.

Any requests for reimbursements or to spend monies, budgeted or otherwise, should be directed to the Finance Office and Town Manager. The procedures for those requests are developed by the Finance Office and Town Manager, and may be rooted in policies developed by the Selectboard as appropriate.

Housekeeping "guardrails" including insurance, websites, etc. The activities of a municipality invariably involve risk and/or risky activities. Everything from meetings to maintenance of roads and trails, recreational programs, energy-related initiatives, property tax decisions, etc., can expose the municipality to legal action or claims. To that end, all elected officials, hired staff, and appointed individuals to the various boards/committees/commissions or subcommittees must adhere to the statutes, laws, regulations pertaining to their work. In addition,

- "**Programs**" or other initiatives offered by any of those groups in furtherance of their charge shall be carefully vetted by the Town Manager to determine the need for any additional insurance coverage or to otherwise identify potential exposure for the town.
- **Websites**, especially sites outside the official Town website, can imply that the content is approved by the Town of Norwich, which may or may not be factual. For non-Town as well as Town-maintained websites, the Selectboard will draft guidelines for content in consultation with the Town Manager and counsel if required. For items on the Town website, the Town Manager will develop guidelines for who is authorized to add, amend, delete content.
    - **Groups with websites include:**
        - Conservation Commission – https://norwichconservation.org
        - Energy Committee -- Norwich Energy Committee - Home
- **Zoom** accounts, access for Town-related meetings, and Town protocol will be managed by the Town Manager's office and guidance will be provided to all groups.
- **Management of "group" information** is maintained by the Town Manager's office. Information about all appointed boards/commissions/committees/subcommittees will provided to the Town Manager's office when either appointed by the Selectboard and/or subcommittees are formed by the "parent" group. The Town Manager's office will use this information to (a) advise the Selectboard when vacancies occur and (b) post an extract of groups/members/terms on the Town website so that anyone in the public can view the information to know who is serving what purpose and what opportunities exist to volunteer for service.

Overview of Elected Officials and Appointed Individuals/Groups[1]

Elected Officials.

- Under 17 V.S.A. § 2646 at the annual meeting a town shall choose from among its registered voters certain officers including:
    - a moderator, 17 V.S.A. § 2646(1);
    - a town clerk, unless the town has voted to authorize the selectboard to appoint a town clerk pursuant to 17 V.S.A. § 2651e, see 17 V.S.A. § 2646(2);
    - a town treasurer, unless the town has voted to authorize the selectboard to appoint the treasurer as provided in 17V.S.A. § 2651f, see 17 V.S.A. § 2646(3);
    - one selectboard member, 17 V.S.A. § 2646(4);
    - one lister, unless the town has voted to eliminate the office of lister pursuant to 17 V.S.A. § 2651c, see 17 V.S.A. § 2646(5);
    - one auditor, unless the town has voted to eliminate the office auditor pursuant to 24 V.S.A. § 2651b, see 17 V.S.A. § 2646(6);
    - a first constable, and second constable if needed, unless the town has voted to authorize the selectboard to appoint constables as provided in 24 V.S.A. § 2651a, see 17 V.S.A. § 2646(7);
    - a collector of delinquent taxes, 17 V.S.A. § 2646(9) and see 17 V.S.A. § 2651d;
    - a trustee of public funds if the town so votes 17 V.S.A. § 2646(12);
    - a cemetery commission if the town so votes. 17 V.S.A. § 2646(14);
    - one or two road commissioners who shall be elected by ballot if the town so votes, see 17 V.S.A. § 2646(16);
    - three water commissioners, unless the town votes to elect additional selectboard members, see 17 V.S.A. § 2646(17);
    - five members of an advisory budget committee, if the town so votes, see 17 V.S.A. § 2646(18).

- Exceptions
    - See 17 V.S.A. § 2646a. Town officers; town vote to allow election of nonresidents
        - (a)(1) Notwithstanding section 2646 of this subchapter, a municipality may propose to allow individuals who are residents of the State, but not residents of the municipality, to be elected or appointed town officers. However, this section shall not apply to members of the legislative body of the municipality or justices of the peace. For the municipality's boards or commissions that are established by State law and are required to be composed of residents, the majority of the members of the boards or commissions shall be residents of the municipality.
        - (2) The proposal must be approved by the voters at any annual or special meeting warned for that purpose.
        - (b) The proposal may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality. The proposal shall identify the town office that may be filled by a nonresident. (Added 2021, No. 157 (Adj. Sess.), § 3, eff. July 1, 2022.)
    - See 17 V.S.A. § 2651e(d) Municipal clerk; appointment; removal, page 18 of this Handbook.
    - See 17 V.S.A. § 2651c Lack of elected lister; appointment of lister; elimination of office; hiring, page 13 of this Handbook.

Overview of Elected Officials and Appointed Individuals/Groups Continued

[1] See also Appendix "C", page 77-80: Vermont Secretary of State's List of Local Office Descriptions and Statutory Authority.

Appointed Committees, Boards, Commissions and Subcommittees. By statute, the Selectboard is authorized or allowed to appoint individuals to fulfill certain town functions. The Selectboard's authorization must be provided either expressly by statute, or be implied in or incident to powers expressly granted, and/or is essential to the accomplishment of the declared objects and purposes of the town, "not simply convenient, but indispensable." See Municipal Law Basics, p. 2 citing Valcour v. Village of Morrisville, 104 Vt. 119, 131-32 (1932).

The Selectboard cannot delegate those granted authorities to another body unless the Legislature specifically permits it to do so. "It contravenes the deep-rooted principle of law that the delegate of power from the sovereign cannot without permission recommit to another agent or agency the trust imposed upon its judgment and discretion." Thompson v. Smith, 119 Vt. 488, 501, 129 A.2d 638 (1957).

Appointments and Creation. The appointments required ("shall") or allowed ("may") include:

- **shall** appoint
  - tree warden – 24 V.S.A. § 871(b)
    - deputy tree warden may be appointed under 24 V.S.A. § 2505
  - local health officer – 18 V.S.A. § 601
- **may** appoint
  - town forest fire wardens – 10 V.S.A. § 2641
  - pursuant to 24 V.S.A. § 871(b):
    - pound keeper for each pound
    - one or more inspectors of lumber, shingles, and wood
    - one or more weighers of coal
    - one town service officer and
    - one grand juror.
  - deputy tree warden – 24 V.S.A. § 2505:
  - planning commission and development review board– see 24 V.S.A. § 4321 and 4323 and 4460
    - including alternates to a planning commission, board of adjustment, or development review board when one or more members of the board are disqualified or are otherwise unable to serve. See 24 V.S.A. § 4460(c)'
    - "Members of a planning commission shall be appointed and any vacancy filled by the legislative body of a municipality. The length of the term of planning commission members shall be determined by the legislative body of a municipality. Any member may be removed at any time by unanimous vote of the legislative body. Any appointment to fill a vacancy shall be for the unexpired term. 24 V.S.A. § 4323(a)
    - "A planning commission shall have not less than three nor more than nine voting members....
      " ...not more than two elected or appointed officials of an urban municipality who are chosen by the legislative body ...shall be nonvoting ex officio members of a planning commission...
    - "Notwithstanding subsection (a)...for an appointed planning commission, the legislative body may change the number of members that may be appointed to the commission;...." See 24 V.S.A. § 4322
  - under 24 V.S.A. § 4501
    - conservation commission – "when a municipality votes to create one, or, if the charter of a municipality permits it, when the legislative body of the municipality votes to create one." Id.

Other committees, commissions, boards, may be established by the Selectboard to the extent there is no statutory prohibition. E.g. the Legislature delegated the Selectboard the authority to create "advisory commissions and committees" to advise the Planning Commission, see 24 V.S.A. § 4433. Appointed

Elected Officials and Appointed Individuals/Groups Continued

committees, commissions, boards may request the Selectboard appoint such "advisory" or "subcommittees" using the Subcommittee Creation form discussed in the Appendix and available from the Town Manager's Office. It is understood that all such groups are "public bodies" and the work of any "advisory" or "subcommittee" will be in furtherance of the appointed committee, commission or board and will also be subject to all Open Meeting Law requirements.

Removal and Dissolution. The power to remove appointments is expressly defined for certain commissions/boards:

- Planning Commission. "Any member [of a planning commission] may be removed at any time by unanimous vote of the legislative body." See 24 V.S.A. § 4323(a)
- Conservation Commission. "Any member of a conservation commission may be removed at any time for just cause by vote of the legislative body, for reasons given to him or her in writing and after a public hearing thereon if he or she so requests." See 24 V.S.A. § 4503(a)
- Board of Adjustment or Development Review Board. "Each member of a board of adjustment or a development review board may be removed for cause by the legislative body upon written charges and after public hearing. If a development review board is created, provisions of this subsection regarding removal of members of the board of adjustment shall not apply." See 24 V.S.A. 4460 (c)

Reports to Selectboard. The Policy Governing Reporting of Committees, Commissions, Task Force, or Other Groups/Individuals Appointed by the Selectboard, approved May 23, 2018, was rescinded by vote of the Selectboard on July 9, 2025.

BOARD OF ABATEMENT

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

24 V.S.A. § 1533 Town board for the abatement of taxes

(a) The board of civil authority, with the listers and the town treasurer, shall constitute a board for the abatement of town and property taxes and water and sewer charges.

(b) The act of a majority of a quorum at a meeting shall be treated as the act of the board. This quorum requirement need not be met if the town treasurer, a majority of the listers, and a majority of the selectboard are present at the meeting. (Amended 1999, No. 49, § 82, eff. June 2, 1999; 2017, No. 74, § 82; 2017, No. 130 (Adj. Sess.), § 13.)

24 V.S.A. § 1535. Abatement

(a) The board may abate in whole or part taxes, water charges, sewer charges, interest, or collection fees, or any combination of those, other than those arising out of a corrected classification of homestead or nonhomestead property, accruing to the town in the following cases:

(1) taxes or charges of persons who have died insolvent;

(2) taxes or charges of persons who have moved from the State;

(3) taxes or charges of persons who are unable to pay their taxes or charges, interest, and collection fees;

(4) taxes in which there is manifest error or a mistake of the listers;

(5) taxes or charges upon real or personal property lost or destroyed during the tax year;

(6) the exemption amount available under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1 but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed;

(7) [Repealed.]

(8) [Repealed.]

(9) taxes or charges upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237.

(b) The board's abatement of an amount of tax or charge shall automatically abate any uncollected interest and fees relating to that amount.

(c) The board shall, in any case in which it abates taxes or charges, interest, or collection fees accruing to the town or denies an application for abatement, state in detail in writing the reasons for its decision.

(d)(1) The board may order that any abatement as to an amount or amounts already paid be in the form of a refund or in the form of a credit against the tax or charge for the next ensuing tax year or charge billing cycle and for succeeding tax years or billing cycles if required to use up the amount of the credit.

(2) Whenever a municipality votes to collect interest on overdue taxes pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the municipality to any person for whom an abatement has been ordered.

(3) Interest on taxes or charges paid and subsequently abated shall accrue from the date payment was due or made, whichever is later. However, abatements issued pursuant to subdivision (a)(5) of this section need not include the payment of interest.

(4) When a refund has been ordered, the board shall draw an order on the town treasurer for payment of the refund. (Amended 1975, No. 158 (Adj. Sess.), § 1; 1989, No. 149 (Adj. Sess.), § 1, eff. April 24, 1990; 1991, No. 19; 1995, No. 149 (Adj. Sess.), § 1; 1999, No. 49, § 83, eff. June 2, 1999; 1999, No. 159 (Adj. Sess.), § 24, eff. May 29, 2000; 2001, No. 140 (Adj. Sess.), § 30, eff. June 21, 2002; 2003, No. 76 (Adj. Sess.), § 3, eff. Feb. 17, 2004; 2005, No. 14, §§ 6, 7, eff. May 3, 2005; 2011, No. 155 (Adj. Sess.), § 6; 2017, No. 130 (Adj. Sess.), § 13.)

Elected Officials Continued

BOARD OF CIVIL AUTHORITY

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **24 V.S.A. § 801 Composition; meetings**

  The town clerk, selectboard members and justices residing in a town shall constitute the board of civil authority of such town. Meetings of the board shall be called by the town clerk, or by one of the selectboard members, on application, by giving written notice to each member, and by posting a notice in two or more public places in the town at least five days previous to the meeting. The board shall choose a chair, and the town clerk shall be its clerk. The act of a majority of the board present at the meeting shall be treated as the act of the board, except that when the board is dealing with election issues, 17 V.S.A. § 2103(5) shall control. (Amended 1979, No. 200 (Adj. Sess.), § 118.)

- **17 V.S.A. § 2451. Board of civil authority**

  (a) The board of civil authority shall have charge of the conduct of elections within the political subdivision for which it is elected.

  (b) At any time before an election, the board of civil authority may issue guidance for elections officials that assists officials in conducting elections within the political subdivision. Guidance issued by the board shall not conflict with federal or State elections laws.

  (c) A quorum of the board of civil authority shall be available at all times when the polls are open, and those members of the board of civil authority present at a polling place shall constitute a quorum for the transaction of business relating to the conduct of the election and the qualification and registration of voters at this polling place. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 38; 2003, No. 59, § 16.)

BOARD OF LISTERS

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **17 V.S.A. § 2646 Town officers; qualification; election**

  "At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

  "…. (5) One lister for a term of three years who shall be elected by ballot, unless the town has voted to eliminate the office of lister in accordance with the provisions of section 2651c of this chapter."

- See also **17 V.S.A. § 2647 Incompatible offices,** Addendum "A", page 57 of this Handbook.

- **17 V.S.A. § 2651c Lack of elected lister; appointment of lister; elimination of office; hiring assessors**

  "(a)(1) Notwithstanding any other provisions of law to the contrary and except as provided in subsection (b) of this section, in the event the board of listers of a town falls below a majority and the selectboard is unable to find a person or persons to appoint as a lister or listers under the provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to perform the duties of a lister as set forth in Title 32 until the next annual meeting.

  (2) The appointed person need not be a resident of the town and shall have the same powers and be subject to the same duties and penalties as a duly elected lister for the town.

  (b)(1) A town may vote by ballot at an annual meeting to eliminate the office of lister.

  (2)(A) If a town votes to eliminate the office of lister, the selectboard shall notify the Director of Property Valuation and Review within 14 days and employ or contract a professionally qualified assessor, who, prior to conducting any work, shall meet the training requirements established by the Director under 32 V.S.A. § 4052 and need not be a resident of the town.

  (B) The assessor shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the provisions of Title 32.

  (3) A vote to eliminate the office of lister shall remain in effect until rescinded by majority vote of the registered voters present and voting at an annual or special meeting warned for that purpose.

  (c) The term of office of any lister in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard employs or contracts an assessor under this subsection, whichever occurs first.

(d) The authority to vote to eliminate the office of lister as provided in this section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of lister.

(e) If an assessor is employed or contracted to assist an elected board of listers, the board of listers shall retain the same powers and duties, discharge those powers and duties in the same manner, and be subject to the same liabilities as those imposed on listers or the board of listers under the provisions of Title 32. (Added 2003, No. 125 (Adj. Sess.), § 1; amended 2013, No. 21, § 4; 2017, No. 130 (Adj. Sess.), § 3; 2023, No. 68, § 9, eff. July 1, 2023.)"

- **32 V.S.A. § 3431 Lister's oath**

"(a) Each lister shall take and subscribe and file in the town clerk's office, before entering upon the duties of his or her office, the following oath; and the oath as subscribed shall be recorded in the town clerk's office:

"I, _____ , do solemnly swear (or affirm) that I will appraise all the personal and real property subject to taxation in the town (or city) of _____ , so far as required by law, at its fair market value, will list the same without discrimination on a proportionate basis of such value for the grand list of such town (or city), will set the same in the grand list of such town (or city) at one per cent of the listed value and will faithfully discharge all the duties imposed upon me by law. So help me God." (or, "under the pains and penalties of perjury.")

(b) When the listers violate such oath, they shall each be guilty of perjury and punished accordingly."

Other related authority

- Assistance:
  - "[W]ith approval of the town selectboard (for release of the funds), may employ assistance as necessary. … may be in the form of a professional appraiser/assessor who is contracted to complete some or all of the work, a data entry person who does the daily recordings and filing with a professional appraiser being responsible for value updates only, or some other combination." https://tax.vermont.gov/sites/tax/files/documents/FS-1149.pdf

- Homestead penalty:
  - "The Select Board determines whether to assess the Homestead penalty in general. They can take a vote to decide whether to apply a penalty or not. For selective or hardship cases when the penalty has not been voted out, the Listers should pass the issue on to the Board of Civil Authority. It is not the Listers' responsibility to determine who is responsible for paying the Homestead penalty." https://tax.vermont.gov/municipal-officials/listers-and-assessors/faqs#roles

Elected Officials Continued

CEMETERY COMMISSION

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **17 V.S.A. § 2646. Town officers; qualification; election**

"At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

"…(14) A cemetery commissioner if the town so votes."

- **17 V.S.A. § 2647 Incompatible offices**, Addendum "A", page 57 of this Handbook.

COLLECTOR OF DELINQUENT TAXES

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **17 V.S.A. § 2646. Town officers; qualification; election**

  At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

  "…(9) A collector of delinquent taxes, if the town so votes, for a term of one year unless a town votes that a collector of delinquent taxes shall be elected for a term of three years. When a town votes for a three-year term for the collector of delinquent taxes, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose."

- See also **17 V.S.A. § 2647 Incompatible offices,** Addendum "A", page 57 of this Handbook.

- **17 V.S.A. § 2651d. Collector of delinquent taxes; appointment; removal**

  (a)(1) A municipality may vote at an annual or special municipal meeting to authorize the legislative body to appoint a collector of delinquent taxes, who may be the municipal treasurer.

  (2) A collector of delinquent taxes so appointed may be removed by the legislative body for just cause after notice and hearing.

  (b) When a municipality votes to authorize the legislative body to appoint a collector of delinquent taxes, the legislative body's authority to make such appointment shall remain in effect until the municipality rescinds that authority by the majority vote of the registered voters present and voting at an annual or special meeting, duly warned for that purpose.

SELECTBOARD

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **17 V.S.A. § 2646 Town officers; qualification; election**

  "At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

  "...(4) One selectboard member for a term of three years who shall be elected by ballot."

- See also **17 V.S.A. § 2647 Incompatible offices**, Addendum "A", page 57 of this Handbook.

- **24 V.S.A. § 872 Selectboard; general powers and duties**

  "(a) The selectboard shall have the general supervision of the affairs of the town and shall cause to be performed all duties required of towns and town school districts not committed by law to the care of any particular officer.

  (b) The selectboard shall annually, on or before July 31, acknowledge receipt of and review the document made available by the Auditor of Accounts pursuant to 32 V.S.A. § 163(11) regarding internal financial controls and which has been completed and provided to the selectboard by the treasurer pursuant to section 1571 of this title.

  (c) The selectboard may require any other officer or employee of the town who has the authority to receive or disburse town funds to complete and provide to the selectboard a copy of the document made available by the Auditor of Accounts pursuant to 32 V.S.A. § 163(11). The officer or employee shall complete and provide the document to the selectboard within 30 days of the selectboard's requirement. The selectboard shall acknowledge receipt of and review the completed document within 30 days of receiving it from the officer or employee. (Amended 2011, No. 155 (Adj. Sess.), § 26.)"

- **24 V.S.A. § 963 Duties of selectboard; special meeting**
- (a) When a vacancy occurs in any town office, the selectboard forthwith by appointment in writing shall fill such vacancy until an election is had; except that in the event of vacancies in a majority of the selectboard at the same time, such vacancies shall be filled by a special town meeting called for that purpose.

- (b) The selectboard shall file an appointment made under this section in the office of the town clerk and the town clerk shall duly record it in the book of town records.
- (c) If there are no selectboard members in office, the Secretary of State shall call a special election to fill any vacancies and for that interim shall appoint and authorize the town clerk or another qualified person to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled. (Amended 1981, No. 239 (Adj. Sess.), § 28; 1993, No. 115 (Adj. Sess.), § 2, eff. March 30, 1994; 2017, No. 50, § 60.)

Selectboard interaction with town staff:

- The Selectboard has one employee, the Town Manager.
- The Selectboard acts as one voice and no single Selectboard member supervises or directs the fully appointed Town Manager.
  - **"Board members may not act on their own.** Officials who are elected or appointed to serve on a local board have authority to take action only as part of the board. The law provides, "when joint authority is given to three or more, the concurrence of a majority of such number shall be sufficient and shall be required in its exercise." 1 V.S.A. § 172. This means, unless a board authorizes an individual board member to negotiate a contract or make a public statement about the board's policy or position, an individual member of the board does not have power to negotiate or speak for the board. *Goslant v. Town of Calais,* 90 Vt. 114 (1916)." Vermont Office Of the Secretary of State, Municipal Law Basics 2014, page 7.

Interference in duties not within Selectboard statutory responsibility:

- **"Selectboard may not regulate how another official performs his/her duties.** The Vermont Supreme Court has long held that, "there is no authority in the selectmen to prescribe the method by which [another elected official] performs his duties, nor any power to prevent his carrying out of his official responsibilities by the imposition by them of arbitrary restrictions." *Couture v. Selectmen of Berkshire*, 121 Vt. 359 (1960)." Municipal Law Basics 2014, page 4.
  ". ..Insofar as the [selectboard members] interject themselves into duties for which they have no responsibility and for whose performance the petitioner has full responsibility, their actions amount to an arbitrary abuse of their powers as selectmen." *Couture v. Selectmen of Berkshire*, 121 Vt. 359, 363-64 (1960). Id., page 5.

TOWN MANAGER

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- See also **17 V.S.A. § 2647 Incompatible offices**, Addendum "A", page 57 of this Handbook.

- **24 V.S.A. § 1233 Qualifications; authority of selectboard**
  "Such a manager shall be selected with special reference to his or her education, training, and experience to perform the duties of such office and without reference to his or her political belief. In all matters he or she shall be subject to the direction and supervision and shall hold office at the will of such selectboard, who, by majority vote, may remove him or her at any time for cause."

- **24 V.S.A. § 1235. General authority**
  "Subject to the requirements of this chapter, he or she shall have general supervision of the affairs of the town, be the administrative head of all departments of the town government, and shall be responsible for the efficient administration thereof."

- **24 V.S.A. § 1236. Powers and duties in particular**
  "The manager shall have authority and it shall be his or her duty:

  (1) To cause duties required of towns and town school districts and not committed to the care of any particular officer, to be duly performed and executed.

  (2) To perform all duties now conferred by law upon the selectboard, except that he or she shall not prepare tax bills, sign orders on the general fund of the town, call special or annual town meetings, lay out highways, establish and lay out public parks, make assessments, award damages, act as member of the board of civil authority, nor make appointments to fill vacancies which the selectboard is now authorized by law to fill; but he or she shall, in all matters herein excepted, render the selectboard such assistance as it shall require.

  (3) To be the general purchasing agent of the town and purchase all supplies for every department thereof; but purchases of supplies for departments over which such manager is not given control, and of the town school district, shall be made according to requisition therefor by such departments or school directors.

  (4) To have charge and supervision of all public town buildings and repairs thereon, and all building undertaken by the town, unless otherwise provided for by the selectboard, shall be done under his or her charge and supervision.

  (5) To perform all the duties now conferred by law upon the road commissioner of the town, including the signing of orders; provided, however, that when an incorporated village lies within the territorial limits of a town which is operating under a town manager, and such village fails to pay to such town for expenditure on the roads of the town outside the village, at least 15 percent of the last highway tax levied in such village, the legal voters residing in such town, outside such village, may elect one or two road commissioners who shall have and exercise all powers of road commissioner within that part of such town as lies outside such village.

  (6) [Repealed.]

  (7) To do all the accounting for all of the departments of the town and of the town school districts when the board of school directors so request.

  (8) To supervise and expend all special appropriations of the town, as if the same were a separate department of the town, unless otherwise provided for by the selectboard.

  (9) To have charge, control, and supervision of the following matters:

  (A) the police department, if any, and shall appoint and may remove the officers thereof and shall fix their salaries;

  (B) the fire department, if any, and shall appoint, fix the compensation of, and may remove all officers and employees thereof;

  (C) the system of licenses, if any, not otherwise regulated by law;

  (D) the system of sewers and drainage, if any, except the making of assessments therefor;

  (E) the lighting of streets, highways, and bridges;

  (F) the sprinkling of streets and highways and laying of dust, except the making of assessments therefor;

  (G) the maintenance of parks and playgrounds.

(10) To collect all taxes due the town and to perform all the duties now conferred by law upon the collector of taxes, if the town so votes. Such manager shall continue so to do until the town votes

otherwise at a meeting duly warned for the purpose of voting on such question. For the collection of taxes, a town manager may charge and collect the same fees as a collector of taxes, and the fees so collected shall be paid into the treasury of the town."

TOWN CLERK

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **17 V.S.A. § 2646 Town officers; qualification; election**

  At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law: …

  "(2) A town clerk, unless the town has voted to authorize the selectboard to appoint the town clerk as provided in section 2651e of this chapter. The term of office for a town clerk shall be for one year, unless a town votes that the clerk shall be elected for a term of three years. When a town votes for a three-year term for the office of town clerk, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose. …"

- See also **17 V.S.A. § 2647 Incompatible offices**, Addendum "A", page 57 of this Handbook.

- **17 V.S.A. § 2651e Municipal clerk; appointment; removal**

  "(a)(1) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal clerk.
  (2) A municipal clerk so appointed may be removed by the legislative body for just cause after notice and hearing.
  (b) A vote to authorize the legislative body to appoint the municipal clerk shall remain in effect until rescinded by the majority vote of the registered voters present and voting at an annual or special meeting, duly warned for that purpose.
  © The term of office of a municipal clerk in office on the date a municipality votes to allow the legislative body to appoint a municipal clerk shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a municipal clerk under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.
  (d) The authority to authorize the legislative body to appoint the municipal clerk as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal clerk. (Added 2017, No. 27, § 2, eff. May 10, 2017; amended 2017, No. 130 (Adj. Sess.), § 5.)"

TOWN MODERATOR

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **17 V.S.A. § 2646 Town officers; qualification; election**

  "At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

  (1) A moderator."

Elected Officials Continued

TOWN TREASURER

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **17 V.S.A. § 2646 Town officers; qualification; election**

"At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

"…(3) A town treasurer, unless the town has voted to authorize the selectboard to appoint the treasurer as provided in section 2651f of this chapter. The term of office of a town treasurer shall be for one year, unless a town votes that a town treasurer shall be elected for a term of three years. When a town votes for a three-year term for the office of town treasurer, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose."

- **17 V.S.A. § 2651f. Municipal treasurer; appointment; removal**

"(a)(1) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal treasurer.

(2) A treasurer so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the treasurer shall remain in effect until rescinded by the majority vote of the registered voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a treasurer in office on the date a municipality votes to allow the legislative body to appoint a treasurer shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a treasurer under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the treasurer as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal treasurer. (Added 2017, No. 27, § 3, eff. May 10, amended 2017; 2017, No. 130 (Adj. Sess.), § 6.)"

TRUSTEE OF PUBLIC FUNDS

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **24 V.S.A. § 2431 Trustees of public funds**

  "Real and personal estate, except U.S. public money, held by a town in trust for any purpose, including cemetery trust funds, unless the person giving the same otherwise directs, shall be under the charge and management of three trustees, elected by the town when the town so votes. At the meeting when such trustees are first elected, they shall be elected for the following terms: one for one year, one for two years, and one for three years. Their successors shall be elected for the term of three years, but a person chosen to fill a vacancy caused by death, resignation, or otherwise shall serve only for the remainder of the unexpired term."

- **17 V.S.A. § 2646. Town officers; qualification; election**

  "At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

  "…(12) A trustee of public funds if the town so votes."

CONSERVATION COMMISSION

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Pursuant to the powers and duties of conservation commissions enumerated in 24 V.S.A. § 4505, the Norwich Conservation Commission works to preserve the town's natural heritage through planning, promoting, and implementing conservation strategies consistent with approved Town funding and initiatives; make inventories and conduct studies as indicated by statute and including natural heritage components (e.g., vernal pools, wetlands, waterways, wildlife, wildlife corridors, natural communities, intact forest ecosystems, scenic resources), educational and public services (e.g., workshops, seminars, displays). To that end, it will advise and assist the Select Board, Town Manager, Town Planner and other commissions and boards such as Planning Commission, Development Review Board, and others. It will receive and administer conservation grant funding, as allowed by said statute.

Statutory requirements: Yes.

- **24 V.S.A. § 4502. Membership; appointment; terms**
  "(a) A conservation commission shall have not less than three nor more than nine members. All members shall serve without compensation, but may be reimbursed by the municipality for necessary and reasonable expenses. All members shall be residents of the municipality.
  (b) Members of the conservation commission shall be appointed, and any vacancy filled, by the legislative body of the municipality. The term of each member shall be for four years, except for those first appointed, whose terms shall be varied in length so that in the future the number whose terms expire in each successive year shall be minimized."

- **24 V.S.A. § 4504. Rules**
  (a) At its organizational meeting a conservation commission shall adopt by majority vote of those present and voting such rules as it deems necessary and appropriate for the performance of its functions. It shall annually elect a chair, a treasurer, and a clerk.
  (b) Times and places of meetings of a conservation commission shall be publicly posted in the municipality, and its meetings shall be open to the public.
  (c) A conservation commission shall keep a record of its transactions, which shall be filed with the town clerk as a public record of the municipality.

- **24 V.S.A. § 4505. Powers and duties of conservation commissions**
  Any conservation commission created under this chapter may:
  (1) make an inventory and conduct continuing studies of the natural resources of the municipality including:

(A) air, surface and ground waters, and pollution thereof;
(B) soils and their capabilities;
(C) mineral and other earth resources;
(D) streams, lakes, ponds, wetlands, and floodplains;
(E) unique or fragile biologic sites;
(F) scenic and recreational resources;
(G) plant and animal life, especially the rare and endangered species;
(H) prime agricultural and forest land, and other open lands;

(2) make and maintain an inventory of lands within the municipality which have historic, educational, cultural, scientific, architectural, or archaeological values in which the public has an interest;

(3) recommend to the legislative body of the municipality the purchase or the receipt of gifts of land or rights thereto, or other property, for the purposes of this chapter;

(4) receive appropriations for operating expenses including clerical help by appropriation through the budget of the legislative body;

(5) receive money, grants, or private gifts from any source, for the purposes of this chapter. Grants and gifts received by the trustee of public funds shall be carried in a conservation fund from year to year to be expended only for purposes of this chapter;

(6) receive gifts of land or other property for the purposes of this chapter, by consent of the legislative body or by the affirmative vote of the municipality;

(7) administer the lands, properties, and other rights which have been acquired by the municipality for the purposes of this chapter;

(8) assist the local planning commission or zoning board of adjustment or the District Environmental Commission, by providing advisory environmental evaluations where pertinent to applications made to those bodies, for permits for development;

(9) cooperate with the local legislative body, planning commission, zoning board of adjustment, road committee, or other municipal or private organizations on matters affecting the local environment or the natural resources of the municipality;

(10) prepare, collect, publish, advertise, and distribute relevant books, maps, and other documents and maintain communication with similar organizations; and encourage through educational activities the public understanding of local natural resources and conservation needs;

(11) make a brief annual report to the municipality of its finances and transactions for the year just passed, and its plans and prospects for the ensuing year.

CONSERVATION COMMISSION SUBCOMMITTEE:

EMERALD ASH BORER MANAGEMENT SUBCOMMITTEE

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Under the umbrella of the Conservation Commission statutory duties, it is the charge of the Emerald Ash Borer ("EAB") Management Subcommittee to advise the Conservation Commission, Selectboard and Town Manager about EAB. Propose an EAB Management Plan. Advise acquisition requirements and use of management funding. Assist the town with evaluating the progress of management. Inventory public lands and roadside ash. Work with helpful state agencies (e.g. Urban & Community Forest Program). Take a lead in community outreach and education about EAB.

Statutory requirements:

- See generally Conservation Commission requirements; and,
- See also applicable Tree Warden statutes, here: **https://vtcommunityforestry.org/sites/default/files/2022-10/tree-warden-and-tree-statutes.pdf**

CONSERVATION COMMISSION SUBCOMMITTEE:

MILTON FRYE NATURE AREA SUBCOMMITTEE:

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Under the umbrella of the Conservation Commission statutory duties, it is the charge of the Milton Frye Nature Area ("MFNA") Subcommittee to monitor the condition and ecological integrity of Nature Area features, and advise the Conservation Commission and Town Manager of management recommendations as outlined in the Management Plan. In conjunction with Town Manager approval, implement and/or facilitate management when needed. In conjunction with the Town Manager, interact with the easement holder (ULVT) regarding adherence to the Management Plan. Work with Recreation Director and Marion Cross School regarding their activities in the Nature Area.

Statutory requirements: No.

CONSERVATION COMMISSION SUBCOMMITTEE:

TRAILS SUBCOMMITTEE

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Under the umbrella of the Conservation Commission statutory duties, and in conjunction with Town Manager approval as necessary, it is the charge of the Trails Subcommittee to maintain and repair town trails and public-access trails on private land, with landowner permission recorded to the satisfaction of the Town Manager. To that end, the Trails Subcommittee will clear existing trails of fallen trees and other natural obstructions, using the Town's Financial Policies to request any necessary funds. With Conservation Commission funds, the Trails Subcommittee will update and publish trail maps and signage, to be posted as allowed by law or recorded landowner agreement. As needed, the Trails Subcommittee will advise the Conservation Commission of the need to consider and implement beneficial trail reroutes as needed, and will coordinate and oversee work of trail volunteers for approved trail work.

Statutory requirements: No.

DEVELOPMENT REVIEW BOARD

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **24 V.S.A. § 4460 Appropriate municipal panels**
  (a) If a municipality establishes a development review board and appoints members to that board, the development review board in that municipality, until its existence is terminated by act of the legislative body, shall exercise all of the functions otherwise exercised under this chapter by the board of adjustment. It also shall exercise the specified development review functions otherwise exercised under this chapter by the planning commission. In municipalities that have created development review boards, the planning commission shall continue to exercise its planning and bylaw development functions and other duties established under this chapter. In situations where this chapter refers to functions that may be performed by a development review board or a planning commission or functions that may be performed by a development review board or a board of adjustment, it is intended that the function in question shall be performed by the development review board if one exists and by the other specified body if a development review board does not exist.
  (b) The board of adjustment or the development review board for a rural town or an urban municipality may consist of the members of the planning commission of that town or may include one or more members of the planning commission. The board of adjustment for a rural town or an urban municipality shall consist of not fewer than three nor more than nine persons, as the legislative body of the municipality determines, appointed by the legislative body of the municipality promptly after the first adoption of a bylaw by the municipality. If the legislative body of a municipality creates a development review board to perform all development review functions under this chapter, that board shall consist of not fewer than five nor more than nine persons, as the legislative body of the municipality determines, appointed by the legislative body of the municipality**. A municipality may not have a board of adjustment and a development review board at the same time.** Upon creation of a development review board, the existence of any board of adjustment shall terminate.
  (c) In the case of an urban municipality or of a rural town where the planning commission does not serve as the board of adjustment or the development review board, members of the board of adjustment or the development review board shall be appointed by the legislative body, the number and terms of office of which shall be determined by the legislative body subject to the provisions of subsection (b) of this section. The municipal legislative body may appoint alternates to a planning commission, a board of adjustment, or a development review board for a term to be determined by the legislative body. Alternates may be assigned by the legislative body to serve on the planning commission, the board of adjustment, or the development review board in situations when one or more members of the board are disqualified or are otherwise unable to serve. Vacancies shall be filled by the legislative body for the unexpired terms and upon the expiration of such terms. Each member of a board of adjustment or a

development review board may be removed for cause by the legislative body upon written charges and after public hearing. If a development review board is created, provisions of this subsection regarding removal of members of the board of adjustment shall not apply.

(d) A joint board of adjustment or development review board may be created upon the act of each legislative body of those municipalities having joint planning commissions as provided in section 4327 of this title. The joint board of adjustment or development review board for these participating municipalities shall consist of persons who would have been the members of the board of adjustment or development review board of each of those municipalities. Joint entities created under this subsection may include a board of adjustment and a development review board, if those different entities exist in the participating municipalities.

(e) The following review functions shall be performed by the appropriate municipal panel authorized by a municipality as specified in the municipal bylaws and in accordance with this chapter, whether a zoning board of adjustment, planning commission, or development review board. Unless the matter is an appeal from the decision of the administrative officer, the matter shall come before the panel by referral from the administrative officer. Any such referral decision shall be appealable as a decision of the administrative officer.

(1) review of right-of-way or easement for land development without frontage as authorized in subdivision 4412(3) of this title;

(2) review of land development or use within an historic district or with respect to historic landmarks as authorized in subdivision 4414(1)(F) of this title;

(3) review of land development or use within a design control district as authorized in subdivision 4414(1)(E) of this title;

(4) review of proposed conditional uses as authorized in subdivision 4414(3) of this title;

(5) review of planned unit developments as authorized in section 4417 of this title;

(6) review of requests for waivers as authorized in subdivision 4414(9) of this title;

(7) site plan review as authorized in section 4416 of this title;

(8) review of proposed subdivisions as authorized in section 4418 of this title;

(9) review of wireless telecommunications facilities as authorized in subdivision 4414(12) of this title;

(10) appeals from a decision of the administrative officer pursuant to section 4465 of this title;

(11) review of requests for variances pursuant to section 4469 of this title;

(12) any other reviews required by the bylaws.

(f) Notwithstanding subsections (b) and (c) of this section, a municipality may vote at an annual or special meeting to change the number of members that may be appointed to a board of adjustment or development review board.

(1) The proposal to change the number of members serving on a board may be brought by the legislative body or by petition of five percent of the voters of the municipality.

(2) If the number of members on a board is reduced, the members with the nearest expiration of their term of office shall serve until the expiration of that term and then the office shall terminate.

(Added 2003, No. 115 (Adj. Sess.), § 103; amended 2013, No. 162 (Adj. Sess.), § 9; 2021, No. 157 (Adj. Sess.), § 5, eff. July 1, 2022.)

- **24 V.S.A. § 4461 Development review procedures**

(a) Meetings. An appropriate municipal panel shall elect its own officers and adopt rules of procedure, subject to this section and other applicable State statutes, and shall adopt rules of ethics with respect to

conflicts of interest. Meetings of any appropriate municipal panel shall be held at the call of the chairperson and at such times as the panel may determine. The officers of the panel may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review. All meetings of the panel, except for deliberative and executive sessions, shall be open to the public. The panel shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the clerk of the municipality as a public record. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of the members of the panel, and any action of the panel shall be taken by the concurrence of a majority of the panel.
(b) Information gathering and record of participation by interested persons. An appropriate municipal panel in connection with any proceeding under this chapter may examine or cause to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding, may require the attendance of any person having knowledge in the premises, may take testimony and require proof material for its information, and may administer oaths or take acknowledgment in respect of those matters. Any of the powers granted to an appropriate municipal panel by this subsection may be delegated by it to a specifically authorized agent or representative, except in situations where the Municipal Administrative Procedure Act applies. In any hearing, there shall be an opportunity for each person wishing to achieve status as an interested person under subsection 4465(b) of this title to demonstrate that the criteria set forth in that subsection are met, and the panel shall keep a written record of the name, address, and participation of each of these persons.
(c) Expenditures for service. An appropriate municipal panel may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. All members of an appropriate municipal panel may be compensated for the performance of their duties and may be reimbursed by their municipality for necessary and reasonable expenses. (Added 2003, No. 115 (Adj. Sess.), § 104.)

- **24 V.S.A. § 4462 Combined review**
  If more than one type of review is required for a project, the reviews, to the extent feasible, shall be conducted concurrently. A process defining the sequence of review and issuance of decisions shall be defined in the bylaw. (Added 2003, No. 115 (Adj. Sess.), § 104.)

- **24 V.S.A. § 4463 Subdivision review**
  (a) Approval of plats. Before a plat for a major subdivision is approved, a public hearing on the plat shall be held by the appropriate municipal panel after public notice. A bylaw may provide for the administrative officer to approve minor subdivisions. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.
  (b) Plat; record. The approval of the appropriate municipal panel or administrative officer, if the bylaws provide for their approval of minor subdivisions, shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the clerk of the municipality. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable.

(1) The bylaw may allow the administrative officer to extend the date for filing the plat by an additional 90 days if final local or State permits or approvals are still pending.

(2) No plat showing a new street or highway may be filed or recorded in the office of the clerk of the municipality until it has been approved by the appropriate municipal panel, or administrative officer if allowed under the bylaws, pursuant to subsection (a) of this section, and that approval is endorsed in writing on the plat, or the certificate of the clerk of the municipality showing the failure of the appropriate municipal panel to take action within the 45-day period is attached to the plat and filed or recorded with the plat. After that filing or recording, the plat shall be a part of the official map of the municipality.

(c) Acceptance of streets; improvements. Every street or highway shown on a plat filed or recorded as provided in this chapter shall be deemed to be a private street or highway until it has been formally accepted by the municipality as a public street or highway by ordinance or resolution of the legislative body of the municipality. No public municipal street, utility, or improvement may be constructed by the municipality in or on any street or highway until it has become a public street or highway as provided in this section. The legislative body shall have authority after a public hearing on the subject to name and rename all public streets and to number and renumber lots so as to provide for existing as well as future structures.

(d) Beginning October 1, 2010, any application for an approval and any approval issued under this section shall include a statement, in content and form approved by the Secretary of Natural Resources, that State permits may be required and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence.

(e) Whenever a proposed subdivision is adjacent to a State highway, the application for subdivision approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed subdivision and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed subdivision is required under 19 V.S.A. § 1111, then the letter from the Agency shall set out any conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111. (Added 2003, No. 115 (Adj. Sess.), § 104; amended 2009, No. 146 (Adj. Sess.), § F28; 2021, No. 55, § 37; 2023, No. 47, § 7, eff. July 1, 2023.)

- **24 V.S.A. § 4464 Hearing and notice requirements; decisions and conditions; administrative review; role of advisory commissions in development review**

(a) Notice procedures. All development review applications before an appropriate municipal panel under procedures set forth in this chapter shall require notice as follows.

(1) A warned public hearing shall be required for conditional use review, variances, administrative officer appeals, and final plat review for subdivisions. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all the following:

(A) Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.

(B) Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.

(C) Written notification to the applicant and to owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public

right-of-way and, in any situation in which a variance is sought regarding setbacks from a State highway, also including written notification to the Secretary of Transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

(2) Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing, and shall include at a minimum all the following:

(A) Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in conformance with the time and location requirements of 1 V.S.A. § 312(c)(2).

(B) Written notification to the applicant and to the owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way and, in any situation in which a variance is sought regarding setbacks from a State highway, also including written notification to the Secretary of Transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

(3) The applicant may be required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners. The applicant may be required to demonstrate proof of delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

(4) The bylaw may also require public notice through other effective means such as a notice board on a municipal website.

(5) No defect in the form or substance of any requirements in subdivision (1) or (2) of this subsection shall invalidate the action of the appropriate municipal panel where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Division or by the applicable municipal panel itself, the action shall be remanded to the applicable municipal panel to provide new posting and notice, hold a new hearing, and take a new action.

(b) Decisions.

(1) The appropriate municipal panel may recess the proceedings on any application pending submission of additional information. The panel should close the evidence promptly after all parties have submitted the requested information. The panel shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the panel to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. Decisions shall be issued in writing and shall include a statement of the factual bases on which the appropriate municipal panel has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this subsection.

(2) In rendering a decision in favor of the applicant, the panel may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this chapter and the pertinent bylaws and the municipal plan then in effect. A bylaw may provide for the conditioning of permit issuance on the submission of a bond, escrow account, or other surety in a form acceptable to the legislative body of the municipality to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.

(3) Any decision shall be sent by certified mail within the period set forth in subdivision (1) of this subsection to the applicant and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the administrative officer and the clerk of the municipality as a part of the public records of the municipality.

(4) Conditions may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued for an approved development unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the appropriate municipal panel may require from the owner for the benefit of the municipality a performance bond issued either by a bonding or surety company approved by the legislative body or by the owner with security acceptable to the legislative body in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the appropriate municipal panel or such municipal departments or officials as the panel may designate. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements for a period of two years after completion.

(5) The legislative body may enter into an agreement governing any combination of the timing, financing, and coordination of private or public facilities and improvements in accordance with the terms and conditions of a municipal land use permit, provided that agreement is in compliance with all applicable bylaws in effect.

(6) The performance bond required by this subsection shall run for a term to be fixed by the appropriate municipal panel, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the municipality shall install or maintain such improvements as are covered by the performance bond.

(7)(A) A decision rendered by the appropriate municipal panel for a housing development or the housing portion of a mixed-use development shall not:

(i) require a larger lot size than the minimum as determined in the municipal bylaws;

(ii) require more parking spaces than the minimum as determined in the municipal bylaws and in section 4414 of this title;

(iii) limit the building size to less than that allowed in the municipal bylaws, including reducing the building footprint or height;

(iv) limit the density of dwelling units to below that allowed in the municipal bylaws; and

(v) otherwise disallow a development to abide by the minimum or maximum applicable municipal standards.

(B) However, a decision may require adjustments to the applicable municipal standards listed in subdivision (A) of this subdivision (7) if the panel or officer issues a written finding stating:

(i) why the modification is necessary to comply with a prerequisite State or federal permit, municipal permit, or a nondiscretionary standard in a bylaw or ordinance, including requirements related to wetlands, setbacks, and flood hazard areas and river corridors; and

(ii) how the identified restrictions do not result in an unequal treatment of housing or an unreasonable exclusion of housing development otherwise allowed by the bylaws.

(b) Administrative review. In addition to the delegation of powers authorized under this chapter, any bylaws adopted under this chapter may establish procedures under which the administrative officer may review and approve new development and amendments to previously approved development that would otherwise require review by an appropriate municipal panel. If administrative review is authorized, the bylaws shall clearly specify the thresholds and conditions under which the administrative officer classifies an application as eligible for administrative review. The thresholds and conditions shall be structured such that no new development shall be approved that results in a substantial impact under any of the standards set forth in the bylaws. No amendment issued as an administrative review shall have the effect of substantively altering any of the findings of fact of the most recent approval. Any decision by an administrative officer under this subsection may be appealed as provided in section 4465 of this title.

(d) Role of advisory commissions in development review. An advisory commission that has been established through section 4433 or chapter 118 of this title and that has been granted authority under the bylaws, by ordinance, or by resolution of the legislative body to advise the appropriate municipal panel or panels, applicants, and interested parties should perform the advisory function in the following manner:

(1) The administrative officer shall provide a copy or copies of applications subject to review by the advisory commission and all supporting information to the advisory commission upon determination that the application is complete.

(2) The advisory commission may review the application and prepare recommendations on each of the review standards within the commission's purview for consideration by the appropriate municipal panel at the public hearing on the application. The commission or individual members of the commission may meet with the applicant, interested parties, or both, conduct site visits, and perform other fact-finding that will enable the preparation of recommendations.

(3) Meetings by the advisory commission on the application shall comply with the Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2, and the requirements of the commission's rules of procedure, but shall not be conducted as public hearings before a quasi-judicial body.

(4) The advisory commission's recommendations may be presented in writing at or before the public hearing of the appropriate municipal panel on the application, or may be presented orally at the public hearing.

(5) If the advisory commission finds that an application fails to comply with one or more of the review standards, it shall make every effort to inform the applicant of the negative recommendations before the public hearing, giving the applicant an opportunity to withdraw the application or otherwise prepare a response to the advisory committee's recommendations at the public hearing. Advisory commissions may also suggest remedies to correct the deficiencies that resulted in the negative recommendations. (Added 2003, No. 115 (Adj. Sess.), § 104; amended 2007, No. 75, § 29; 2009, No. 154 (Adj. Sess.), § 236; 2023, No. 47, § 10, eff. July 1, 2023.)

Appointed Standing Committees, Boards, Commissions, Positions Continued

ENERGY COMMITTEE

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Norwich Energy Committee Charge: The Norwich Energy Committee advises the Planning Commission on energy-related matters that pertain to the Town Plan and the Selectboard and Town Manager on energy-related matters that affect Town policy.

The Committee identifies opportunities and makes recommendations to the appropriate Town officials and committees-regarding energy conservation and efficiency, nonfossil energy sources and pollution reduction that address the environmental and fiscal benefits to the Town's government, residents and businesses. The Committee educates the citizens and property owners of the Town about energy conservation, alternative energy sources and other energy sustainability measures, and increase public awareness of energy issues and builds public support for energy efficiency and sustainable energy policies. It devises and implements programs in support of those measures with the assistance of other volunteers.

Statutory requirements: No.

Note: The 6/27/2018 SB minutes approved an Energy Comm. charge submitted with edits for that meeting. It includes

- *Membership: "at least five members…Norwich residents or property owners"*
- *Programs: "may …obtain grant money and donations in support of its programs…"*

FIRE WARDEN

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements:

- **10 V.S.A. § 2641 Town forest fire wardens; appointment and removal**

"(a) Upon approval by the selectboard and acceptance by the appointee, the Commissioner shall appoint a town forest fire warden for a term of five years or until a successor is appointed. A town forest fire warden may be reappointed for successive five-year terms by the Commissioner or until a successor is approved by the selectboard and appointed by the Commissioner. The warden may be removed for cause at any time by the Commissioner with the approval of the selectboard. A warden shall comply with training requirements established by the Commissioner.

(b) The Commissioner may appoint a forest fire warden for an unorganized town or gore, who shall serve for a term of five years or until a successor is appointed. An appointed forest fire warden for an unorganized town or gore may be reappointed for successive five-year terms by the Commissioner until the Commissioner appoints and the unorganized town or gore approves a successor. The warden may be removed for cause at any time by the Commissioner with the approval of the unorganized town or gore. The forest fire warden of an unorganized town or gore shall have the same powers and duties as town forest fire wardens and shall be subject to the requirements of this subchapter.

(c) When there are woodlands within the limits of a city, the chief of the fire department of such city shall act as the city forest fire warden with all the powers and duties of town forest fire wardens.

(d) When the Commissioner deems it difficult in any municipality for one warden to take charge of protecting the entire municipality from forest fires, he or she may appoint one or more deputy forest fire wardens. Such wardens under the direction of the fire warden shall have the same powers, duties, and pay and make the same reports through the fire warden to the Commissioner as forest fire wardens.

(e) The Commissioner may appoint special forest fire wardens who shall hold office during the pleasure of the Commissioner. Such fire wardens shall have the same powers and duties throughout the State as town forest fire wardens, except that all expenses and charges incurred on account of their official acts shall be paid from the appropriations for the Department. (Added 1977, No. 253 (Adj. Sess.), § 1; amended 1987, No. 107, § 1; 2015, No. 171 (Adj. Sess.), § 11.)"

- **10 V.S.A. § 2644 Duties and powers of fire warden**

"(a) When a forest fire or fire threatening a forest is discovered in his or her town, the town forest fire warden shall enter upon any premises and take measures for its prompt control, suppression, and extinguishment. The town forest fire warden may call upon any person for assistance. The town forest fire warden may choose to share or delegate command authority to a chief engineer of a responding fire department or, in the chief's absence, the highest ranking assistant firefighter present during the fire.

(b) A town forest fire warden shall keep a record of his or her acts, the number of fires and causes, the areas burned over, and the character and amount of damages done in the warden's jurisdiction. Within two weeks after the extinguishment of a fire, the town forest fire warden shall report the fire to the Commissioner, but the making of a report under this subsection shall not be a charge against the town. …"

FINANCE COMMITTEE

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Finance Committee Charge:

As requested by the Norwich Town Selectboard the Finance Committee is authorized to advise on the creation of annual budgets for the Town of Norwich, Norwich School District and, together with the Hanover Finance Committee, on the Dresden School District budget. Provides research into financial matters related to the budget as requested by the Norwich Town Selectboard and renders non-binding advisory recommendations for action or non-action by the Norwich Town Selectboard.

Statutory requirements: No.

HISTORIC PRESERVATION COMMISSION

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Regulatory requirements: Yes.

Norwich Historic Preservation Commission Charge: The Norwich Historic Preservation Commission (NHPC) is a municipal commission that seeks to raise appreciation of the Town's historic landscapes, sites, structures, and people from all cultures. The NHPC champions the preservation and restoration of their places, which are essential to our community's character and sense of place.

- Although there are no statutory requirements, the NHPC considers the following necessary expertise must be met for it to continue to serve as a certified local government. The NHPC had its last review with the State of Vermont in 2024 and was found to be in compliance:
    - All members of the Norwich Historic Preservation Commission shall have a demonstrated interest, competence, or knowledge in historic preservation; of special interest are professionals from the disciplines of history, archaeology, architectural history, architecture, and historical architecture, and related disciplines such as urban planning, American Studies, American civilization, cultural geography, or cultural anthropology, and lay members are encouraged.
- The NHPC believes that:
    - Norwich's iconic village center is the focal point for its rural character and scenic resources. Our town center reflects 250 years of town settlement and features surviving evidence of our native Abenaki presence important to understanding the depth of culture in our town, as well as distinctive homes, public buildings, places of worship and commercial buildings.
    - Long-time residents have protected these qualities while more recent residents have chosen to live in Norwich, in part, because of its sense of place and character. These qualities contribute to Norwich's vigorous town center and strong property values.
    - Good stewardship supports our local and regional economy through the use of local products and services in maintaining historic properties.
    - Using and re-using historic buildings with appropriate retrofitting saves energy and contributes to sustainability.
    - Preserving historic structures is a natural complement to land conservation and essential to protecting our rural character.

Regulatory Requirements:

- 54 U.S.C. 300101 et seq.
    - " It is the policy of the Federal Government, in cooperation with other nations and in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;
(2) provide leadership in the preservation of the historic property of the United States and of the international community of nations and in the administration of the national preservation program;
(3) administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations;
(4) contribute to the preservation of nonfederally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means;
(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and
(6) assist State and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation programs and activities."

- See also: "Regulations for the Vermont Certified Local Government Program as approved by the National Park Service in 2001, and incorporated into the Vermont Historic Preservation Act Rules as Rule 3, here: https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/HP/HP-Grants/CLG_Grants/Rule_3_Regulations_for_VT_CLG_Program.pdf?_gl=1*1xeugch*_ga*MTMxNTU3MDEyOS4xNzE1Nzk2Nzcz*_ga_V9WQH77KLW*MTcyOTE2NzgzNy4xMy4xLjE3MjkxNjc4NjUuMC4wLjA.

LAND MANAGEMENT COUNCIL

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Statutory requirements: No.

Norwich Land Management Council Charge: "The charge of the Management Council shall be to develop and administer a plan for the recreational and educational uses of the land as well as the necessary maintenance and management of the land…." See: Amended Restate Land Management Council Agreement dated June 2001.

Explanatory Notes:

- The Land Management Council is included in this Handbook because the Selectboard appoints two members of the three-member Land Management Council ["LMC"]. The LMC function is to administer the "public use of the land" as referred to in an agreement between the Town of Norwich Selectboard and the Norwich Fire District, "Amended and Restated Charles Brown Brook Watershed Land Management Agreement," dated June 21, 2001.
    - Of the three LMC members, two members are appointed by the Selectboard, "one of whom must reside in the Fire District, and one appointment by the Prudential Committee." See the aforementioned "Amended and Restated Charles Brown Brook Watershed Land Management Agreement," dated June 21, 2001, page 1 "Agreement."
- A Fire District is a statutorily-allowed municipal entity, which may be established by a selectboard, with specific and limited powers which can include:
    - "It may vote a tax upon the taxable estate for the protection of property in the district from damage by fire; for the acquisition, construction, and maintenance of sewers and sewage treatment works; sidewalks; public parks; water works, water companies, and equipment and real estate used in connection therewith, including reservoirs and dams; for lighting; and for other lawful purposes." See 20 V.S.A. § 2601
- For more information about Fire Districts, see Vermont Statutes Annotated, Title 20: Internal Security and Public Safety, Chapter 171: Fire Districts.

PLANNING COMMISSION

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Norwich Planning Commission Charge*:* With regard to long-term planning, the Planning Commission prepares the town plan for adoption by the Selectboard. Implements the town plan through zoning and subdivision regulations based on the recommendations in the town plan. Staff support provided by the Town Planner.

Statutory requirements: Yes.

- **24 V.S.A. § 4325. Powers and duties of planning commissions**

"Any planning commission created under this chapter may:

(1) Prepare a plan and amendments thereof for consideration by the legislative body and to review any amendments thereof initiated by others as set forth in subchapter 5 of this chapter.

(2) Prepare and present to the legislative body proposed bylaws and make recommendations to the legislative body on proposed amendments to such bylaws as set forth in subchapter 6 of this chapter.

(3) Administer bylaws adopted under this chapter, except to the extent that those functions are performed by a development review board.

(4) Undertake capacity studies and make recommendations on matters of land development, urban renewal, transportation, economic and social development, urban beautification and design improvements, historic and scenic preservation, the conservation of energy and the development of renewable energy resources, and wetland protection. Data gathered by the planning commission that is relevant to the geographic information system established under 3 V.S.A. § 20 shall be compatible with, useful to, and shared with that system.

(5) Prepare and present to the legislative body recommended building, plumbing, fire, electrical, housing, and related codes and enforcement procedures, and construction specifications for streets and related public improvements.

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

(7) Hold public meetings.

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

(9) In the performance of its functions, enter upon land to make examinations and surveys.

(10) Participate in a regional planning program.

(11) Retain staff and consultant assistance in carrying out its duties and powers.

(12) Undertake comprehensive planning, including related preliminary planning and engineering studies.

(13) Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purposes of, this chapter. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1979, No. 174 (Adj. Sess.), § 4; 1985, No. 188 (Adj. Sess.), § 7; 1987, No. 200 (Adj. Sess.), § 18, eff. July 1, 1989; 1993, No. 232 (Adj. Sess.), § 45, eff. March 15, 1995; 2003, No. 115 (Adj. Sess.), § 85.):

Planning Commission Subcommittee:

Affordable Housing Subcommittee

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Required.

Norwich Planning Commission, Affordable Housing Subcommittee Charge*:*

Under the umbrella of the Planning Commission's statutory duties, it is the charge of the Affordable Housing Subcommittee to provide recommendations and guidance to, and work with, the Planning Commission, Town Planner, Selectboard, Town Manager, and any and all other commissions, committees, boards in the Town of Norwich on the issues related to housing in Norwich.

Statutory requirements: No.

Planning Commission Subcommittee:

Solar Siting Subcommittee

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Norwich Planning Commission, Solar Siting Subcommittee Charge*:* Under the umbrella of the Planning Commission's statutory duties, it is the charge of the Solar Siting Subcommittee to assist the Planning Commission by recommending (a) changes to the town plan, zoning bylaws and subdivision regulations as to solar project siting and (b) a process for review of solar project proposals. The Subcommittee will endeavor to understand the laws, rules, and regulations pertaining to solar siting, and develop a collaborative process to encourage public participation in their work; they will research solar-related conditions or issues specific to Norwich, examine experiences and best practices in other towns, and keep abreast of TRORC regional energy planning.

Statutory requirements: See Planning Commission in general.

RECREATION COUNCIL

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Statutory requirements: No.

Norwich Recreation Council Charge*:* The Norwich Recreation Council meets monthly to advise and aide the Recreation Director; help with seasonal in-person registrations, special community events, occasional special projects, and offering suggestions for recruiting volunteer team coaches.

SOLID WASTE COMMITTEE

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Statutory requirements: Yes.

Norwich Solid Waste Committee Charge*:* The Solid Waste Committee assists with implementation and maintenance of a solid waste disposal plan in conjunction with the Town Manager, Director of Public Works, and Selectboard. Investigates current practices at the Transfer Station with an emphasis on reducing the volume of material sent to the landfill and research alternatives to current practices. Will review the current fee schedule and make recommendations to the Selectboard and Town Manager for changes to that fee schedule.

- **10 V.S.A. § 6621a Landfill disposal requirements**

(a) In accordance with the following schedule, no person shall knowingly dispose of the following materials in solid waste or in landfills:

(1) Lead-acid batteries, after July 1, 1990.
(2) Waste oil, after July 1, 1990.
(3) White goods, after January 1, 1991. "White goods" include discarded refrigerators, washing machines, clothes dryers, ranges, water heaters, dishwashers, and freezers. Other similar domestic and commercial large appliances may be added, as identified by rule of the Secretary.
(4) Tires, after January 1, 1992.
(5) Paint (whether water based or oil based), paint thinner, paint remover, stains, and varnishes. This prohibition shall not apply to solidified water-based paint in quantities of less than one gallon, nor shall this prohibition apply to solidified water-based paint in quantities greater than one gallon if those larger quantities are from a waste stream that has been subject to an effective paint reuse program, as determined by the Secretary.
(6) Nickel-cadmium batteries, small sealed lead acid batteries, nonconsumer mercuric oxide batteries, and any other battery added by the Secretary by rule.
(7)(A) Labeled mercury-added products on or before July 1, 2007.
(B) Mercury-added products, as defined in chapter 164 of this title, after July 1, 2007, except as other effective dates are established in that chapter.
(8) Banned electronic devices. After January 1, 2011, computers; peripherals; computer monitors; cathode ray tubes; televisions; printers; personal electronics such as personal digital assistants and personal music players; electronic game consoles; printers; fax machines; wireless telephones; telephones; answering machines; videocassette recorders; digital versatile disc players; digital converter boxes; stereo equipment; and power supply cords (as used to charge electronic devices).
(9) Mandated recyclable materials after July 1, 2015.
(10) Leaf and yard residuals and wood waste after July 1, 2016.
(11) Food residuals after July 1, 2020.
(12) Covered household hazardous products after July 1, 2025.

(b) This section shall not prohibit the designation and use of separate areas at landfills for the storage or processing, or both, of material specified in this section.

(c) Insofar as it applies to the operator of a solid waste management facility, the Secretary may suspend the application of this section to material specified in subdivision (a)(2), (3), (4), (5), or (6) of this section, or any combination of these, upon finding that insufficient markets exist and adequate uses are not reasonably available to serve as an alternative to disposal.
(d) The landfill disposal ban under subdivisions (a)(9)-(11) of this section shall not apply to mandated recyclables, leaf and yard residuals, or food residuals collected as part of a litter collection event operated or administered by a nonprofit organization or municipality. (Added 1989, No. 286 (Adj. Sess.), § 2; amended 1991, No. 75, § 2; 1991, No. 95, § 3; 1993, No. 221 (Adj. Sess.), § 4a; 1995, No. 189 (Adj. Sess.), § 9; 1997, No. 151 (Adj. Sess.), § 3; 2005, No. 13, § 2, eff. July 1, 2005; 2009, No. 79 (Adj. Sess.), § 4; 2011, No. 148 (Adj. Sess.), § 10; 2015, No. 95 (Adj. Sess.), § 3, eff. May 10, 2016; 2023, No. 58, § 4, eff. June 12, 2023.)

TOWN SERVICE OFFICER

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Statutory requirements: No.

Norwich Town Service Officer Charge*:*

> The town service officer is charged with assisting individuals within the town who require emergency food, fuel or shelter assistance. This official works in collaboration with the Town Manager to provide assistance when possible and appropriate.

TREE WARDEN

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

- **See all applicable statutes here: https://vtcommunityforestry.org/sites/default/files/2022-10/tree-warden-and-tree-statutes.pdf**

- **24 V.S.A. § 871(b) Organization of selectboard; appointments**

  "…(b) The selectboard shall appoint a tree warden, who need not be a resident of the municipality, and may appoint from among the registered voters the following officers who shall serve until their successors are appointed and qualified and shall certify the appointments to the town clerk who shall record the same:…."

- **24 V.S.A. § 2505**

  "The legislative body of the municipality may appoint deputy tree wardens who shall serve under the direction of the tree warden and shall have the same duties and authority as the tree warden. The legislative body of the municipality may dismiss a deputy tree warden at its pleasure. (Amended 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)"

Appointed Representatives to Non-Norwich Committees/Commissions

CONNECTICUT RIVER JOINT COMMISSIONS

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes

Description: New Hampshire's Connecticut River Valley Resource Commission, created by the legislature in 1987, and Vermont's Connecticut River Watershed Advisory Commission, similarly created in 1988, were directed to cooperate with each other to preserve and protect the resources of the Connecticut River Valley, and to guide its growth and development. They have met together as the Joint Commissions since 1989.
Both Commissions are advisory and have no regulatory powers, preferring instead to advocate and ensure public involvement in decisions which affect their river and their valley. See https://crjc.org/about-crjc/

The Connecticut River Joint Commissions (CRJC) is a quasi-governmental organization composed of Governor-appointed and designated Commissioners from Vermont and New Hampshire, and the parent organization to five Local River Subcommittees. They may represent different interests, but are united in a shared regard of the Connecticut River, the surrounding landscape, and the ecosystem as a whole. Together, they identify and pursue collaborative efforts that safeguard the Valley.

CRJC facilitates the cooperation of Vermont and New Hampshire to guide development in a manner that conserves the visual, ecological and agricultural resources of the Connecticut River Valley. The CRJC informs policy decisions, links local action to state and federal initiatives, and convenes partners in a common effort to protect the Valley's resources. (You can read more here: https://www.crjc.org/about-crjc/.)

- **See 10 V.S.A. § 1191 et seq Connecticut River Watershed Advisory Commission**
- **See New Hampshire RSA 227-E et seq Connecticut River Valley Resource Commission**

EC FIBER

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes

Description: To build and operate a universal, open access, fiber-to-the premises network, bringing state-of-the art connectivity to every home, business and civic institution in all member towns. See https://www.ecfiber.net/mission/

- **See Title 30, Chapter 91A Vermont Community Broadband Board, 30 V.S.A. § 8081 et seq**

GREATER UPPER VALLEY SOLID WASTE MANAGEMENT DISTRICT

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes.

Description: GUVSWMD is a union municipal district dedicated to providing solid waste management authority, services, and planning to its member towns. See https://www.guvswmd.org/

- **See Title 10, Chapter 159 Waste Management, 10 V.S.A. § 6601 et seq**

HEALTH OFFICER

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements: Yes. See Title 18, Chapter 11 Local Health Officials, 18 V.S.A. § 601 et seq

- **18 V.S.A. § 601. Local health officials**
  "(a) The Commissioner shall appoint, upon recommendation of the selectboard, a local health officer for each town or city, and the Commissioner shall give such officer a certificate of appointment. The Commissioner may appoint one or more deputy local health officers for a town or city upon written request of the local board of health. In case the selectboard neglect or refuse to recommend to the Commissioner a local health officer, the Commissioner after 30 days' notice in writing to the selectboard shall appoint a local health officer."
- **18 V.S.A. § 602 Compensation of health officers**
  "(a) All compensation for services rendered by local health officers appointed under section 601 of this title shall be provided by and under the control of the selectboard.
  (b)The selectboard may reimburse local health officers appointed under section 601 of this title for all reasonable expenses incurred by such local health officers in the execution of their duties. (Amended 1985, No. 267 (Adj. Sess.), § 18.)"
- **18 V.S.A. § 602a Duties of local health officers**
  "(a) A local health officer, within the local health officer's jurisdiction, shall:
  (1) upon receipt of information regarding a condition that may be a public health hazard, conduct an investigation;
  (2) enforce the provisions of this title, the rules adopted, and permits issued pursuant to this title;
  (3) prevent, remove, or destroy any public health hazard or mitigate any significant public health risk in accordance with the provisions of this title;
  (4) in consultation with the Department, take the steps necessary to enforce all orders issued pursuant to chapter 3 of this title; and
  (5) have the authority to assist the Department of Public Safety in inspecting rental housing pursuant to 20 V.S.A. chapter 172, provided that if the local health officer inspects a rental property without an inspector from the Division, the officer shall issue an inspection report in compliance with 20 V.S.A § 2677(b)(2).
  (b) Upon discovery of violation or a public health hazard or public health risk that involves a public water system, a food or lodging establishment, or any other matter regulated by Department rule, the local health officer shall immediately notify the Division of Environmental Health. Upon discovery of any other violation, public health hazard, or public health risk, the local health officer shall notify the Division of Environmental Health within 48 hours of discovery of such violation or hazard and of any action taken by the officer. (Added 1985, No. 267 (Adj. Sess.), § 19; amended 2017, No. 188 (Adj. Sess.), § 4; 2021, No. 181 (Adj. Sess.), § 3, eff. July 1, 2022; 2023, No. 6, § 103, eff. July 1, 2023.)

- **18 V.S.A. § 107(b) Life and health of inhabitants; inspections; investigations**
  "A health officer may conduct inspections, review records, and take samples, photographs, and other evidence to detect violations of any State or local health statute, rule, ordinance, or permit, or any public health hazard or public health risk. Inspections shall be conducted at a reasonable time and in a reasonable manner. The health officer may, upon presentation of credentials, seek permission to inspect any premises not open to the public. If permission is refused, the health officer may, pursuant to section 121 of this title, seek a search warrant authorizing the inspection of such premises."

TRORC Shared Energy Coordinator ("SEC") Program

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: Yes[2]. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: No.

Statutory requirements:

Description: Two Rivers-Ottauquechee Regional Commission ("TRORC") employs a Shared Energy Coordinator for a program funded by six towns, including Norwich. The program was founded under the name of Intermunicipal Regional Energy Coordinator ("IREC"). A Selectboard-appointed representative attends SEC meetings. See https://www.trorc.org/programs/energy/sec/

[2] Norwich budgets a contribution for the SEC Coordinator expenses.

Temporary Committees

ARTICLE 36 Task Force

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Statutory requirements: No.

Active: No.

Charge: To initiate work to achieve an aggressive and comprehensive work plan for the elimination of direct fossil fuels in the Town of Norwich pursuant to passage of Warrant Article 36, approved by voters on March 2019 directing town officials to "take immediate and sustained efforts to gradually and continually reduce the Town's direct use of fossil fuels, beginning at a rate of no less than 5% per year starting in the 2019-20 and continuing until they are eliminated entirely."
See the Final Report of the Article 36 Task Force, here: http://norwich.vt.us/wp-content/uploads/2021/04/Article36TaskForce-Charge_Final.pdf

CHILDCARE COMMITTEE

Number of Members, Current Members and Term Lengths: Names of individuals elected by voters, or appointed by the Selectboard to the various offices or committees, and their terms of appointment, may be found on the Town website, here: *https://norwich.vt.us*

Budget: No. Town budgets are developed by the Selectboard and approved by the voters. The Town Manager should be contacted if any funding issue arises. Questions about existing budget lines and/or reserved fund levels should be directed to the Finance Office and their supervisor, the Town Manager.

Charge: Yes.

Statutory requirements: No.

Active: No.

Charge: The Town of Norwich Childcare Committee ("the Committee") was appointed and charged with gathering and presenting information the Norwich Selectboard could use to evaluate whether childcare should be part of the core municipal funded activities, as well as developing opportunities or strategies for Selectboard engagement in childcare. See the Final Report of the Childcare Committee here: http://norwich.vt.us/wp-content/uploads/2022/02/Town-of-Norwich-Childcare-Committee-Final-Report-2.2.22.pdf

Appendix "A" -- "Open Meeting Law" Selections

1 V.S.A. § 310 Definitions

Effective: July 1, 2024

As used in this subchapter:

(1) "Advisory body" means a public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.

(2) "Business of the public body" means the public body's governmental functions, including any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(3) "Deliberations" means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

(4) "Hybrid meeting" means a meeting that includes both a designated physical meeting location and a designated electronic meeting platform.

(5)(A) "Meeting" means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action.

(B) "Meeting" shall not mean any communication, including in person or through e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that:

(i) no other business of the public body is discussed or conducted; and

(ii) such a communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act as set forth in chapter 5, subchapter 3 of this title.

(C) "Meeting" shall not mean occasions when a quorum of a public body attends social gatherings, conventions, conferences, training programs, press conferences, media events, or otherwise gathers, provided that the public body does not discuss specific business of the public body that, at the time of the exchange, the participating members expect to be business of the public body at a later time.

(D) "Meeting" shall not mean a gathering of a quorum of a public body at a duly warned meeting of another public body, provided that the attending public body does not take action on its business.

(6) "Public body" means any board, council, or commission of the State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the State or one or more of its political subdivisions, or any committee or subcommittee of any of the foregoing boards, councils, or commissions, except that "public body" does not include councils or similar groups established by the Governor for the sole purpose of advising the Governor with respect to policy.

(7) "Publicly announced" means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the State in which the public body has jurisdiction, and to any person who has requested under subdivision 312(c)(5) of this title to be notified of special meetings.

(8) "Quasi-judicial proceeding" means a proceeding that is:

(A) a contested case under the Vermont Administrative Procedure Act; or

Appendix and Forms Continued **Appendix "A" Continued**

(B) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.

(9) "Undue hardship" means an action required to achieve compliance would require significant difficulty or expense in light of factors including the overall size of the entity, sufficient personnel and staffing availability, the entity's budget, and the costs associated with compliance.

1987, Adj. Sess., No. 256, § 1; 2013, Adj. Sess., No. 143, § 1, eff. July 1, 2014; 2017, Adj. Sess., No. 166, § 1, eff. July 1, 2018; 2023, Adj. Sess., No. 133, § 2, eff. July 1, 2024.

1 V.S.A. § 312 Right to attend meetings of public agencies

(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under subdivision 313(a)(2) of this title. A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139. A public body shall electronically record all public hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such electronic recordings as described in section 316 of this title.

(2) Participation in meetings through electronic or other means.

(A) As long as the requirements of this subchapter are met, one or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location.

(B) If one or more members attend a meeting by electronic or other means, such members may fully participate in discussing the business of the public body and voting to take an action, but any vote of the public body that is not unanimous shall be taken by roll call.

(C) Each member who attends a meeting without being physically present at a designated meeting location shall:

(i) identify himself or herself when the meeting is convened; and

(ii) be able to hear the conduct of the meeting and be heard throughout the meeting.

(D) If a quorum or more of the members of a public body attend a meeting without being physically present at a designated meeting location, the agenda required under subsection (d) of this section shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the public body, or at least one staff or designee of the public body, shall be physically present at each designated meeting location. The requirements of this subdivision (D) shall not apply to advisory bodies.

(3) State nonadvisory public bodies; hybrid meeting requirement. Any public body of the State, except advisory bodies, shall:

(A) hold all regular and special meetings in a hybrid fashion, which shall include both a designated physical meeting location and a designated electronic meeting platform;

(B) electronically record all meetings; and

(C) for a minimum of 30 days following the approval and posting of the official minutes for a meeting, retain the audiovisual recording and post the recording in a designated electronic location.

(4) State and local advisory bodies; electronic meetings without a physical meeting location. A quorum or more of the members of an advisory body may attend any meeting of the advisory body by electronic or other means without being physically present at or staffing a designated meeting location. A quorum or more of the members of any public body may attend an emergency meeting of the body by electronic or other means without being physically present at or staffing a designated meeting location.

(5) State nonadvisory public bodies; State and local advisory bodies; designating electronic platforms. State nonadvisory public bodies meeting in a hybrid fashion pursuant to subdivision (3) of this subsection and State and local advisory bodies meeting without a physical meeting location pursuant to subdivision (4) of this subsection shall designate and use an electronic platform that allows the direct access, attendance, and participation of the public, including access by telephone. The public body shall post information that enables the public to directly access the designated electronic platform and include this information in the published agenda or public notice for the meeting.

(6) Local nonadvisory public bodies; meeting recordings.

(A) A public body of a municipality or political subdivision, except advisory bodies, shall record, in audio or video form, any meeting of the public body and post a copy of the recording in a designated electronic location for a minimum of 30 days following the approval and posting of the official minutes for a meeting.

(B) A municipality is exempt from subdivision (A) of this subdivision (6) if compliance would impose an undue hardship on the municipality.

(C) A municipality shall have the burden of proving that compliance under this section would impose an undue hardship on the municipality.

(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:

(A) all members of the public body present;

(B) all other active participants in the meeting;

(C) all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and

(D) the results of any votes, with a record of the individual vote of each member if a roll call is taken.

(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five calendar days from the date of any meeting. Meeting minutes shall be posted no later than five calendar days from the date of the meeting to a website, if one exists, that the public body maintains or has designated as the official website of the body. Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken.

(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. The time and place of all public hearings and meetings scheduled by all Executive Branch State agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).

(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk's office and in at least two other designated public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.

(3) Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.

(4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.

(5) A person may request in writing that a public body notify the person of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.

(d)(1) At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be:

(A) posted to a website, if one exists, that the public body maintains or designates as the official website of the body; and

(B) in the case of a municipal public body, posted in or near the municipal office and in at least two other designated public places in the municipality.

(2) A meeting agenda shall be made available to a person prior to the meeting upon specific request.

(3)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.

(B) Any other adjustment to the agenda may be made at any time during the meeting.

(e) Nothing in this section or in section 313 of this title shall be construed as extending to the Judicial Branch of the Government of Vermont or of any part of the same or to the Public Utility Commission; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this State.

(f) A written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.

(g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine, day-to-day administrative matters that do not require action by the public body may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.

(h) At an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting, as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.

(i) Nothing in this section shall be construed to prohibit the Parole Board from meeting at correctional facilities, with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility.

(j) Request for access.

(1) A resident of the geographic area in which the public body has jurisdiction, a member of a public body, or a member of the press may request that a public body designate a physical meeting location or provide electronic or telephonic access to a regular meeting, but not to a series of regular meetings, special meetings, emergency meetings, or field visits.

(2) The request shall be made in writing, as specified by the public body, not less than two business days before the date of the meeting. The public body shall not require the requestor to provide a basis for the request.

(3) The public body shall grant the request unless:

(A) there is an all-hazards event as defined in 20 V.S.A. § 2 or a state of emergency declared pursuant to 20 V.S.A. §§ 9 and 11;

(B) there is a local incident as defined in section 312a of this subchapter; or

(C) compliance would impose an undue hardship on the municipality.

(4) A public body shall have the burden of proving that compliance under subdivision (3) of this subsection would impose an undue hardship on the public body.

<Text of subsec. (k) effective Jan. 1, 2025.>

(k) Training.

(1) Annually, the following officers shall participate in a professional training that addresses the procedures and requirements of this subchapter:

(A) for municipalities and political subdivisions, the chair of the legislative body, town manager, and mayor; and

(B) for the State, the chair of any public body that is not an advisory body.

(2) The Secretary of State shall develop the training required by subdivision (1) of this subsection and make the training available to municipalities and political subdivisions and public bodies. The training may be in person, online, and synchronous or asynchronous.

1973, No. 78, § 1; 1979, Adj. Sess., No. 151, § 2; 1987, Adj. Sess., No. 281, § 2; 1997, Adj. Sess., No. 148, § 64; 1999, Adj. Sess., No. 146, § 7; 2013, Adj. Sess., No. 143, § 2, eff. July 1, 2014; 2015, Adj. Sess., No. 129, § 1, eff. May 24, 2016; 2017, No. 53, § 12, eff. July 1, 2017; 2023, Adj. Sess., No. 133, §§ 3, 5, eff. July 1, 2024, and Jan. 1, 2025.

1 V.S.A. § 312a. Meetings of public bodies; state of emergency

(a) As used in this section:

(1) "Affected public body" means a public body:

(A) whose regular meeting location is located in an area affected by a hazard or local incident; and

(B) that cannot meet in a designated physical meeting location due to a declared state of emergency pursuant to 20 V.S.A. chapter 1 or local incident.

(2) "Directly impedes" means interferes or obstructs in a manner that makes it infeasible for a public body to meet either at a designated physical location or through electronic means.

(3) "Hazard" means an "all-hazards" as defined in 20 V.S.A. § 2(1).

(4) "Local incident" means a weather event, loss of power or telecommunication services, public health emergency, public safety threat, received threat that a member of the public body believes may place the member or another person in reasonable apprehension of death or serious bodily injury, or other event that directly impedes the ability of a public body to hold a meeting electronically or in a designated physical location.

(b) Notwithstanding subdivisions 312(a)(2)(D), (a)(3), and (c)(2) of this title, during a local incident or declared state of emergency under 20 V.S.A. chapter 1:

(1) A quorum or more of an affected public body may attend a regular, special, or emergency meeting by electronic or other means without designating a physical meeting location where the public may attend.

(2) The members and staff of an affected public body shall not be required to be physically present at a designated meeting location.

(3) An affected public body of a municipality may post any meeting agenda or notice of a special meeting in two publicly accessible designated electronic locations in lieu of the two designated public places in the municipality, or in a combination of a designated electronic location and a designated public place.

(c) Before a public body may meet under the authority provided in this section for meetings held during a local incident, the highest ranking elected or appointed officer of the public body shall make a formal written finding and announcement of the local incident, including the basis for the finding.

(d) Notwithstanding subdivision 312(a)(3) of this title, during a local incident that impedes an affected public body's ability to hold a meeting by electronic means, the affected public body may hold a meeting exclusively at a designated physical meeting location.

(e) When an affected public body meets electronically under subsection (b) of this section, the affected public body shall:

(1) use technology that permits the attendance and participation of the public through electronic or other means;

(2) allow the public to access the meeting by telephone;

(3) post information that enables the public to directly access and participate in meetings electronically and shall include this information in the published agenda for each meeting; and

(4) if applicable, publicly announce and post a notice that the meeting will not be held in a hybrid fashion and will be held either in a designated physical meeting location or through electronic means.

(f) Unless unusual circumstances make it impossible for them to do so, the legislative body of each municipality and each school board shall record any meetings held pursuant to this section.

(g) An affected public body of a municipality shall continue to post notices and agendas in or near the municipal clerk's office pursuant to subdivision 312(c)(2) of this title and shall provide a copy of each notice or agenda to the newspapers of general circulation for the municipality. (Added 2021, No. 157 (Adj. Sess.), § 8, eff. July 1, 2022; amended 2023, No. 133 (Adj. Sess.), § 6, eff. July 1, 2024.

1 V.S.A. 313 Executive sessions

(a) No public body may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, the minutes shall, notwithstanding subsection 312(b) of this title, be exempt from public copying and inspection under the Public Records Act. A public body may not hold an executive session except to consider one or more of the following:

(1) after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage:

(A) contracts;

(B) labor relations agreements with employees;

(C) arbitration or mediation;

(D) grievances, other than tax grievances;

(E) pending or probable civil litigation or a prosecution, to which the public body is or may be a party;

(F) confidential attorney-client communications made for the purpose of providing professional legal services to the body;

(2) the negotiating or securing of real estate purchase or lease options;

(3) the appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting;

(4) a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;

(5) a clear and imminent peril to the public safety;

(6) records exempt from the access to public records provisions of section 316 of this title; provided, however, that discussion of the exempt record shall not itself permit an extension of the executive session to the general subject to which the record pertains;

(7) the academic records or suspension or discipline of students;

(8) testimony from a person in a parole proceeding conducted by the Parole Board if public disclosure of the identity of the person could result in physical or other harm to the person;

(9) information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);

(10) security or emergency response measures, the disclosure of which could jeopardize public safety.

(b) Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.

(c) The Senate and House of Representatives, in exercising the power to make their own rules conferred by Chapter II of the Vermont Constitution, shall be governed by the provisions of this section in regulating the admission of the public as provided in Chapter II, § 8 of the Constitution. (Amended 1973, No. 78, § 2, eff. April 23, 1973; 1979, No. 151 (Adj. Sess.), § 3, eff. April 24, 1980; 1987, No. 256 (Adj. Sess.), §§ 3, 4; 1997, No. 148 (Adj. Sess.), § 65, eff. April 29, 1998; 2005, No. 71, § 308a, eff. June 21, 2005; 2011, No. 59, § 7; 2013, No. 143 (Adj. Sess.), § 3; 2015, No. 23, § 1; 2017, No. 95 (Adj. Sess.), § 1, eff. April 11, 2018.)

1 V.S.A. § 314 Penalty and enforcement

(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting subject to this subchapter shall be guilty of a misdemeanor and shall be fined not more than $500.00.

(b)(1) Prior to instituting an action under subsection (c) of this section, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter shall provide the public body written notice that alleges a specific violation of this subchapter and requests a specific cure of such violation. The public body will not be liable for attorney's fees and litigation costs under subsection (d) of this section if it cures in fact a violation of this subchapter in accordance with the requirements of this subsection.

(2) Upon receipt of the written notice of alleged violation, the public body shall respond publicly to the alleged violation within 10 calendar days by:

(A) acknowledging the violation of this subchapter and stating an intent to cure the violation within 14 calendar days; or

(B) stating that the public body has determined that no violation has occurred and that no cure is necessary.

(3) Failure of a public body to respond to a written notice of alleged violation within 10 calendar days shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.

(4) Within 14 calendar days after a public body acknowledges a violation under subdivision (2)(A) of this subsection, the public body shall cure the violation at an open meeting by:

(A) either ratifying, or declaring as void, any action taken at or resulting from:

(i) a meeting that was not noticed in accordance with subsection 312(c) of this title; or

(ii) a meeting that a person or the public was wrongfully excluded from attending; or

(iii) an executive session or portion thereof not authorized under subdivisions 313(a)(1)-(10) of this title; and

(B) adopting specific measures that actually prevent future violations.

(c) Following an acknowledgment or denial of a violation and, if applicable, following expiration of the 14-calendar-day cure period for public bodies acknowledging a violation, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter may bring an action in the Civil Division of the Superior Court in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. An action may be brought under this section no later than one year after the meeting at which the alleged violation occurred or to which the alleged violation relates. Except as to cases the court considers of greater importance, proceedings before the Civil Division of the Superior Court, as authorized by this section and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

1 V.S.A. § 314 Penalty and enforcement Continued

(d) The court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney's fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the court finds that:

(1)(A) the public body had a reasonable basis in fact and law for its position; and

(B) the public body acted in good faith. In determining whether a public body acted in good faith, the court shall consider, among other factors, whether the public body responded to a notice of an alleged violation of this subchapter in a timely manner under subsection (b) of this section; or

(2) the public body cured the violation in accordance with subsection (b) of this section.

(e) A municipality shall post on its website, if it maintains one:

(1) an explanation of the procedures for submitting notice of an Open Meeting Law violation to the public body or the Attorney General; and

(2) a copy of the text of this section.

1979, Adj. Sess., No. 151, § 4; 1987, Adj. Sess., No. 256, § 5; 2013, Adj. Sess., No. 143, § 4, eff. July 1, 2014; 2015, Adj. Sess., No. 129, § 2, eff. May 24, 2016; 2017, Adj. Sess., No. 113, § 1, eff. July 1, 2018; 2023, Adj. Sess., No. 133, § 7, eff. July 1, 2024.

Appendix "B"

17 V.S.A. § 2647 Incompatible offices

(a)(1) An auditor shall not be town clerk, town treasurer, selectboard member, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner, water commissioner, sewage system commissioner, sewage disposal commissioner, cemetery commissioner, or town school district director; nor shall a spouse of or any person assisting any of these officers in the discharge of official duties be eligible to hold office as auditor.
(2)(A) A selectboard member or school director shall not be first constable, collector of taxes, town treasurer, assistant town treasurer, auditor, or town agent.
(B) A selectboard member shall not be lister or assessor.
(3) A cemetery commissioner or library trustee shall not be town treasurer, assistant town treasurer, or auditor.
(4) A town manager shall not hold any elective office in that town or town school district.
(5) Election officers at local elections shall be disqualified as provided in section 2456 of this title.
(b) Notwithstanding subsection (a) of this section, if a school district prepares and reports its budget independently from the budget of the town and the school district is audited by an independent public accountant, a school director or spouse of a school director shall be eligible to hold office as auditor, town treasurer, or assistant town treasurer. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 196 (Adj. Sess.), § 6; 1993, No. 91, § 2; 2009, No. 44, § 5, eff. May 21, 2009; 2013, No. 21, § 2; 2013, No. 162 (Adj. Sess.), § 7; 2017, No. 130 (Adj. Sess.), § 7; 2019, No. 14, § 47, eff. April 30, 2019; 2019, No. 67, § 19, eff. June 17, 2019; 2019, No. 117 (Adj. Sess.), § 1, eff. June 23, 2020.)

Appendix "C"

Vermont Secretary of State's
List of Local Office Descriptions and Statutory Authority
(https://sos.vermont.gov/elections/election-info-resources/candidates/local-office-descriptions/ **)**

Agent to Convey Real Estate (appointed). Executes the deeds on behalf of the town. 24 V.S.A. § 1061

Auditor (elected or appointed). Review and audit all town accounts and prepare the annual town report. Should be very detail oriented. Good writing skills are a plus. 17 V.S.A. § 2649; 2651b

Building Inspector and Deputy Inspector (appointed). Appointed only in towns that have adopted a building code. Performs inspections and enforces the local building code. 24 V.S.A. § 3102, 3103, 3108

Cemetery Commissioner (elected). Responsible for the care and management of the town's cemeteries. If no cemetery commissioners are elected, the selectboard fulfills this role. 18 V.S.A. § 5373

Collector of Current Taxes. A town must vote to have the Town Manager or Town Treasurer to collect current taxes. If the town fails to vote, then the Town Constable becomes the collector of current taxes. 24 V.S.A. § 1529

Collector of Delinquent Taxes. A town must vote to authorize the selectboard to appoint a collector of delinquent taxes, who may be the Town Manager or Town Treasurer. 17 V.S.A. § 2651d If a town fails to vote, then the Town Constable becomes the collector of delinquent taxes.

Constable (elected or appointed). In some towns the constable is the town's local law enforcement officer, with all powers of search, seizure, and arrest within the town. In other towns, the constable only has the power to serve civil process, assist the health officer in the discharge of his or her duties, destroy unlicensed dogs, kill injured deer, remove disorderly people from town meeting, and, if the first constable, to collect taxes, if no tax collector is elected. Should be good at de-escalating and resolving conflicts. 17 V.S.A. § 2646(7); 2651a

Conservation Commission Members (appointed). Inventory the natural resources of a community and purchase and administer municipal lands for the purpose of conservation. 24 V.S.A. § 4502

Emergency Management Director (appointed). Responsible for the organization, administration, and operation of the local committee that is formed for emergency management in the town or city. The emergency management chairperson is under the direct control of the selectboard but may coordinate his or her emergency management efforts with neighboring towns and cities, and with the state emergency management division and the federal government. 20 V.S.A.§ 6

Fence Viewers (appointed). Three viewers are appointed by the selectboard each year. When called upon, they examine fences and other boundaries within the town. 24 V.S.A. § 871

Health Officer (appointed). Appointed by the commissioner of health to a three-year term after recommendation by the town selectboard. Enforces the rules and regulations for the prevention and abatement of public health hazards. 18 V.S.A. § 601

Inspectors of Lumber (appointed). Appointed, upon request, to examine, measure, and classify the quality of lumber, shingles, and wood sold within the town. 24 V.S.A. § 871

Inspector of Wiring (appointed). Inspects electrical wiring in buildings on request of the selectboard. 24 V.S.A. § 1033

Justices of the Peace (elected). For more information, see our Justice of the Peace Guide. The duties of justices of the peace can fall into five categories of responsibilities:

1. *Elections.* Justices of the peace are members of the board of civil authority (BCA). Members of the BCA serve as election officials at town elections by Australian ballot and statewide elections. Justices also are responsible for delivering absentee ballots to voters at election time.
2. *Tax Abatement and Appeals.* Justices of the peace sit as members of the town board for abatement of taxes to determine whether a taxpayer's tax obligation should be forgiven under certain circumstances. Justices of the peace also serve an important role in the town's tax appeal process. As a member of the board of civil authority, justices sit to hear and decide appeals when citizens do not agree with the final decision of the listers.
3. *Marriages.* Justices of the peace may also solemnize marriages in Vermont.
4. *Oaths and Notary.* Justices of the peace may also administer oaths in all cases where an oath is required, unless a specific law makes a different provision. A justice of the peace is a notary public ex officio and has all the acknowledgment powers of a notary public. However, the justice of the peace must file with the county clerk in order to act as a notary public (but the fee is waived).
5. *Magistrate.* Justices of the peace may also serve as a magistrate when so commissioned by the Supreme Court.

Listers (elected or appointment of an assessor). Appraise property within the town for the purpose of property tax assessment. Should be able to be polite, yet firm, and not be oversensitive to criticism. 17 V.S.A. § 2646(5); 2651c

Moderator (elected). Runs the annual and special town/school meeting. Should have a good sense of humor, be good at group process, and have experience following Roberts Rules of Order. 17 V.S.A. § 2646(1)

Municipal Manager (appointed). If the manager system has been adopted by the electorate, the town manager is the official administrator of local government and has general supervisor of the affairs of the town. 24 V.S.A. § 1232

Patrol Officer (elected). Patrols town highways under the direction of the selectboard — if the town so orders. (Generally not an active position.) 17 V.S.A. 2646(15)

Planning Commissioners (appointed or elected). Appointed unless town votes to elect. Duties include preparing a municipal plan; making recommendations on matters of land development, conservation, and preservation; and participating in a regional planning program. Makes site plan and subdivision permit decisions unless there is a development review board in town. Should have a good working knowledge of all aspects of the town and be able to listen to many sides of an issue. 24 V.S.A. § 4323

Poundkeeper (appointed). Cares for the animals that are impounded within the town. 24 V.S.A. § 871

Regional Planning Commission Representative (appointed). Helps develop the regional plan and assess municipal land use plans. 24 V.S.A. § 4341 et seq.

Road Commissioners (elected or appointed). Can be elected or appointed. Has no independent authority, but can assist the selectboard in overseeing town highways at the request of the board. Should have experience with town highways and be a good communicator. 17 V.S.A. § 2646(16); 17 V.S.A. § 2651

Selectboard Members (elected). General supervision and control over town; enacts ordinances, regulations, and policies for town; oversees town property and personnel; prepares, presents and manages budget; and oversees roads, including laying out, discontinuing, and reclassifying roads. Sits as local board of health, liquor control commission, and sewer commission. Should know the town well, be able to understand all sides of complex issues, and have very thick skin. 17 V.S.A. § 2646(4); 17 V.S.A. § 2649

Town Administrator (appointed). Hired by the selectboard, the town administrator, sometimes called the administrative assistant to the selectboard, assists the selectboard in managing the business of the town. The town administrator has no independent statutory authority. The scope of his or her duties is determined by the selectboard.

Town Clerk (elected or appointed). Records, preserves, and certifies the public records of the town. Issues dog, marriage, and hunting and fishing licenses; as well as motor vehicle renewals. Runs the local elections, serves as clerk of the board of civil authority, and hears tax abatement requests and tax appeals. Should have the patience of a saint and be a good ambassador for the town. 17 V.S.A. § 2646(2); 2651e

Town Energy Coordinator (appointed). Responsible for developing the town energy plan and conducting the town energy audit. 24 V.S.A. § 1131

Town Forest Fire Warden (appointed). Appointed by the fire commissioner with the approval of the selectboard. Prevents forest fires in the town by enforcing the laws designed to prevent forest fires. 10 V.S.A. § 2641

Town Services Officer (appointed). Appointed on or before April 15th of each year. Assists individuals within the town who require emergency food, fuel, or shelter assistance when the Vermont Department of Social Welfare is not available. 33 V.S.A. § 2102 et seq.

Town Treasurer (elected or appointed). Keeps the town and school's accounts (unless a separate school treasurer is elected), invests money (with the approval of the legislative body), keeps a record of the taxes voted, and pays orders drawn on him or her. Should be very precise, detail oriented and good at math. 17 V.S.A. § 2646(3); 2651f

Town Tree Warden (appointed). Plans and implements a shade tree preservation program for the purpose of shading and beautifying public places. Removes diseased, dying, or dead trees; which create a hazard to public safety or threaten the effectiveness of disease or insect control programs. 24 V.S.A. § 871

Trustee of Public Funds (elected). Manages, invests, and reports on real and personal property held in trust by the town. This includes cemetery trust funds. Should like investing money. 17 V.S.A. § 2646(12); 24 V.S.A. § 2431 et seq.

Trustee of Public Money (elected). Oversees "United States Public Money" received under the Act of 1836 held by the town. (It is unlikely any Vermont town still has these funds.) 17 V.S.A. § 2646(13)

Water Commissioners (elected or appointed). Water commissioners supervise the town's water department by establishing water rates, and all the rules and regulations for the control and operation of the department. Should be a good manager and detail oriented. 17 V.S.A.§2646(17); 17 V.S.A. § 2652

Weighers of Coal (appointed). Serves as a referee over weights of contested loads of coal. 24 V.S.A. § 871

Zoning Administrator (appointed). Appointed by the planning commission with the approval of the selectboard. Approves or denies applications for zoning permits. Administers the municipal bylaws literally. Enforces regulations pertaining to the zoning ordinance. 24 V.S.A. § 4448

Zoning Board of Adjustment or Development Review Board Members (appointed). Holds hearings and makes decisions on land use permit applications and appeals from decisions of the zoning administrator. 24 V.S.A. § 4460

Appendix "D"

Town of Norwich Conflict of Interest Policy
And
State of Vermont Code of Ethics – Conflicts of Interest

Norwich Policy:

See http://norwich.vt.us/wp-content/uploads/2020/10/ConflictOfInterestSigned27Feb2019.pdf

State of Vermont Code of Ethics, Conflicts of Interest:

24 V.S.A. § 1992. Conflicts of interest

(a) Duty to avoid conflicts of interest. In the municipal officer's official capacity, the officer shall avoid any conflict of interest or the appearance of a conflict of interest. The appearance of a conflict shall be determined from the perspective of a reasonable individual with knowledge of the relevant facts.

(b) Recusal.

(1) If a municipal officer is confronted with a conflict of interest or the appearance of one, the officer shall immediately recuse themselves from the matter, except as otherwise provided in subdivisions (2) and (5) of this subsection, and not take further action on the matter or participate in any way or act to influence a decision regarding the matter. After recusal, an officer may still take action on the matter if the officer is a party, as defined by section 1201 of this title, in a contested hearing or litigation and acts only in the officer's capacity as a member of the public. The officer shall make a public statement explaining the officer's recusal.

(2)(A) Notwithstanding subdivision (1) of this subsection (b), an officer may continue to act in a matter involving the officer's conflict of interest or appearance of a conflict of interest if the officer first:
VERMONT GENERAL ASSEMBLY

(i) determines there is good cause for the officer to proceed, meaning:

(I) the conflict is amorphous, intangible, or otherwise speculative;

(II) the officer cannot legally or practically delegate the matter; or

(III) the action to be taken by the officer is purely ministerial and does not involve substantive decision-making; and

(ii) the officer submits a written nonrecusal statement to the legislative body of the municipality regarding the nature of the conflict that shall:

(I) include a description of the matter requiring action;

(II) include a description of the nature of the potential conflict or actual conflict of interest;

(III) include an explanation of why good cause exists so that the municipal officer can take action in the matter fairly, objectively, and in the public interest;

(IV) be written in plain language and with sufficient detail so that the matter may be understood by the public; and

(V) be signed by the municipal officer.

(B) Notwithstanding subsection (A) of this subdivision (2), a municipal officer that would benefit from any contract entered into by the municipality and the officer, the officer's immediate family, or an associated business of the officer or the officer's immediate family, and whose official duties include execution of that contract, shall recuse themselves from any decision-making process involved in the awarding of that contract.

(C) Notwithstanding subsection (A) of this subdivision (2), a municipal officer shall not continue to act in a matter involving the officer's conflict of interest or appearance of a conflict of interest if authority granted to another official or public body elsewhere under law is exercised to preclude the municipal officer from continuing to act in the matter.

(3) If an officer's conflict of interest or the appearance of a conflict of interest concerns an official act or actions that take place outside a public meeting, the officer's nonrecusal statement shall be filed with the clerk of the municipality and be available to the public for the duration of the officer's service plus a minimum of five years.

(4) If an officer's conflict of interest is related to an official municipal act or actions considered at a public meeting, the officer's nonrecusal statement shall be filed as part of the minutes of the meeting of the public body in which the municipal officer serves.

(5) If, at a meeting of a public body, an officer becomes aware of a conflict of interest or the appearance of a conflict of interest for the officer and the officer determines there is good cause to proceed, the officer may proceed with the matter after announcing and fully stating the conflict on the record. The officer shall submit a written nonrecusal statement pursuant to subdivision (2) of this subsection within five business days after the meeting. The meeting minutes shall be subsequently amended to reflect the submitted written nonrecusal statement.

(c) Authority to inquire about conflicts of interest. If a municipal officer is a member of a public body, the other members of that body shall have the authority to inquire of the officer about any possible conflict of interest or any appearance of a conflict of interest and to recommend that the member recuse themselves from the matter.

(d) Confidential information. Nothing in this section shall require a municipal officer to disclose confidential information or information that is otherwise privileged under law. (Added 2023, No. 171 (Adj. Sess.), § 22, eff. January 1, 2025.)

APPENDIX "E"

Committee/Board/Commission FAQ Sheet

Appointments **See page 11**

- The Selectboard appoints all committee, subcommittee, board, and commission members.
- The Town Manager's office maintains the list of all groups, members of groups, and their terms.
- As vacancies arise, the Town Manager's office advertises positions.
- Applications are submitted by candidates, and scheduled for a Selectboard meeting for review and appointment.

Budgets **See page 9**

- Budgets must be requested of the Town Manager, presented to and approved by the Selectboard, and then voted at Town Meeting as part of the complete Town budget.
- Requests for expenditures go to the Town Manager in the first instance, and may or may not be presented to the Selectboard for approval.

Creation and Removal/Dissolution **See page 11-12**

- The Selectboard may create or dissolve a group.

Grants, Contracts, Gifts **See page 8 and Appendix "G" pages 86-87**

- Consult with the Town Manager before applying for any grants, or considering any contracts.
- Review the Norwich Gift Policy to understand the limitations on gifts and soliciations.

Insurance **See pages 8-9**

- Programs created by committees, subcommittees, boards, and commissions in furtherance of their charge may involve activities which could expose the Town to liability or other action.
- All programs shall be vetted by the Town Manager in advance to ensure the Town has proper insurance coverage for the proposed activity.

Legal Counsel **See page 9**

- For questions of statutory or town policy interpretation, contact the Town Manager in the first instance.

OML Requirements **See pages 6-8 and Appendix"A" pages 64-75**

- Committees, subcommittees, boards, commissions are "public bodies" subject to the OML.
- All meetings of a public body are open to the public except as provided in 1 V.S.A. § 313 (Executive Sessions). 1 V.S.A. § 312(a)(1)
    - Agendas must be posted at least 48 hours prior to a regular meeting or at least 24 hours prior to a special meeting. 1 V.S.A. § 312 (d)(1)
    - Minutes shall be taken, shall cover all topics and motions, and give a true indication of the business of the meeting. Minutes shall include at least all members of the public body present; all other active participants in the meeting; all motion; proposals; resolutions made, offered, and considered; and what disposition is made; and the results of any votes with a record of the individual vote of each member if a roll call is taken. 1 V.S.A. § 312 (b)(1)
- "Advisory body" means a public body that does **not** have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters. 1 V.S.A. § 310(1)
    - Advisory bodies may hold remote-only meetings as long as remote public participation is provided. 1 V.S.A. § 312
- "Non-Advisory bodies" do have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.

  - Non-Advisory bodies are required to hold hybrid meetings with a recording which is maintained for 30 days following the approval and posting of the official minutes of the meeting. 1 V.S.A. § 312(a)(6)(A)
- See the Town Manager if there is any question about whether a group is an Advisory body or a Non-Advisory body.

Reimbursement **See page 9**

- Authorized expenses may be reimbursed by the Town by following the procedures

Representations or Warranties **See page 9**

- No representation shall be made on any website or in any other fashion which implies that any individuals or groups are speaking for the Town of Norwich. Nor shall they state or imply that any action or product or any thing whatsoever is approved by the Town of Norwich.

Websites **See page 9**

- Individual committee, subcommittee, board, commission websites are of concern to the Selectboard.
- The Selectboard will draft guidelines for content in consultation with the Town Manager and counsel, if required.
- The Selectboard and Town Manager will work on ideas and budgeting for a more robust Town website which can accommodate all "official" committee, subcommittee, board, and commission website pages.
- The Town Manager will develop guidelines for who will be authorized to add, amend, delete content.

Zoom accounts **See page 9**

- The Town maintains sufficient Zoom license(s) for Town-related meetings.
- The Town Manager's office should be contacted about access.
- Zoom protocol will be managed by the Town Manager's office and guidance will be provided to all groups.

APPENDIX "F"

Gift Policy

Effective: 5/28/2025

Purpose: To provide uniform criteria, procedures, and guidelines for accepting gifts and donations to the Town in a responsible, transparent, and accountable manner; and, to acknowledge the requirements of the Statewide Municipal Code of Ethics.

Policy: The Town of Norwich will ensure that gifts and donations are subject to consistent criteria and procedures, have adequate resources for their administration, and have appropriate acknowledgement of the generosity of the donor; and, that municipal officers comply with State and Municipal Code of Ethics requirements.

Authority:

3 V.S.A. § 1203g. Gifts – see Title 3: Executive, Chapter 031 Government Ethics, Subchapter 001: General Provisions; State Code of Ethics.

17 V.S.A. § 2664. Budget – see Title 17 : Elections, Chapter 055: Local Elections, Subchapter 002: Town Meetings and Local Elections in General.

24 V.S.A. § 1235. General Authority – see Title 24: Municipal and County Government, Chapter 037: Town, City, or Village Managers.

24 V.S.A. § 1991. Definitions – see Title 24: Municipal and County Government, Chapter 060: Municipal Code of Ethics [Effective January 1, 2025].

24 V.S.A. § 1993(f). Gifts – see Title 24: Municipal and County Government, Chapter 060: Municipal Code of Ethics [Effective January 1, 2025].

24 V.S.A. § 4440. Administration ; finance – see Title 24: Municipal and County Government, Chapter 117: Municipal and Regional Planning and Development, Subchapter 009: Adoption, Administration, and Enforcement.

Definitions:

"Donor" means any person or entity offering a "gift" or "donation" to the Town or a Municipal officer.

"Gift" to the Town shall mean any monetary contribution, endowments, bequests, personal property, real property, in-kind goods or services, or anything of value offered to the Town without any consideration or compensation. For purposes of this Policy, the terms "donation" and "gift" shall be synonymous.

"Prohibited Gifts" to a Town officer or employee are as delineated in 24 V.S.A. § 1993(f); and to a "Public Servant" as described in 3 V.S.A. § 1203g and 24 V.S.A. § 1993(f)

"Municipal officer" is defined in 24 V.S.A. § 1991(12) et seq.

"Town" means the municipality as defined in 24 V.S.A. § 1991(13).

"Restricted Donation" shall mean any gift or donation designated at donor request for a particular Town department, location, or purpose.

"Unrestricted Donation" shall mean any gift or donation to the Town without any limitations being placed upon its use.

Procedures:

A. Gifts to the Town

1. Selectboard approval is required for gifts or donations to the Town.
   a. The Town has no obligation to accept any proposed gift or donation of whatever kind.
   b. On behalf of the Selectboard, the Town Manager shall evaluate any proposed gift or donation to determine whether acceptance is in the best interests of the Town and is

consistent with all applicable Town policies, ordinances, and resolutions. Criteria for evaluation shall include but not necessarily be limited to the following:

i. Whether any initial and/or future expenditure of Town funds, and/or use of Town resources of any nature whatever, will be required in connection with acceptance of the gift or donation;

ii. Whether the gift or donation is restricted or unrestricted and the Town's ability or willingness to use it;

iii. The nature and burden of appropriate accounting for any gift or donation;

iv. For real property, whether any environmental issues could exist and/or exposure for liability or other negative consequences of acceptance, including but not limited to any restrictions or caveats running with the land; and, the costs of investigation and transfer.

c. Upon receipt of the Town Manager's report of evaluation, and recommendation to accept or refuse the gift or donation, the Selectboard will vote to accept or not.

2. No gift or donation will be accepted until the Selectboard has voted to accept the same.

a. For purposes of municipal planning, as more fully described in 24 V.S.A. § 4440(a), a municipality may accept gifts and grants of money and services from private sources and from the State and federal governments. See Id.

3. The Selectboard may accept gifts above those that are approved in the town budget but must include in its annual report a description of all gifts accepted during the year and associated expenditures. See 17 V.S.A. § 2664.

4. The Town will not provide legal, accounting, tax or other advice to donors about any aspect of their proposed gift or donation.

5. Upon acceptance, the Town Manager will acknowledge acceptance on behalf of the Town.

B. Solicitation of gifts or donations

1. Solicitation of gifts or donations, other than for Recreation Department scholarships and programming, is expressly prohibited unless duly authorized by majority vote of the Selectboard.

2. With the limited exception for the Recreation Department (paragraph B.1.) and the Statutory exception for municipal planning (paragraph A.2.a.), boards, commissions, committees, subcommittees, departments, employees, officers, volunteers, groups, or any other actor or entity are not authorized to represent themselves as "the Town" and may not accept or solicit gifts or donations of any nature or kind whatsoever.

C. Gifts to Municipal officers and employees

1. This policy incorporates by reference the applicable requirements and prohibitions of the State Code of Ethics [see Title 3, Chapter 31, Subchapter 1], and the Municipal Code of Ethics [see Title 24, Chapter 60 and particularly 24 V.S.A. § 1993(f). Gifts].

a. Pursuant to 24 V.S.A. § 1996 all municipal officers will have notice and/or a copy of the Municipal Code of Ethics which includes the prohibitions and limitations on gifts.

APPENDIX "G"

Subcommittee Request Form

Committees wishing to create a subcommittee may obtain a Subcommittee Request Form from the Town Manager's Office. The purpose of this form is to:

1. Provide the name of the subcommittee, the purpose of the subcommittee, the names of the subcommittee members, and their terms. This information will be maintained by the Town Manager's Office and published on the Town Manager's website for full transparency available to the public and other interested parties.
2. Request the Selectboard to appoint to the subcommittee any non-committee members requested by the committee.

REQUEST TO SPEND FROM FUND 45: RESTORATION AND PRESERVATION FUND

Date: 7/28/2025 **Department:** Town Clerk

Request by: Lily Trajman, Town Clerk

What is being requested: Expenditure of $1,405.00 from Fund 45 for five blank Land Records books and paper.

Has this request been budgeted by the Selectboard: Yes.

How much will the request cost, including any additional expenses such as set-up, decals, customization, etc.: Land record books are $145 each and reams of 32lb paper are $125 each. We are purchasing five books and five reams of paper. Shipping is $55.

Which fund will be used to pay for this request: Fund 45 — Restoration

How much is in the above-named fund on this date: about $37,000

List other items/costs that are expected to be paid from the above-named fund: This is a state-mandated fund, used to preserve and maintain the contents of the vault. We will spend as necessary to do so.

Request for Quotes required: No

Expected Date of purchase, if known: 8/1/2025

Other information: 32 VSA §1671 says "The legislative body shall create a Restoration and Preservation Reserve Fund of not less than $4.00 per page from the per page recording fees established under this section. The Restoration and Preservation Reserve Fund shall be used solely for restoration, preservation, digitization, storage and conservation of municipal records." In addition to the revenue from recordings, the Town usually adds an additional $5,000 to Fund 45 each year.

Signature of Requestor: Lily Trajman

Action by Selectboard: (Approved) (Denied) (Tabled) Date:

Concerns of Selectboard:

Purchase: Date purchased Date Received

_____ _____

adkins

40 SOUTH STREET, P.O. BOX 2440, NEW BRITAIN, CT 06050-2440
Tel: 1-800-807-3981 irene@adkinsinc.net

July 28, 2025

Town of Norwich
Town Hall – Town Clerk
300 Main Street
Norwich, VT. 05055

Dear Lily:

Adkins is pleased to quote you a price for the following:

1. Five Land Record Binders @ $145/each……..$725.00
   - 14 x 8.5 – red binder with flag stamped in gold VOL. 249-253

2. Five reams of 32 lb. Land record paper @ $125/ream……625.00

3. UPS - $55

Respectfully,

Irene Sulewski

Irene Sulewski, Municipal Account Specialist

From: Alexander Northern JD, MPA CFO
Town of Norwich Fire Chief
Deputy EMD

To: Town of Norwich Selectboard

Re: Fund 26 Expenditure Request

Date: 7/29/25

Town of Norwich Selectboard:

On 2/26/25 the Selectboard approved spending $21,757.12 on gear purchases (see attached). Upon receiving the invoice, there was a difference of $372.16 over the agreed upon, invoiced total.

After contacting the supplier, the increased difference of $372.16 was due to a change in 2025 pricing and shipping. Consequently, we are asking for approval to spend $372.16 from the Fire Equipment Designated Fund 26 to make up the difference.

Additionally, after consulting with our Finance Dept., I am **requesting an "off cycle" AP run** so the expenditure can be approved and paid right away, rather than having to wait another SB meeting cycle to approve the check. Having to wait would impose a lengthy delay in paying the supplier, Bergeron Protective Clothing.

Thank you for entertaining this request.

Sincerely,
Alexander Northern
Town of Norwich Fire Chief

Town of Norwich
Departmental Request for Spending

Date: 8/6/25 Department: Fire

Request by (name): Alex Northern Title: Chief

Town Manager Approval Date: _____ For Selectboard Meeting Date: 8/13/25

What is being requested: We are asking for approval to spend $372.16 from the Fire Equipment Designated Fund 26 to make up an invoice difference.

Has this request been budgeted by the Selectboard: ☑ no ☐ yes If yes, fiscal year: _____

How much will the request cost, including any additional expenses such as set-up, decals, customization, etc.:

$ 372.16 explain: We are asking for approval to spend $372.16 from the Fire Equipment Designated Fund 26 to make up an invoice difference.

Which fund(s) will be used to pay for this request:

Fund name: Fire Equipment Fund #: 26 Amt. requested: $ 372.16

Fund balance $ 108,343.12 as of (date): 8/6/25 Balance verified by Finance Director? ☑ yes ☐ no

Fund name: _____ Fund #: _____ Amt. requested: $ _____

Fund balance $ _____ as of (date): _____ Balance verified by Finance Director? ☐ yes ☐ no

List other items/costs that are expected to be paid from the above-named fund in _____ (Fiscal Year):

Request for bids/quotes required: ☐ yes ☑ no If yes, will bids be sent out by Town Manager: ☐ yes ☐ no

Expected Date of purchase, if known: _____

Other information: _____

Signature of Requestor: _____ Date: 8/6/25

Signature of Town Manager: _____ Date: 8/6/25

Action by Selectboard: ☐ Approved ☐ Denied ☐ Tabled Date: _____

Concerns of Selectboard: _____

Bids/Quotes Date sent out: _____ Due date: _____

Date selection made: _____ Date quotes given to Selectboard: _____

Purchase Date purchased: _____ Date Received: _____

Form revised 10/08/2024

Town of Norwich

Departmental Request for Spending

Date: 2/6/25 Department: Fire

Request by: Alex Northern - Chief of Department

Town Manager Approval Date: UNK For Selectboard Meeting Date: 2-12-2025

What is being requested: Draw-down of funds from Fire Equipment Fund #26

Has this request been budgeted by the Selectboard: Purchase is consistent with our capital replacement plan

How much will the request cost, including any additional expenses such as set-up, decals, customization, etc., explain:

The NFD requests an appropriation of funds from Fire Equipment Fund # 26 not to exceed $21,757.12. We would like to order two sets of Globe Turnout Gear (coat & pants) to replace gear that is over a decade old. We would also like to order five sets of Globe Firefighting Boots to replace fire boots that are over a decade old. In addition, we request funding for 25 Motorola Minitor 7 pagers to replace our current aging, obsolete compliment of pagers. Breakdown as follows:

- 2 x Sets of GLOBE G-Xtream 3.0 Jacket & Pants: $7,697.12
- 5 x Pairs of GLOBE Supreme Boots: $3,020.00
- 25 x Motorola Minitor 7 Pagers: $11,040.00

Passed

Which fund will be used to pay for this request: Fire Equipment Fund #26

How much is in the above-named fund on this date: $85,686.31

Request for Quotes required: No To be sent out by Town Manager: No

Expected Date of purchase, if known: N/A

Signature of Requestor: _____ Date: 2-6-25

Signature of Town Manager: _____ Date: _____

Action by Selectboard: _____(Approved)_____(Denied)_____(Tabled) Date: _____

Concerns of Selectboard: _____

_____

Quotes: Date sent out _____ Due date _____ Date selection made _____

Date quotes given to selectboard _____

Purchase: Date purchased _____ Date Received _____

Town of Norwich, Vermont
Minutes of the Selectboard Meeting
Wednesday, July 23, 2025

Active Participants at Tracy Hall: Mary Layton (SB Chair), Priscilla Vincent (SB member), Marcia Calloway (SB member), Kimo Griggs (SB Vice Chair), Matt Swett (SB member), Brian Loeb (Town member), Steven True (Planning Director and Zoning Administrator), Cody Williams (Town member), Kathleen Shepherd (Town member), Barbara Landau (Town member), Jeff Lubell (Town member), Peggy Allen (Hartford resident), Andrew Winter (Executive Director of Twin Pines and Town member), Ernie Ciccotelli (Lister), Alexa Manning (Town member), Stephanie Wolf (Town member), Emily Myers (Town member), Steven Hepburn (Finance Committee), Cheryl Lindberg (Treasurer and Lister)

Active Participants on Zoom: Brennan Duffy (Town Manager), Jaan Laaspere (Town member), Irv Thomae (Town member), Linda Gray (Town member), Peter DeShazo (Town member), Leslie O'Hara (Owner of Hogwash Farm and Board President of Norwich Farmer's Market), Arline Rotman (Town member), Susan Barrett (Town member), Lily Trajman (Town Clerk), Rob Gere (Town member)

Key: *Motions noted in italics.*
Public comment noted in blue.

The meeting was called to order by Chair Mary Layton at 6:30 pm.

YouTube Timestamp: 37:19

1. **Public Hearing to Solicit Testimony on the Proposed Amendments to the Town of Norwich Zoning Regulations and Subdivision Regulations**
   Timestamp: 38:07

   Jaan Laaspere shared that the set of proposed changes seeks to modernize zoning bylaws, mostly with changes to bring the town into accordance with state laws. Changes include laws relating to accessory dwelling units, duplexes, and on-farm businesses.

   Brian Loeb, Norwich Representative to the Two Rivers, emphasized that most of these changes are "cleanup work," the changes would help applicants in town know what the rules are for an ADU, and the changes are in line with the actions of other towns. Loeb added that the proposed amendments on ADUs would facilitate development in the town center.

Irv Thomae stated that he did not see ornamental plants in the description of farmer's market items and shared concern that their exclusion from the official list could allow an enforcer to challenge their presence at markets.

Steven True clarified that ornamental plants originating from a farm recognized by the Department of Agriculture can participate in the retail component of an accessory on-farm business and an open-air market.

Linda Gray expressed her support for the proposed revisions, especially the elements that support more diverse housing. Gray continued that she thought components of the proposed changes would help the Development Review Board do its work.

Peter DeShazo spoke in favor of the proposed changes, which could encourage owners and developers to add affordable housing.

Cody Williams spoke in favor of the changes with provisions for open air markets, which promote small businesses and community engagement.

Kathleen Shepherd voiced appreciation for making laws of the state consistent with those of the town and making ADU regulations more understandable.

Barbara Landau expressed support for greater clarity in ADUs and updating rules to be in alignment with state laws.

Jeff Lubell spoke in support of the proposed changes and highlighted larger ambitious changes that were appropriately excluded from the proposed changes due to their breadth and possible need for broader input. Lubell encouraged the Selectboard to approve the proposed changes as opposed to deferring to a town vote to allow projects to move forward and to get into the habit of making the zoning code a "living document."

Arline Rotman spoke in favor of the changes and specifically noted the advantages of allowing the farmer's market to move across the street from its current outdoor location. Rotman further highlighted the environmental and employment benefits of allowing ADUs in town.

Steven True thanked supporters and highlighted the implementation of two new municipal permits in land use regulations, a certificate of occupancy and a certificate of compliance, which would allow his office to better manage building permits.

Leslie O'Hara, owner of Hogwash Farm and Board President of the Norwich Farmer's Market, spoke in favor of open-air markets and farm auxiliary businesses.

Calloway reminded town members that a bylaw amendment or repeal does not take effect if 5% of the voters of the town petition for a meeting of the town to consider the bylaw amendment or repeal and the petition is filed within 20 days of the vote of the legislative body.

The Chair spoke in favor of considering routine adoption at the next meeting and hypothesized that the next round of updates could require more public input. Selectboard members agreed to put the topic on the next meeting's agenda.

I move to close the Public Hearing to Solicit Testimony on the Proposed Amendments to the Town of Norwich Zoning Regulations & Subdivision Regulations. – Griggs moved (2nd Calloway) Vote: yes (unanimous)

2. **Agenda**
   Timestamp: 1:05:05

   The Chair listed future agenda items, including the zoning regulations vote, purchasing policy draft, plan for spending opioid fund, and Article 36.

   The Chair highlighted an upcoming ad deadline for the Norwich Times and suggested possibilities for a Selectboard article.

   Vincent requested a discussion of the Finance Department under Department Reports.

   I move to approve the agenda as amended. – Swett moved (2nd Vincent) Vote: yes (unanimous)

3. **Chair's Report**
   Timestamp: 1:09:33

   The Chair (1) met to set up the agenda and (2) reviewed signage about dogs while traveling in Washington and Colorado.

4. **Public Comments for Items not on the Agenda**
   Timestamp: 1:11:18

Peggy Allen of the Upper Valley Agricultural Association shared that the organization engaged in the purchase of the 35-acre lot, with the prospect of relocating the farmer's market to the site.

Andrew Winter, Executive Director of Twin Pines, shared that the Unitarian Universalist Congregation reached out to the organization about potentially working together to create affordable housing on their seven-acre property. Winter explained that they had met with the Hartford Selectboard the day prior and were letting the Norwich Selectboard know as a courtesy.

Allen and Winter noted that the actions taken are the very first steps for potentially creating affordable housing in Norwich. Winter emphasized that water and sewer are important factors in discussions and stated that they don't have existing plans to share but that there will be many discussions to come.

Calloway highlighted that the site of the proposed farmer's market building is the end of the Blood Brook watershed, noted the need for a lot of parking, and shared her focus on liability as potential plans materialize.

Vincent shared her excitement about the project.

Ernie Ciccotelli gave an update that the Finance Committee had completed 100 of 195 grievances and would hopefully finish the grievance process next week.

Vincent shared her appreciation for the Finance Committee's work.

Susan Barrett spoke in favor of the zoning changes that would allow the farmer's market to have a permanent location and encouraged the Selectboard to take steps towards creating more workforce housing.

5. **Rules for Dogs**
   Timestamp: 1:25:58

Swett explained adjustments to the draft dog rules he developed, including revisions to Huntley Meadows off-leash timing and the addition of information about how to handle incidents with dogs. Swett highlighted the map included in the document, which would be updated in the kiosks at Huntley Meadows for guidance to residents.

Swett shared that Recreation Director Brie Swenson had ideas for a potential type of kiosk, and that they are thinking of installing three kiosks – one at each parking lot and one at the Kids' Bridge.

Alexa Manning thanked Swett for his work on the dog rules. Manning asked for an adjustment to off-leash weekend hours and confirmation that the police would not pursue violations of playing field borders by dogs.

The Town Manager responded to Manning that he did not think excessive enforcement would be an issue.

Stephanie Wolf thanked the community and the Selectboard for their hard work on the dog matter. Wolf shared that she found the rules reasonable but thought it might be useful to add the year to the rules in the kiosks to let the public know they are up to date.

The Town Manager shared his appreciation for Swett engaging the community in drafting the dog rules.

Swett explained that the weekend off-leash hours were developed to be consistent across weekend days and to facilitate rentals of the pavilion for children's parties.

I move to adopt the rules for the dogs as amended to include the current use date. – Vincent (2nd Swett) Vote: yes (unanimous)

6. **Animal Control Ordinance**
   Timestamp: 1:46:39

Vincent asked why the Selectboard should pass an ordinance if it will not be enforced. Selectboard members, the Town Manager, and the Town Clerk discussed processes for enforcement of dog licensing, as well as fines, impoundment, and euthanasia for delinquent dogs.

The Town Clerk explained her efforts to enforce dog licensing and the potential for fines to encourage town members to follow vaccination requirements.

Manning shared that she understood the regulation to only include dogs who were licensed at one point but are now unlicensed, as a dog unlicensed from the beginning could remain under the radar of the town.

Selectboard members, the Town Clerk, and Manning discussed rabies vaccination documentation protocol in Vermont and New Hampshire.

Swett highlighted concerns from some town members that Section 13 could open the town up to greater liability and might put townspeople at odds with the Recreation Department. Swett explained that the language of Section 13 was approved by Town Counsel and that the flexibility of the rules is of value. Swett further spoke in favor of the Selectboard setting the off-leash/on-leash hours instead of the Recreation Department, because the Selectboard must warn townspeople ahead of changes to remain in accordance with open meeting rules.

Griggs referenced public comments that all other towns have adopted the VLCT guidance without adjustments and highlighted a range of town statutes that do not align with those statements. Griggs stated that he did not find Norwich to be inconsistent with other towns and noted that the town was possibly "gentler" on dog owners.

I move to adopt the animal control ordinance as presented. – Swett (2nd Vincent) Vote: yes (unanimous)

7. **Town Clerk Spending Request: Scanner Base**
   Timestamp: 2:05:10

   The Town Clerk explained that this was one of few tables rated for the 300 lb. scanner and that it cost significantly less than the scanner base made by the scanner company.

   I move to approve the expenditure of up to $2,500 from Fund 45: Restoration and Preservation for the purchase of an electric adjustable height workstation. – Griggs moved (2nd Vincent) Vote: yes (unanimous)

8. **Spending Request: Main Street Flag Fund**
   Timestamp: 2:08:25

   Emily Myers explained that the flags were within budget and that she was seeking reimbursement for their purchase.

   I move to approve the expenditure of $489.89 from Fund 37: Main Street Flags for the purchase of US flags. – Vincent moved (2nd Calloway) Vote: yes (unanimous)

9. **Spending Request: DPW Winter Sand Screener**
   Timestamp: 2:11:11

The Town Manager referred to the memo from Chris Kaufman explaining this spending request.

I move to approve the expenditure of $24,550 from Fund 7: DPW Equipment Reserve for the purchase of a new winter sand screener. – Griggs moved (2nd Swett) Vote: yes (unanimous)

10. Response to Finance Committee Requests
Timestamp: 2:12:50

The Chair highlighted the memo in the packet from Steven Hepburn on the Finance Committee's rules of procedure and voting structure.

Calloway shared numerous concerns about the document, including changing committee purpose, efforts to explain or define statutory requirements, citations to out of date ethics regulations, and potential engagement with town staff.

Griggs questioned Calloway's feedback and suggested the possible utility of an easy-access document on procedure for volunteer members.

Vincent shared that she found the Selectboard's feedback to the Finance Committee to be harsh and highlighted that there is no orientation or help for new committee members.

Swett noted his appreciation for the effort in the document but expressed concern about redundancy and redefinition with the handbook. Swett echoed Vincent's thanks for town members who volunteer their time to work for the town. Swett highlighted the negative end to the previous Finance Committee and the Selectboard's general concern with moving forward. He shared his preference as a new Selectboard member for running through the whole budget season before making informed requests of the Finance Committee.

The Chair highlighted that the Selectboard has its own rules of procedure and shared that she saw no harm in the document.

Hepburn stated that the Committee is not trying to paraphrase or supersede the law. Hepburn explained the thought behind the creation of the document, including the incorporation of logistical details for holding meetings.

Selectboard members and Hepburn debated where committees should look for guidance, the unusual occurrence of so many simultaneous new members, the risks and benefits of paraphrasing laws, potential upcoming requests from the Committee, forms of data available to the Committee, and the next steps of the Selectboard in relation to the document presented.

Vincent expressed regret at voting to take away the vote from the Treasurer at a previous meeting and her lack of understanding of the standard role of ex officio positions at the time of voting.

Griggs shared that he did not see any issue with an even number of voting members since they were an advisory committee, and a tied vote is a failed vote. Griggs further shared that he felt uncomfortable following the vote to remove the voting rights of the ex officio position.

Calloway cautioned the potential for conflicts of interest and incompatible roles under the code of ethics.

Selectboard members debated the validity of the vote to rescind the voting rights of the ex officio member on the advisory committee.

Cheryl Lindberg clarified that she is an elected official, not an employee of the town, and advocated for the ex officio role to be a voting member of the Committee.

Selectboard members and Lindberg discussed the relationship between voting rights and respect for a position, the reason for the matter to be raised now as opposed to in the past, and the history of the Finance Committee.

Lindberg emphasized that there is no conflict and that incompatible offices are identified by statute.

Griggs asked to table the matter until the next meeting to learn more about the information shared by Calloway and the importance of a vote.

Swett emphasized his desire to discuss the matter from a position perspective, not a personal perspective.

Hepburn shared that the Committee did not find the odd or even number of members to merit a change to the voting status of the ex officio member.

Calloway asked that the Selectboard have Town Counsel review whether the matter conflicts with incompatible offices or the new code of ethics.

Lindberg shared that it is a fast and common practice to export finance data from the existing system to Excel spreadsheets.

11. Affordable Housing Subcommittee Charge and Bylaws
Timestamp: 3:26:15

Calloway stated that she did not find basis in statute for a subcommittee of the Planning Commission to have bylaws. Calloway highlighted the intent for a grant proposal last year, which required buy-in from more people than just the Planning Commission.

Jeff Lubell clarified he had not seen the charge from the Selectboard handbook and that "we are just trying to be helpful." Lubell explained that the group needed rules and guidance on how to conceptualize their role and who to go to for questions.

Calloway shared that she had sent out charges to the various commissions one or two years ago, and groups were scheduled to come to the Selectboard at one point, but that the Affordable Housing Subcommittee was never scheduled. Calloway clarified that the Subcommittee should report to the Planning Commission.

Lubell shared that he had just seen the charge on page 100 of the Selectboard packet and that it looked fine to him. He stated that he thought the Planning Commission was also simply seeking guidance.

Calloway stated that subcommittees can set up their own individual method of operation but that she did not feel especially comfortable with the subcommittee developing bylaws, though instruction would come down to the subcommittee and their parent group.

Calloway asked for clarification on Homes for Norwich and the potential for conflict of interest. Lubell clarified that Homes for Norwich is a nonprofit group that cares about affordable housing and promotes it through education. Lubell questioned why it might be considered a conflict of interest. The Chair hypothesized that a developer could have a conflict of interest due to a financial benefit, but that she did not see an issue with advocacy.

Griggs highlighted the breadth of the charge listed on page 100 of the Selectboard packet and suggested tightening it to work with just the Planning Commission.

12. Selectboard Handbook
Timestamp: 3:52:17

Selectboard members discussed whether the Land Management Council is still in effect, whether there should be definitions for terms like Fire District, next steps for temporary committees, and responsibility and expectations for updating the handbook.

Rob Gere suggested reviewing a committee a year after the production of their final report to reflect on the response to the final report.

The Town Manager advocated for adopting and publishing the Selectboard Handbook, rather than requesting further feedback, as the topic had been discussed for a year and a half.

Selectboard members agreed to review the final version of the document at the following meeting and plan to adopt it at that time.

13. Town Manager Report
Timestamp: 4:18:34

The Town Manager advocated for a cultural change to expedite topics and shorten meetings.

The Town Manager highlighted that (1) the Hemlock Road project has been completed and the requisition process for reimbursement from FEMA via the state has begun, (2) the Kate Wallace culvert project is underway, (3) Recreation Department camps are underway and fall sports programming registration is underway, (4) the agreement to proceed with ARC for the boilers has been signed and a chimney inspection will take place next week, (5) Studio Nexus is open to discussing Tracy Hall initiatives, (6) progress has been made on the roof inspections and elevator costs, and (7) Michele is retiring and an offer has been made for a replacement Administrative Assistant for the Police Department.

14. Department Reports
Timestamp: 4:23:35

Vincent expressed frustration about waiting until the end of meetings to discuss finances.

Selectboard members discussed correspondence from a member of the public about finances, the publishing date of financial numbers, and deadlines for comments.

15. **Approve Minutes**
    Timestamp: 4:30:38

    Vincent clarified that the following sentence included in the minutes refers to the Finance Committee: "The Chair noted the topic of Town Treasurer as a non-voting member for a future agenda item."

    I move to approve the minutes for July 9, 2025 as amended. – Calloway moved (2nd Griggs) Vote: yes (unanimous)

16. **AP Warrants**
    Timestamp: 4:33:00

    Vincent noted her realization that one check is written when there are multiple invoices from one vendor.

    I move to approve AP Warrant #1357 in the amount of $425,177.06 to be paid from the General Fund and AP Warrant #1358 in the amount of $40,000.00 to be paid from Fund 50. – Calloway moved (2nd Griggs) Vote: yes (unanimous)

17. **Receipt of Correspondence**
    Timestamp: 4:36:02

    I move to receive all correspondence. – Calloway moved (2nd Swett) Vote: yes (unanimous)

18. **Adjournment**
    Timestamp: 4:37:35

    I move to adjourn the meeting. – Calloway moved (2nd Griggs) Vote: yes (unanimous)

Meeting adjourned at 10:30.

Minutes taken by Jenny Tolman.

ORDINANCE REGULATING DOGS, WOLF-HYBRIDS, and DOMESTIC PETS
Town of Norwich, Vermont
2025

SECTION 1. AUTHORITY. This ordinance is adopted by the Town of Norwich under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to regulate the keeping of dogs and wolf hybrids and to provide for their leashing, muzzling, restraint, impoundment, and destruction, to protect the public health and safety of the Town and preserve the quiet enjoyment of its residents' homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and phrases shall apply:

"**Dog**" means any member of the canine species. For purposes of this ordinance, this term shall also include "wolf-hybrids" and "working farm dogs" except as otherwise stated.

"**Domestic animal**" means cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), and water buffalo. The term shall include cultured fish propagated by commercial fish farms.

"**Domestic pet**" or "pet" means any domestic dog, domestic cat, or ferret.

"**Enforcement Officer**" means any Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Selectboard.

"**Impoundment**" means being held by the Town at a place designated by the Selectboard. Such a place may or may not be operated by the Town and may or may not be within Town limits.

"**Owner**" means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog, exercise, or other services.

"**Potentially vicious dog**" means a dog that, while running at large: inflicts minor injuries on a person not necessitating medical attention; chases, worries, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal or real property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring, threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.

"**Premises**" means the home and real property of the dog owner.

"**Running at large**" means that a dog is not:

a. on a leash; or
b. in a vehicle; or
c. on the owner's premises; or
d. on the premises of another person with that person's permission; or
e. clearly under the verbal or non-verbal control of its owner.

"Wolf hybrid" means an animal that:

a. is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*); or
b. is advertised or otherwise described or represented to be a wolf hybrid; or
c. exhibits primary physical and/or behavioral wolf characteristics.

"Working farm dog" means a dog that:

a. is bred or trained to herd or protect livestock or poultry or to protect crops; and
b. is used for those purposes; and
c. is registered as a working farm dog pursuant to State law.

SECTION 4: GENERAL PROVISIONS: Each person owning and/or keeping Dogs, Domestic Animals or Domestic Pets within the Town of Norwich shall bear sole responsibility for the actions of his or her animal(s).

A. **Prohibitions**. An owner of a Dog, Domestic animal or Domestic Pet shall not allow, permit, or suffer such creature to create a nuisance. The following activities shall be deemed nuisances:

1. **Lack of current license and/or rabies tag**
   A dog, or wolf hybrid without a collar or harness with a current license and/or valid rabies tag securely attached.
2. **Running at large:** A dog or wolf hybrid running at large in the Town.
3. **Failure to remove waste**
   A dog or wolf-hybrid that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.
4. **Unconfined dog in heat**
   A female dog or wolf hybrid in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.
5. **Disturbing the Peace**
   A Dog or Domestic Pet that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of 60 minutes or more. This specific regulation shall not apply to dogs in a kennel or boarding facility which has received a zoning permit under the Town's Zoning Regulations. The zoning permit will govern the use of the kennel or boarding facility.
6. **Potentially vicious dog**
   A dog that while running at large: inflicts minor injuries on a person not necessitating medical attention; chases, worries, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal or real

property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.

B. **Exemptions for Working Dogs.** The provisions of the sections pertaining to running at large and disturbing the peace shall not apply to working farm dogs if the working farm dog is:
   1. barking to herd or protect livestock or poultry or to protect crops; or
   2. running at large to herd or protect livestock or poultry or to protect crops.

SECTION 5. COLLAR AND LICENSE.

General: Each dog shall be licensed according to the laws of this State and shall wear a collar or harness with the current license attached. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog found without a collar or harness and license shall be in violation of this Ordinance and may be immediately impounded.

Licensing: All dogs and wolf hybrids kept within the Town of Norwich must be licensed by the Town Clerk, in accordance with the provisions and fee schedule described in VSA T20, §3581. All animals will be licensed by April 1 each year. A penalty of 50% of the Town Portion of the license fee will be added after April 1. All dogs and wolf hybrids will be licensed as follows:

A. Licensing fees shall be according to Statute.

B. By April 15, the Town Clerk will prepare a list of licenses issued during the current year and a list of those animals licensed in the previous year that have not yet been licensed in the current year (T20, §3590). The Town Clerk will notify each owner of an animal thus identified that the animal is unlicensed and will explain the penalties involved. This notice may be in writing or by telephone.

C. When a designated animal control officer or Norwich Police find an animal that is unlicensed for the current period, they will inform the owner in writing of the need to license and the penalties that will be collected.

D. Failure to license by June 1st shall result in a $100 fine + the License Cost, collected at licensing.

SECTION 6. ENFORCEMENT.

A. A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Windsor County Superior Court, at the election of the Enforcement Officer.

B. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and represent the Town at any hearing.

C. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

SECTION 7. PENALTIES AND COSTS.

A. The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance in the following amounts for each violation:

Failure to remove waste

1st Offense:	Warning or $50 Fine	Waiver Fee: $25
2nd Offense:	$50 fine	Waiver Fee: $25
3rd Offense:	$75 fine	Waiver Fee: $37.50
4th and Subsequent Offense:	$100 fine	Waiver Fee: N/A

Disturbing the peace*

1st Offense:	Warning or $50 Fine	Waiver Fee: $25
2nd Offense:	$50 fine	Waiver Fee: $25
3rd Offense:	$75 fine	Waiver Fee: $37.50
4th and Subsequent Offense:	$100 fine	Waiver Fee: N/A

Unconfined Dog in Heat*

1st Offense:	Warning or $50 Fine	Waiver Fee: $25
2nd Offense:	$50 fine	Waiver Fee: $25
3rd Offense:	$75 fine	Waiver Fee: $37.50
4th and Subsequent Offense:	$100 fine	Waiver Fee: N/A

Lack of current license and/or rabies tag

$100 + the cost of the License [See Section 5 for details]

Running at large*

1st Offense:	Warning or $50 Fine	Waiver Fee: $25
2nd Offense:	$50 fine	Waiver Fee: $25
3rd Offense:	$75 fine	Waiver Fee: $37.50
4th and Subsequent Offense:	$100 fine	Waiver Fee: N/A

Potentially vicious dog

1st Offense:	Warning or $50 Fine	Waiver Fee: $25
2nd Offense:	$50 fine	Waiver Fee: $25
3rd Offense:	$75 fine	Waiver Fee: $37.50
4th and Subsequent Offense:	$100 fine	Waiver Fee: N/A

Confinement in Vehicle*

1st Offense:	Warning or $50 Fine	Waiver Fee: $25
2nd Offense:	$50 fine	Waiver Fee: $25
3rd Offense:	$75 fine	Waiver Fee: $37.50
4th and Subsequent Offense:	$100 fine	Waiver Fee: N/A

Recreation Area Violation*

1st Offense:	Warning or $50 Fine	Waiver Fee: $25
2nd Offense:	$50 fine	Waiver Fee: $25
3rd Offense:	$75 fine	Waiver Fee: $37.50
4th and Subsequent Offense:	$100 fine	Waiver Fee: N/A

*Plus Impound Fees to Pound and $100 Impound Fee to Town if impounded.

B. Determining the sequences of offenses for violations of this Ordinance shall be as follows: a subsequent violation that is identical to, and that occurs within 12 months of, a previous violation shall be considered a higher offense (i.e., second, third, or subsequent offense). Any subsequent identical violation that occurs after 12 months of a previous identical violation shall be considered a new first offense. (Rolling 12-month cycle)

C. Reckless Dog Owner. Any owner who has violated this Ordinance 5 times, whether the offenses are identical or not, within a 12-month period shall provide proof to the Enforcement Officer of successful completion of a behavior modification program, pre-approved by the Selectboard, and designed to improve the owner's understanding of dog ownership responsibilities, within 3 months from the date of notification. The Enforcement Officer shall issue a notification of this requirement, in writing by regular mail, postage prepaid, to the owner's last known address. Failure to provide such certification within the time allotted shall subject the offending dog(s) to immediate seizure and impoundment.

SECTION 8. IMPOUNDMENT.

A. **Designated Pound**
Annually, or more frequently, if necessary, the Town Manager shall designate the place for impoundment.

B. **Grounds for Impoundment**. Any dog may be immediately impounded if the dog:
1. has been determined by an Enforcement Officer to be a "potentially vicious dog," which presents an imminent danger to people or other animals;
2. has reportedly bitten a person anywhere, including on the premises of its owner;
3. is in violation of State licensing law;

4. has an unknown rabies vaccination history or is suspected of having been exposed to rabies;
5. is running at large;
6. is an unconfined dog in heat; or
7. is found without a collar or harness and license.

C. **Notice of Impoundment**. The officer who impounds a dog shall, within twenty-four (24) hours, give notice to the owner thereof either personally, by telephone call, or by regular mail postage prepaid at the owner's last known address. Such notice shall inform the owner of the nature of the violations, the dog's location, and the necessary steps to have it returned to the owner.

If the owner of the dog is unknown, the officer who impounds a dog shall, within twenty-four (24) hours of impoundment, post a public notice. Notification shall be posted in the town clerk's office and other usual places for public notice for a ten (10) calendar day period. The public notice shall include a description of the dog, including any significant marks of identification, and when and where it was impounded or found by the person placing the dog in the town's custody. The public notice must also declare that, unless the owner 1) claims the dog, 2) pays all expenses incurred by the town for treatment, boarding and care of the dog, and any applicable penalties, and 3) takes all necessary remedial action within ten (10) calendar days following posting, the town may place the dog in an adoptive home or transfer it to a humane society or rescue organization. If the dog cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

D. **Release from Impoundment.** Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including, but not limited to, boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action, as determined by the enforcement officer in consideration of the violation committed, is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license; verification of certification of current vaccination against rabies; payment of all applicable fines or waiver fees; and proof of satisfactory successful completion of a program designed to improve the owner's understanding and execution of dog ownership responsibilities.

If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) calendar days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization; or, if the town is unable to transfer the dog, it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment, and any expenses associated with its transfer or humane disposal.

E. Animal Bites (Protection from Rabies)

Note: These regulations are based on the recommendations of the Vermont Department of Health.

1. When a complaint is received that a dog has bitten a human, the Animal Control Officer, or Police Officer shall identify the dog, if it has a license tag, and will order the owner to confine the dog for 10 days. If no facilities exist for confining the dog at the owner's home, the dog will be placed in the care of a Veterinarian for 10 days and all expenses thus incurred will be the responsibility of the owner.
2. If the dog has a current tag, but the owner can not be found, the dog will be delivered to a veterinarian for the 10 day observation period.
3. In the event the dog has no identification and the owner can not be found, the dog will be delivered to a veterinarian for observation.
4. If any dog appears ill during the 10 day confinement this dog must be evaluated by a Veterinarian. No dog may be destroyed during the 10 day observation period, except on the order of a Veterinarian and after an attempt has been made to contact the owner.
5. The Norwich Health Officer or Deputy will be informed of the bite and he will ensure that the person bitten received medical attention.
6. The Health Officer will determine that the period of confinement is carried out. At the end of 10 days the Health Officer will contact the dog owner and determine if the dog is healthy. The Health Officer may decide that a veterinarian should examine the dog and issue a certificate of freedom from rabies; the cost of such an examination will be paid by the dog's owner.
7. If there is any doubt about the dog's health at the end of the confinement the dog will remain confined and advice will be obtained from the Department of Health.
8. The Health Officer will file an Animal Bite Report Form with the Vermont Department of Health.
9. Should rabies be confirmed in the confined dog the matter shall be handled as directed by the Board of Health with the advice of the Department of Health and after an attempt has been made to contact the owner.

SECTION 9. INVESTIGATION OF VICIOUS DOGS.

A. Complaint. When a dog has bitten a person while the dog is off or on the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard of the municipality. The complaint shall contain the time, date, and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation.

B. Investigation and Hearing. The Selectboard, within thirty (30) calendar days from receipt of the complaint, shall investigate, or cause to be investigated, the charges and hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date, and place of hearing and a copy of the complaint.

C. Protective Order. If, after a hearing on the matter, the dog is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the dog is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested, to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.

D. Rabies suspect. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a member of the Selectboard or an Enforcement Officer determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the Vermont Department of Health's rules.

E. If the dog is deemed healthy, the terms and conditions set forth in the Selectboard's order shall be enforced.

SECTION 10. POTENTIALLY VICIOUS DOGS.

A person claiming a dog is a "potentially vicious dog" may file a written complaint with the Selectboard. The complaint shall contain the time, date, and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the Selectboard in conducting its hearing. Upon receipt of a "potentially vicious dog" complaint, the Selectboard shall proceed as in the case of a "vicious dog" complaint using Section 9 B.-D. above, with the exception that if the Selectboard determines that the behavior classifies the dog as "potentially vicious" the Selectboard may order any protective measures be taken absent the dog being humanely destroyed.

SECTION 11: APPEALS.

A. Any person receiving an order to restrain or an order to confine an animal may appeal that action in writing to the Town Manager, within twenty-one days of receipt of the notice of violation. Upon receiving such an appeal, the Town Manager will schedule a hearing for the appeal within fourteen days. The owner of the animal, the Animal Control Officer/Norwich Police Officer and the person making the complaint about the animal will be notified to attend the hearing. The Town Manager will hear the merits of the case and shall affirm, reduce or eliminate the order as justice may require. The decision may

be delivered to the respondent immediately following the hearing or shall be delivered no later than five days following the hearing.

B. If the person making the original complaint about an animal declines to attend the hearing and the Animal Control Officer or Norwich Police Officer affirms the action taken by him was solely upon the information of the complainant and not corroborated by his personal observation, the order shall be dismissed by the Town Manager.

SECTION 12: CONFINEMENT OF ANIMALS IN VEHICLES.

A. A person shall not leave an animal unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal.

B. Any humane officer, law enforcement officer, or member of a fire and rescue service may use reasonable force to remove any such animal from a motor vehicle. The officer so removing an animal shall deliver the animal to a humane society, veterinarian or town or municipal pound. If the owner of the animal cannot be found, the officer shall place a written notice in the vehicle, bearing the name of the officer and the department and address where the animal may be claimed. The owner shall be liable for reasonable expenses associated with the removal, delivery, boarding and disposition of the animal and a lien may be placed on the animal for these expenses. The officer may not be held liable for criminal or civil liability for any damage resulting from actions taken under subsection (a) of this section.

C. A violation of this section shall be a civil violation subject to the penalties imposed under Section 7.

SECTION 13: RECREATION AREAS.

A. Dogs are prohibited from all playing surfaces within recreation areas and parks, including but not limited to: Town-owned Athletic Fields while marked and programs are "in season", Basketball Courts, Tennis Courts, etc.

B. Unleashed dogs are prohibited from Town-owned recreation areas, except for areas which have been designated by the Selectboard to allow off-leash use, subject to rules as may be adopted by the Selectboard.

C. The Town shall publish and post reasonable notice as to such areas and rules.

D. Owners are solely responsible for dogs at all times, including during use of designated off-leash areas.

E. A violation of this section shall be a civil violation subject to the penalties imposed under Section 7.

SECTION 14. OTHER LAWS.

A. This ordinance is in addition to all other ordinances of the Town of Norwich and all applicable laws of the State of Vermont.

B. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 15. SEVERABILITY.

A. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance

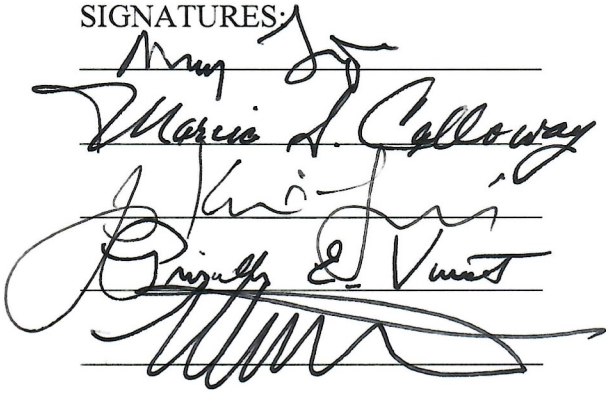
SECTION 16. EFFECTIVE DATE.

A. This ordinance shall become effective 60 days after its adoption by the Selectboard.

B. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 23rd day of July, 2025.

SIGNATURES:



Adoption History
1. Agenda item at regular Selectboard meeting held on _____.
2. Read and approved at regular/special Selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
30129	CHIMNEY SAVERS INC.	07/31/25	TH-Chimney Assessment 421102	13-5-450322.00 TRACY HALL BUILDING	329.00	16539	08/13/25
	Report Total				329.00		

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating $ *******329.00
Let this be your order for the payments of these amounts.

Finance Director: _____ Barrie Rosalinda

Town Manager: _____ Brennan Duffy

SELECTBOARD:

Mary Layton	Kimo Griggs	Priscilla Vincent	Matthew Swett	Marcia Calloway
Chair	Vice Chair			

Town of Norwich Accounts Payable
Check Warrant Report # 1376 Current Prior Next FY Invoices For Fund (General)
For Check Acct 09(General) All check #s 07/17/25 To 08/07/25

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
80031	HEALTHEQUITY, INC.	07/30/25	HRA 41363201	01-5-800501.00 HRA REIMBURSEMENT EXPENSE	38.07 B	302	07/31/25
80031	HEALTHEQUITY, INC.	07/17/25	HRA 7172025	01-5-800501.00 HRA REIMBURSEMENT EXPENSE	336.99 B	303	07/17/25
80031	HEALTHEQUITY, INC.	07/24/25	HRA 7242025	01-5-800501.00 HRA REIMBURSEMENT EXPENSE	42.96 B	304	07/24/25
80031	HEALTHEQUITY, INC.	08/07/25	HRA 41366372	01-5-800501.00 HRA REIMBURSEMENT EXPENSE	29.81 B	306	08/07/25
	Report Total				447.83		

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating $ *******447.83
Let this be your order for the payments of these amounts.

Finance Director: Barrie Rosalinda

Town Manager: Brennan Duffy

SELECTBOARD:

Mary Layton, Chair

Kimo Griggs, Vice Chair

Priscilla Vincent

Matthew Swett

Marcia Calloway

Town of Norwich Accounts Payable

Check Warrant Report # 1372 Current Prior Next FY Invoices For Fund (HIGHWAY EQUIPMENT FUND)

For Check Acct 03(General) All check #s 07/26/25 To 08/13/25 & Fund 07

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
120083	LAKE EERIE PORTABLE SCREE	07/24/25	StationaryGrizzly Box 50% 11884PFI - 2	07-5-700322.00 HIGHWAY EQUIP. PURCHASES	12275.00	16567	08/13/25
120083	LAKE EERIE PORTABLE SCREE	07/24/25	StationaryGrizzly Box 50% 11884PFI 50%	07-5-700322.00 HIGHWAY EQUIP. PURCHASES	12275.00	16568	08/13/25
	Report Total				24550.00		

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating $ ****24,550.00
Let this be your order for the payments of these amounts.

Finance Director: Barrie Rosalinda

Town Manager: Brennan Duffy

SELECTBOARD:

Mary Layton
Chair

Kimo Griggs
Vice Chair

Priscilla Vincent

Matthew Swett

Marcia Calloway

Town of Norwich Accounts Payable

Check Warrant Report # 1374 Current Prior Next FY Invoices For Fund (RECORDS RESTORATION)

For Check Acct 03(General) All check #s 07/26/25 To 08/13/25 & Fund 45

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
110038	KOFILE TECHNOLOGIES	05/29/25	TC-Map Envelopes KT-020587	45-5-100341.00 RESTORATION EXPENSE	419.49	16566	08/13/25
	Report Total				419.49		

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating $ *******419.49
Let this be your order for the payments of these amounts.

Finance Director: Barrie Rosalinda

Town Manager: Brennan Duffy

SELECTBOARD:

Mary Layton, Chair

Kimo Griggs, Vice Chair

Priscilla Vincent

Matthew Swett

Marcia Calloway

Docusign Envelope ID: EC388699-84AA-46F4-85AB-E74416532F4B

Town of Norwich Accounts Payable
Check Warrant Report # 1377 Current Prior Next FY Invoices For Fund (General)
For Check Acct 03(General) All check #s 07/26/25 To 08/13/25 & Fund 01

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
50012	ELAN FINANCIAL SERVICES	07/10/25	PD - Starlink 6/13/25 REF#1029	01-5-500536.00 DISPATCH SERVICES	65.00	16513	08/01/25
50012	ELAN FINANCIAL SERVICES	07/10/25	DPW-Adobe License 7/4/25 REF#2037	01-5-703515.00 ADMINISTRATION	19.99	16513	08/01/25
50012	ELAN FINANCIAL SERVICES	07/10/25	ADMIN-Zoom 6/20/25 REF#2070	01-5-275627.00 Remote Meeting Services	537.81	16513	08/01/25
50012	ELAN FINANCIAL SERVICES	07/10/25	PD-BestBuyStarlink6/12/25 REF#3576	01-5-500536.00 DISPATCH SERVICES	1499.97	16513	08/01/25
50012	ELAN FINANCIAL SERVICES	07/10/25	DPWStaplesCashReg6/15 REF#3756	01-5-705413.00 SMALL EQUIPMENT	207.78	16513	08/01/25
50012	ELAN FINANCIAL SERVICES	07/10/25	PD - Starlink 6/19/25 REF#5020	01-5-500536.00 DISPATCH SERVICES	50.92	16513	08/01/25
50012	ELAN FINANCIAL SERVICES	07/10/25	TM-Adobe Anl Lic 6/16/25 REF#5877	01-5-005610.00 OFFICE SUPPLIES	239.88	16513	08/01/25
50012	ELAN FINANCIAL SERVICES	07/10/25	PD-Starlink 7/13/25 REF#6028	01-5-500536.00 DISPATCH SERVICES	195.00	16513	08/01/25
50012	ELAN FINANCIAL SERVICES	07/10/25	PD - Starlink 6/13/25 REF#7026	01-5-500536.00 DISPATCH SERVICES	143.10	16513	08/01/25
50012	ELAN FINANCIAL SERVICES	07/10/25	PD - Starlink 6/19/25 REF#8022	01-5-500536.00 DISPATCH SERVICES	50.92	16513	08/01/25
50012	ELAN FINANCIAL SERVICES	07/10/25	FD-Statpacks 6/26/25 REF#9670	01-5-555424.00 EMS TOOLS/ EQUIP	419.59	16513	08/01/25
150004	OFFICE OF CHILD SUPPORT	08/08/25	Payroll Transfer PR-08/08/25	01-2-001115.00 CHILD SUPPORT PAYABLE	323.10	16529	08/05/25
10014	ACTIVE911, INC	07/17/25	FD-Subscription Renewal 634454	01-5-555632.00 DISPATCH SERVICE	469.80	16530	08/13/25
10014	ACTIVE911, INC	07/29/25	FD-Additional Licenses 636124	01-5-555632.00 DISPATCH SERVICE	18.33	16530	08/13/25
10022	ADVANCE AUTO PARTS	07/16/25	FD Diesel Exhaust Fluid 084519723395	01-5-555538.00 PETROLEUM PRODUCTS	33.98	16531	08/13/25
10022	ADVANCE AUTO PARTS	07/24/25	DPW-Diesel Exhaust Fluid 084520539128	01-5-703403.00 PARTS & SUPPLIES	57.84	16531	08/13/25
10066	AMAZON CAPITAL SERVICES,	07/15/25	PD-Locks&Supplies 14QHY1PFKKYW	01-5-500308.00 CRUISER SUPPLIES	164.25	16532	08/13/25
10066	AMAZON CAPITAL SERVICES,	07/15/25	PD-Locks&Supplies 14QHY1PFKKYW	01-5-500501.00 ADMINISTRATION	4.03	16532	08/13/25
10066	AMAZON CAPITAL SERVICES,	05/13/25	REC-Sports Visor 1CNKJYNK34MX	01-5-425244.00 UNIFORMS	59.10	16532	08/13/25
10066	AMAZON CAPITAL SERVICES,	07/21/25	FIN-Toner 1DYCWLHN6M1W	01-5-200610.00 OFFICE SUPPLIES	152.49	16532	08/13/25
10066	AMAZON CAPITAL SERVICES,	07/28/25	FIN-Toner 1GN66NQ46WV9	01-5-200610.00 OFFICE SUPPLIES	167.99	16532	08/13/25
10066	AMAZON CAPITAL SERVICES,	07/28/25	TR-Toilet Seats 1GYMRRDH6NTD	01-5-706113.00 REPAIRS & MAINTENANCE	123.25	16532	08/13/25
10066	AMAZON CAPITAL SERVICES,	07/28/25	TC-Personalized Stamp 1PNG9VTFD6G1	01-5-100610.00 OFFICE SUPPLIES	24.65	16532	08/13/25
10066	AMAZON CAPITAL SERVICES,	07/18/25	TC&ADMIN-Btry,Pens,Binder 1TCDX49VNP44	01-5-100610.00 OFFICE SUPPLIES	34.25	16532	08/13/25
10066	AMAZON CAPITAL SERVICES,	07/18/25	TC&ADMIN-Btry,Pens,Binder 1TCDX49VNP44	01-5-005610.00 OFFICE SUPPLIES	23.47	16532	08/13/25

Docusign Envelope ID: EC388699-84AA-46F4-85AB-E74416532F4B

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid	Check Number	Check Date
10093	ARC MECHANICAL CONTRACTOR	07/17/25	TH A/C Kitchen Repair 108804 .	01-5-706113.00 REPAIRS & MAINTENANCE	462.00	16533	08/13/25
10062	BEAULIEU, AMANDA	07/31/25	July25 Lister/Assessing 07312025	01-5-300300.00 Prof.Assessor Srvcs.	1026.00	16534	08/13/25
20026	BETHEL MILLS	06/01/25	DPW-Shop Towels, Tape 302706/7	01-5-705403.00 PARTS & SUPPLIES	51.95	16535	08/13/25
20026	BETHEL MILLS	07/18/25	DPW-Magnetic Tape 356588/6	01-5-703403.00 PARTS & SUPPLIES	39.98	16535	08/13/25
30026	CASELLA WASTE SERVICES	05/01/25	Compost & Recycling 1034903	01-5-705305.00 RECYCLING	3546.01	16536	08/13/25
30026	CASELLA WASTE SERVICES	05/01/25	Compost & Recycling 1034903	01-5-705308.00 FOOD WASTE DISPOSAL	760.06	16536	08/13/25
30026	CASELLA WASTE SERVICES	05/01/25	C&D & MSW 1034904	01-5-705306.00 C & D WASTE DISPOSAL	1884.38	16536	08/13/25
30026	CASELLA WASTE SERVICES	05/01/25	C&D & MSW 1034904	01-5-705303.00 MUNICIPAL SOLID WASTE	3996.54	16536	08/13/25
30031	CCI MANAGED SERVICES	08/01/25	TH August '25 Billing CW-62292	01-5-275632.00 SERVER MAINTENANCE	3067.91	16537	08/13/25
30054	CHASE SITE SERVICES, INC.	06/30/25	Beaver Meadow Shoulder 19656	01-5-703716.00 VT State Emergency Grant	3330.48	16538	08/13/25
30054	CHASE SITE SERVICES, INC.	07/14/25	Mitchell Brook Rd Ditchin 19714	01-5-703716.00 VT State Emergency Grant	435.00	16538	08/13/25
50040	CICCOTELLI, ERNEST	08/04/25	MILES-July 2025 MILES0842025	01-5-300580.00 MILEAGE REIMB	59.36	16540	08/13/25
30075	CINTAS CORPORATION	07/24/25	DPW-Stock & Check 5282501611	01-5-706109.00 BUILDING SUPPLIES	164.60	16541	08/13/25
30093	COMCAST	07/20/25	DPW 7/27 - 8/26/25 DPW07202025	01-5-703505.00 TELEPHONE	319.65	16542	08/13/25
30102	CONSOLIDATED COMMUNICATIO	07/30/25	Alarm Panel & TS 7/2025 07302025	01-5-275531.00 TELEPHONE	90.47	16543	08/13/25
30102	CONSOLIDATED COMMUNICATIO	07/30/25	Alarm Panel & TS 7/2025 07302025	01-5-705505.00 TELEPHONE	90.47	16543	08/13/25
30102	CONSOLIDATED COMMUNICATIO	07/30/25	Alarm Panel & TS 7/2025 07302025	01-5-275531.00 TELEPHONE	90.47	16543	08/13/25
30124	Cott Systems	07/27/25	Hosted Solution-7/2025 INV-441828	01-5-100613.00 SOFTWARE	319.00	16544	08/13/25
40056	DINGEE MACHINE COMPANY	07/15/25	FD-Tanker Service 9687	01-5-555528.07 R&M 7 Tanker	4409.50	16545	08/13/25
50010	ECFIBER	07/01/25	7/01/2025 Billing 0394567	01-5-555625.00 TELEPHONE & INTERNET	76.00	16546	08/13/25
50047	EVANS GROUP, INC.	07/15/25	DPW - Gas - 670 Gallons 0076218-IN	01-1-004105.00 Inventory-DPW Fueling Sta	1934.05	16547	08/13/25
50047	EVANS GROUP, INC.	07/16/25	DPW- Diesel - 224 Gallons 0076250-IN	01-1-004105.00 Inventory-DPW Fueling Sta	620.49	16547	08/13/25
50047	EVANS GROUP, INC.	07/30/25	DPW- Diesel - 550 Gallons 0076598-IN	01-1-004105.00 Inventory-DPW Fueling Sta	1523.37	16547	08/13/25
50055	EYEMED/FIDELITY SECURITY	07/22/25	Vision - August 2025 166928532	01-2-001126.00 VISION SERV PLAN-PAYROLL	142.23	16548	08/13/25
60013	FERGUSON WATERWORKS	07/09/25	DPW-15"Culvert Collar 1289405	01-5-703209.00 CULVERTS & ROAD SUPPLIES	38.30	16549	08/13/25

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70061	GMP	07/24/25	24 New Boston Rd 7/24/25 1469 7/2025	01-5-705501.00 ELECTRICITY	7.68	16550	08/13/25
70062	GMP	07/24/25	Main St Tower 7/24/2025 35066 7/2025	01-5-575233.00 TOWER POWER	113.57	16551	08/13/25
70064	GMP	07/24/25	Turnpike Speed 7/24/2025 75726 7/2025	01-5-500204.00 SPEED SIGNS	0.55	16552	08/13/25
70067	GMP	07/31/25	111 Turnpike EV 7/31/25 38951 7/2025	01-5-706115.00 BNDSTND/SIGN/EVCH ELECTRI	174.94	16553	08/13/25
70068	GMP	07/29/25	300 Main 7/29/2025 3496 7/2025	01-5-706101.00 ELECTRICITY	424.50	16554	08/13/25
70069	GMP	07/29/25	319 Solar 7/29/25 4881 7/2025	01-5-706115.00 BNDSTND/SIGN/EVCH ELECTRI	26.81	16555	08/13/25
70070	GMP	07/29/25	26 New Boston 7/29/25 0469 7/2025	01-5-703501.00 ELECTRICITY	140.42	16556	08/13/25
70071	GMP	07/28/25	Street Lights 7/2025 24926 7/2025	01-5-703307.00 STREETLIGHTS	1269.66	16557	08/13/25
70073	GMP	07/30/25	Academy 7/16/2025 05119 7/2025	01-5-706115.00 BNDSTND/SIGN/EVCH ELECTRI	44.54	16558	08/13/25
200069	HARTFORD, TOWN OF	06/30/25	June 2025 Broadband 15356	01-5-500536.00 DISPATCH SERVICES	154.78	16559	08/13/25
80072	HIGGINS, MAGGIE OLIVIA	06/25/25	3 Lacrosse Games REC062525	01-5-425214.00 REFEREE/UMPIRE	195.00	16560	08/13/25
90007	INNOVATIVE MUNICIPAL PROD	07/30/25	DPW-Dust Control PS-INV009990	01-5-703205.00 DUST CONTROL	4753.02	16561	08/13/25
90022	INTOXIMETERS	03/24/25	PD-Supplies 783162	01-5-500308.00 CRUISER SUPPLIES	184.25	16562	08/13/25
90022	INTOXIMETERS	03/24/25	PD-Supplies 783162	01-5-500501.00 ADMINISTRATION	67.00	16562	08/13/25
90025	IRVING ENERGY	07/25/25	10 Hazen 80 Gallons Prop 146743	01-5-575612.00 GENERATOR FUEL	221.52	16563	08/13/25
100048	JOE'S EQUIPMENT SEV. INC.	05/19/25	FD-Hearing Protector 2-1543984	01-5-555422.00 FIRE TOOLS & EQUIPMENT	44.32	16564	08/13/25
110027	KEY COMMUNICATIONS INC	07/22/25	DPW-Work Req 7/16/25 59168	01-5-703511.00 REPAIRS & MAINTENANCE	60.00	16565	08/13/25
110027	KEY COMMUNICATIONS INC	08/01/25	8/1-9/1/25 Phones 733226	01-5-425127.00 TELEPHONE	21.55	16565	08/13/25
110027	KEY COMMUNICATIONS INC	08/01/25	8/1-9/1/25 Phones 733226	01-5-200531.00 TELEPHONE	21.54	16565	08/13/25
110027	KEY COMMUNICATIONS INC	08/01/25	8/1-9/1/25 Phones 733226	01-5-350531.00 TELEPHONE	21.54	16565	08/13/25
110027	KEY COMMUNICATIONS INC	08/01/25	8/1-9/1/25 Phones 733226	01-5-100531.00 TELEPHONE	21.54	16565	08/13/25
110027	KEY COMMUNICATIONS INC	08/01/25	8/1-9/1/25 Phones 733226	01-5-300531.00 TELEPHONE	21.54	16565	08/13/25
110027	KEY COMMUNICATIONS INC	08/01/25	8/1-9/1/25 Phones 733226	01-5-005531.00 ADMIN TELEPHONE	21.54	16565	08/13/25
120027	LEAF CAPITAL FUNDING, LLC	07/31/25	ToshibaCopier 8/2025 18798029	01-5-500501.00 ADMINISTRATION	82.00	16569	08/13/25
120082	LORI P. GURNEY M.S., CTS	02/13/25	PD-2/4/25 MMFI 3PCIR 02132025	01-5-500501.00 ADMINISTRATION	60.00	16570	08/13/25

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130006	MADISON NATIONAL LIFE	07/15/25	August 25 Premiums 1706430	01-5-555124.00 DISABILITY/LIFE INSURANCE	62.73	16571	08/13/25
130006	MADISON NATIONAL LIFE	07/15/25	August 25 Premiums 1706430	01-5-500124.00 DISABILITY/LIFE INS	262.20	16571	08/13/25
130006	MADISON NATIONAL LIFE	07/15/25	August 25 Premiums 1706430	01-5-703124.00 DISABILITY/LIFE	331.58	16571	08/13/25
130006	MADISON NATIONAL LIFE	07/15/25	August 25 Premiums 1706430	01-5-100124.00 DISABILITY/LIFE INS	-51.23	16571	08/13/25
130006	MADISON NATIONAL LIFE	07/15/25	August 25 Premiums 1706430	01-5-005124.00 DISABILITY/LIFE INSUR	178.03	16571	08/13/25
130006	MADISON NATIONAL LIFE	07/15/25	August 25 Premiums 1706430	01-5-704124.00 DISABILITY/LIFE	100.46	16571	08/13/25
130006	MADISON NATIONAL LIFE	07/15/25	August 25 Premiums 1706430	01-5-100124.00 DISABILITY/LIFE INS	64.22	16571	08/13/25
130006	MADISON NATIONAL LIFE	07/15/25	August 25 Premiums 1706430	01-5-200124.00 DISABILITY/LIFE INS	124.44	16571	08/13/25
130006	MADISON NATIONAL LIFE	07/15/25	August 25 Premiums 1706430	01-5-425124.00 DISABILITY/LIFE INSUR	67.59	16571	08/13/25
130006	MADISON NATIONAL LIFE	07/15/25	August 25 Premiums 1706430	01-5-350124.00 DISABILITY/LIFE INS	72.34	16571	08/13/25
130133	MAFFEI, KRISTIN	07/17/25	Camp Refunds 830777	01-4-000355.01 Registration Fee Refunds	330.00	16572	08/13/25
140026	NEW ENGLAND ASSOCIATION O	07/21/25	TC-Annual Conference 2025CONF	01-5-100615.00 DUES/MTGS/EDUC	375.00	16573	08/13/25
140033	NEW ENGLAND PBA, INC	08/01/25	Union dues 8/1/25 40885	01-2-001117.00 UNION DUES PAYABLE	225.36	16574	08/13/25
140075	NORTHWOODS EXCAVATING, IN	07/20/25	FEMA Kate Wallace Culvert PROJ738591-1	01-5-703703.01 FEMA GRANT KateWallace	199326.89	16575	08/13/25
140097	NUCAR FORD OF LEBANON	06/02/25	DPW -'21 Ford 550 Service RO 75505	01-5-703403.00 PARTS & SUPPLIES	110.83	16576	08/13/25
140097	NUCAR FORD OF LEBANON	06/02/25	DPW -'21 Ford 550 Service RO 75505	01-5-703401.00 OUTSIDE REPAIRS	453.20	16576	08/13/25
150014	OTIS ELEVATOR COMPANY	07/14/25	M&S August 2025 100402016066	01-5-706107.00 ELEVATOR MAINTENANCE	333.33	16577	08/13/25
160014	PC AUTO AND TRUCK REPAIR	07/28/25	FD-Truck Repairs 185	01-5-555528.16 R&M Engine 1	599.14	16578	08/13/25
160054	POSTMASTER	07/22/25	PD-FY26 Box Late Fee PDLATEFEE	01-5-500501.00 ADMINISTRATION	27.00	16579	08/13/25
160079	PRIMO BRANDS BLUE TRITON	07/23/25	DPW-Water 05G873005375	01-5-703507.00 SUPPLIES	117.50	16580	08/13/25
160074	Performance Janitorial Se	07/31/25	PDCleaning7/7,14,22,30/25 273339	01-5-485304.00 CLEANING	751.33	16581	08/13/25
130131	REBENTISCH, MICHEAL	07/31/25	REIMB-CffeDnut-AntiScam 07312025	01-5-500202.00 COMMUNITY RELATNS	49.17	16582	08/13/25
180073	ROWELL'S GRADING	07/27/25	DPW-Grader Training 2899	01-5-703315.00 OTHER PROJECTS	245.00	16583	08/13/25
190006	SABIL and SONS INC	06/25/25	FD-'04 HME- E1 15922	01-5-555528.16 R&M Engine 1	2229.90	16584	08/13/25
190006	SABIL and SONS INC	07/30/25	FD-'19 Ford F550 Inspect 16292	01-5-555528.12 R&M 19 F550	150.00	16584	08/13/25

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190054	SOLAFLECT SOLAR PARK I, L	07/15/25	Monthly Solar JULY 2025	01-5-705501.00 ELECTRICITY	239.04	16585	08/13/25
190054	SOLAFLECT SOLAR PARK I, L	07/15/25	Monthly Solar JULY 2025	01-5-706101.00 ELECTRICITY	609.09	16585	08/13/25
190054	SOLAFLECT SOLAR PARK I, L	06/30/25	True Up 2025 TRUE UP 25	01-5-705501.00 ELECTRICITY	63.43	16585	08/13/25
190054	SOLAFLECT SOLAR PARK I, L	06/30/25	True Up 2025 TRUE UP 25	01-5-706101.00 ELECTRICITY	161.62	16585	08/13/25
190055	SOLAFLECT SOLAR PARK IV,	06/30/25	True Up 2025 2506_TRUEUP	01-5-485233.00 ELECTRICITY	-91.62	16586	08/13/25
190055	SOLAFLECT SOLAR PARK IV,	06/30/25	True Up 2025 2506_TRUEUP	01-5-705501.00 ELECTRICITY	-10.07	16586	08/13/25
190055	SOLAFLECT SOLAR PARK IV,	06/30/25	True Up 2025 2506_TRUEUP	01-5-575233.00 TOWER POWER	-2.93	16586	08/13/25
190055	SOLAFLECT SOLAR PARK IV,	06/30/25	True Up 2025 2506_TRUEUP	01-5-706115.00 BNDSTND/SIGN/EVCH ELECTRI	-2.31	16586	08/13/25
190055	SOLAFLECT SOLAR PARK IV,	06/30/25	True Up 2025 2506_TRUEUP	01-5-500204.00 SPEED SIGNS	-11.07	16586	08/13/25
190055	SOLAFLECT SOLAR PARK IV,	07/15/25	Monthly Solar 2507_001	01-5-485233.00 ELECTRICITY	698.86	16586	08/13/25
190055	SOLAFLECT SOLAR PARK IV,	07/15/25	Monthly Solar 2507_001	01-5-705501.00 ELECTRICITY	76.77	16586	08/13/25
190055	SOLAFLECT SOLAR PARK IV,	07/15/25	Monthly Solar 2507_001	01-5-706115.00 BNDSTND/SIGN/EVCH ELECTRI	17.60	16586	08/13/25
190055	SOLAFLECT SOLAR PARK IV,	07/15/25	Monthly Solar 2507_001	01-5-500204.00 SPEED SIGNS	84.41	16586	08/13/25
190055	SOLAFLECT SOLAR PARK IV,	07/15/25	Monthly Solar 2507_001	01-5-575233.00 TOWER POWER	22.36	16586	08/13/25
190062	SOUTHWORTH-MILTON, INC.	07/22/25	DPW-SEAL KIT O-RING INV3634763	01-5-703403.00 PARTS & SUPPLIES	828.33	16587	08/13/25
190062	SOUTHWORTH-MILTON, INC.	08/18/24	DPW-SEAL O-RING SCR0475680	01-5-703403.00 PARTS & SUPPLIES	-13.50	16587	08/13/25
190064	SP and F ATTORNEYS, P.C.	06/03/25	Service Through 4/30/25 92373	01-5-005305.00 LEGAL	1646.00	16588	08/13/25
190064	SP and F ATTORNEYS, P.C.	07/15/25	Service Through 5/31/25 92859	01-5-005305.00 LEGAL	1533.50	16588	08/13/25
190085	STEARNS SEPTIC SERVICE, I	07/22/25	DPW-CLEAN BASINS 11653072125	01-5-703322.00 Culverts	1838.00	16589	08/13/25
190104	STUDIO NEXUS ARCHITECTS a	07/28/25	TH Study 2330.08 (2)	01-5-005300.00 PROFESS SERV	6900.00	16590	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	26.99	16591	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	37.92	16591	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	59.35	16591	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	23.90	16591	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	37.48	16591	08/13/25

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20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	29.04	16591	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	52.50	16591	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425322.00 REC FIELD CARE	89.97	16591	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	30.00	16591	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	107.76	16591	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	19.98	16591	08/13/25
20060	SWENSON, BRIE	07/17/25	Camps & Supplies 07172025	01-5-425211.00 EQUIPMENT	61.50	16591	08/13/25
20060	SWENSON, BRIE	07/20/25	Camps,Supplies,Training 07202025	01-5-425211.00 EQUIPMENT	25.98	16591	08/13/25
20060	SWENSON, BRIE	07/20/25	Camps,Supplies,Training 07202025	01-5-425220.00 SPECIAL EVENTS /SUPPLIES	14.97	16591	08/13/25
20060	SWENSON, BRIE	07/20/25	Camps,Supplies,Training 07202025	01-5-425211.00 EQUIPMENT	30.00	16591	08/13/25
20060	SWENSON, BRIE	07/20/25	Camps,Supplies,Training 07202025	01-5-425211.00 EQUIPMENT	44.19	16591	08/13/25
20060	SWENSON, BRIE	07/20/25	Camps,Supplies,Training 07202025	01-5-425211.00 EQUIPMENT	20.43	16591	08/13/25
20060	SWENSON, BRIE	07/20/25	Camps,Supplies,Training 07202025	01-5-425211.00 EQUIPMENT	21.25	16591	08/13/25
20060	SWENSON, BRIE	07/20/25	Camps,Supplies,Training 07202025	01-5-425211.00 EQUIPMENT	66.36	16591	08/13/25
20060	SWENSON, BRIE	07/20/25	Camps,Supplies,Training 07202025	01-5-425211.00 EQUIPMENT	32.10	16591	08/13/25
20060	SWENSON, BRIE	07/21/25	Camps 07212025	01-5-425211.00 EQUIPMENT	101.68	16591	08/13/25
20060	SWENSON, BRIE	07/21/25	Camps 07212025	01-5-425211.00 EQUIPMENT	13.99	16591	08/13/25
20060	SWENSON, BRIE	07/21/25	Camps 07212025	01-5-425211.00 EQUIPMENT	44.20	16591	08/13/25
20060	SWENSON, BRIE	07/21/25	Camps 07212025	01-5-425211.00 EQUIPMENT	29.97	16591	08/13/25
20060	SWENSON, BRIE	07/21/25	Camps 07212025	01-5-425211.00 EQUIPMENT	22.83	16591	08/13/25
120045	TRAJMAN, LILY	07/28/25	IIMC CMC Application Fee 07282025	01-5-100615.00 DUES/MTGS/EDUC	75.00	16592	08/13/25
200100	TWIN STATE SAND AND GRAV	07/15/25	3/4" Twin Pack & Sand 119094	01-5-703203.00 SAND	16131.52	16593	08/13/25
200100	TWIN STATE SAND AND GRAV	07/15/25	3/4" Twin Pack & Sand 119094	01-5-703207.00 GRAVEL & STONE	27439.37	16593	08/13/25
200103	TWO RIVERS - OTTAUQUECHEE	07/24/25	FY25GIA GA#0853 26-15	01-5-703702.00 Culvert Grant	1500.00	16594	08/13/25
100091	Tolman, Jennifer	07/27/25	SB Minutes - July25 07272025	01-5-005300.10 CONTRACTED SERVICES	362.50	16595	08/13/25

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210004	UNIFIRST CORPORATION	07/21/25	Uniforms 1070436337	01-5-704311.00 UNIFORMS	80.00	16596	08/13/25
210004	UNIFIRST CORPORATION	07/21/25	Uniforms 1070436337	01-5-703311.00 UNIFORMS	261.09	16596	08/13/25
210004	UNIFIRST CORPORATION	07/28/25	Uniforms 1070437939	01-5-703311.00 UNIFORMS	261.09	16596	08/13/25
210004	UNIFIRST CORPORATION	07/28/25	Uniforms 1070437939	01-5-704311.00 UNIFORMS	80.00	16596	08/13/25
210004	UNIFIRST CORPORATION	08/04/25	Uniforms 1070439654	01-5-703311.00 UNIFORMS	261.09	16596	08/13/25
210004	UNIFIRST CORPORATION	08/04/25	Uniforms 1070439654	01-5-704311.00 UNIFORMS	80.00	16596	08/13/25
210006	UNITED AG and TURF NE, LL	07/14/25	Grass Blades 11216023	01-5-703403.00 PARTS & SUPPLIES	355.61	16597	08/13/25
220000	VALA MEMBERSHIP	07/01/25	LISTERS-FY26 VALA MMBRSHP FY26MMBRSHP	01-5-300615.00 DUES/MTGS/EDUC	50.00	16599	08/13/25
220003	VALLEY NEWS	07/12/25	Ad# 4446855 1161585	01-5-350540.00 ADVERTISING	228.60	16600	08/13/25
220003	VALLEY NEWS	07/31/25	Animal Ordince Aoption AD#4447543	01-5-005540.00 ADVERTISING	194.40	16600	08/13/25
220079	VERMONT COUNCIL ON RURAL	07/01/25	VCRD Summit 8/11/25 VCRDSUMMIT25	01-5-425160.00 DUES/MTGS/EDUC	75.00	16601	08/13/25
220080	VERMONT FIRE EXTINGUISHER	06/05/25	FD-Hydro Test 75400	01-5-555422.00 FIRE TOOLS & EQUIPMENT	131.00	16602	08/13/25
220039	VERMONT RECREATION and PA	07/01/25	P&R-FY26 Membership 03408	01-5-425160.00 DUES/MTGS/EDUC	100.00	16603	08/13/25
220061	VMCTA	08/05/25	Trajman-Sep'25 Anl Confrn TC2025ANLCON	01-5-100615.00 DUES/MTGS/EDUC	175.00	16604	08/13/25
220062	VMERS DB	07/11/25	Group B Correction FY26 ER B FIX (3)	01-5-200126.00 VT RETIREMENT	166.38	16605	08/13/25
220062	VMERS DB	07/01/25	Payroll Transfer PR-07/01/25	01-2-001111.00 VMERS GRP B PAYABLE	1062.76	16605	08/13/25
220062	VMERS DB	07/11/25	Payroll Transfer PR-07/11/25	01-2-001113.00 VMERS GRP C PAYABLE	3596.90	16605	08/13/25
220062	VMERS DB	07/11/25	Payroll Transfer PR-07/11/25	01-2-001111.00 VMERS GRP B PAYABLE	5734.92	16605	08/13/25
220062	VMERS DB	07/25/25	Payroll Transfer PR-07/25/25	01-2-001113.00 VMERS GRP C PAYABLE	3592.10	16605	08/13/25
220062	VMERS DB	07/25/25	Payroll Transfer PR-07/25/25	01-2-001111.00 VMERS GRP B PAYABLE	6051.94	16605	08/13/25
230000	W.B. MASON CO., INC.	07/15/25	TM-Paper,Ink,Water,Postit 255522337	01-5-005610.00 OFFICE SUPPLIES	188.70	16606	08/13/25
230000	W.B. MASON CO., INC.	07/22/25	PD-Pens,Tape,Kcups 255672804	01-5-500501.00 ADMINISTRATION	113.92	16606	08/13/25
230000	W.B. MASON CO., INC.	07/25/25	GenAd-Paper 255767411	01-5-275610.00 OFFICE SUPPLIES	223.96	16606	08/13/25
230000	W.B. MASON CO., INC.	07/28/25	GenAd-Paper 255780370	01-5-275610.00 OFFICE SUPPLIES	78.49	16606	08/13/25
230000	W.B. MASON CO., INC.	08/01/25	FIN-File Folders 255941880	01-5-200610.00 OFFICE SUPPLIES	27.98	16606	08/13/25

Docusign Envelope ID: EC388699-84AA-46F4-85AB-E74416532F4B

Vendor		Invoice Date	Invoice Description / Invoice Number	Account	Amount Paid		Check Number	Check Date
230000	W.B. MASON CO., INC.	08/01/25	FIN-Adding Tape 255964831	01-5-200610.00 OFFICE SUPPLIES	62.34		16606	08/13/25
230052	WATERS EXCAVATION, INC.	06/30/25	FEMA Hemlock Road FY25 930731-3FY25	01-5-703703.00 FEMA GRANT - Hemlock Rd	20924.95		16607	08/13/25
230052	WATERS EXCAVATION, INC.	07/11/25	FEMA Hemlock Road FY26 PROJ930731-3	01-5-703703.00 FEMA GRANT - Hemlock Rd	188324.55		16607	08/13/25
230047	WORKSAFE TRAFFIC CONTROL	07/25/25	Highway Signs 37749	01-5-703215.00 OTHER PROJECTS	155.93		16608	08/13/25
30054	CHASE SITE SERVICES, INC.	07/10/25	Mitchell Brook Rd Repair 19688	01-5-703716.00 VT State Emergency Grant	13150.30		16609	08/13/25
220021	VERMONT DEPARTMENT OF TAX	08/08/25	Payroll Transfer PR-08/08/25	01-2-001109.00 VT W/H TAX PAYABLE	2962.82	B	300	08/08/25
90009	INTERNAL REVENUE SERVICE	08/08/25	Payroll Transfer PR-08/08/25	01-2-001103.00 FICA TAX PAYABLE	13296.04	B	301	08/08/25
90009	INTERNAL REVENUE SERVICE	08/08/25	Payroll Transfer PR-08/08/25	01-2-001107.00 FED W/H TAX PAYABLE	7269.13	B	301	08/08/25
220020	VERMONT DEPARTMENT OF TAX	07/30/25	2nd QTR 2025 Franchise 07302025	01-5-705517.00 VERMONT FRANCHISE TAX	369.30	B	305	07/30/25
	Report Total				579081.11			

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating $ ***579,081.11
Let this be your order for the payments of these amounts.

Finance Director: Barrie Rosalinda

Town Manager: DocuSigned by: Brennan Duffy D4520EC72DA7484...
Brennan Duffy

SELECTBOARD:

Mary Layton	Kimo Griggs	Priscilla Vincent	Matthew Swett	Marcia Calloway
Chair	Vice Chair			

FYI

Welcome to Huntley Meadows

DOG RULES

April 16 – November 30
Dogs must be on-leash on weekdays: 10am-12pm, 3:30-6pm and weekends: 11:30am-4pm.

December 1 – April 15
Dogs must be on-leash on weekdays and weekends: 3pm-5pm.

At all other times, dogs may be off-leash if under voice control. Dogs must be within sight of their owner and should not approach another person or pet without their permission. Owners are solely responsible for their dogs at all times.

Dogs should not be on the playground, hardcourts or in-season athletic fields. Athletic fields currently in-season are indicated on this map in red and have white lines painted around them on the grass.

Always clean up after your dog.

Thank you for helping to keep our public park safe and enjoyable for everyone.



To report a violation, contact the Norwich police department at 802-649-1460. For more information, please refer to the Animal Control Ordinance on the Town of Norwich website (norwich.vt.us).

Outlook

Re: Updated Packet for July 23, 2025 Selectboard Meeting

From Irv Thomae <irvinvermont@gmail.com>
Date Mon 7/21/2025 1:31 PM
To Brita Vallens <bvallens@norwich.vt.us>
Cc Miranda Bergmeier <MBergmeier@norwich.vt.us>; ECF Exec <ecfexec@googlegroups.com>

1 attachment (720 KB)
ECFiber-Response-to-GWI-Open-Letter.pdf;

You don't often get email from irvinvermont@gmail.com. Learn why this is important

As Norwich delegate to the ECFiber Governing Board, I am deeply concerned to see that although the Correspondence setion of this week's SB Packet includes an extremely misleading letter from GWI (the business that currently operates our network under a contract scheduled to end on Dec. 31 of this year), it does not include ECFiber's July 15 letter in response. The public record is seriously incomplete without ECFiber's response, and I therefore enclose another copy for your reference.

Thank you,
Irv Thomae
Norwich delegate (and former Chair), East Central Vermont Telecommunications District

On 7/21/2025 10:09 AM, Brita Vallens wrote:

> ...has been posted at:
>
> https://norwich.vt.us/wp-content/uploads/2025/07/00-SB-Packet-07232025.pdf

*The packet has been updated to include the Recreation Department report (page 144), the Finance Department reports (pages 145-172), and the AP Warrants (pages 183-188).

Brita Vallens
Administrative Assistant
Office of the Town Manager & DPW
Town of Norwich
300 Main Street
P.O. Box 376
Norwich, VT 05055
802-649-1419 x102

Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.

East Central Vermont Telecommunications District
Vermont's First Communications Union District
ECFiber is the trade name of the District's ISP business

July 15, 2025

In Response to GWI's Unsigned Open Letter

On Monday July 14, an unsigned letter from GWI was sent to ECFiber member town selectpersons and the press by GWI's media relations and state government lobbying firm. The unsigned letter seeks to instill fear, uncertainty, and doubt within our community. GWI has already attempted to do this with ECFiber Governing Board members, ECFiber bond bankers and bond holders, and state broadband officials. They have not succeeded. Now they turn to you.

As you may have read or heard from your appointed representatives to the ECFiber Governing Board, in April the Board decided – unanimously – not to continue with GWI. This decision followed two years of board work developing options for 2026 and beyond, a year of discussions among GWI and Board leadership, and two different attempts to negotiate a contract extension, renewal or replacement for the 10-year contract originally made with ValleyNet that expires at the end of 2025.

The negotiations failed because GWI wanted too much money, threatening the ability of ECFiber to meet the debt service obligations of its municipal revenue bonds, and too much control, which threatened the tax-free status of those bonds.

As you know from seeing our annual reports, ECFiber is required to show an operating surplus of at least 1.25x its annual debt service (currently $5 million). Presently, we take in over $13 million a year from our operations, and our expenses are about $6.5 million. That leaves about $6.5 million, which is 1.30x the $5 million in principal and interest due on our bonds. So ECFiber has a net surplus of $1.5 million when all is said and done. Nobody pockets that – it is plowed back into construction costs so that we don't need to borrow more.

In effect, GWI wanted ECFiber to give them all that surplus, and more. They told us it was a "market" deal and that if we didn't want to pay, they had plenty of other opportunities.

So did we: return to the model of having a local non-profit operate ECFiber, just like ValleyNet did before GWI assumed its role. A year of planning went into establishing the Vermont ISP Operating Company (VISPO) as a public benefit corporation established to meet Section 115 of the IRS rules: a provider of essential services for a government. This type of company is used by governments to operate electric utilities they own. It enables day-to-day operational decision making to be insulated from city councils or selectboards while giving the government control over strategic decisions.

Importantly, the board of VISPO is expected to be a "working board" made up of experienced businesspeople who will be responsible for overseeing management and developing strategic options for the Governing Board to act upon. They will be compensated, because we have found that very few people who were not part of establishing ECFiber or ValleyNet in the first place were willing to devote the time and talent that is needed on a voluntary basis.

In the same way that neither ValleyNet nor GWI are subject to Open Meeting law, neither is VISPO. Moreover, because Vermont state law exempts the business records of a communications union district (CUD) (ECFiber invented CUDs in order to be able to issue bonds) from Public Records disclosures, VISPO also is a repository for those records. It's a clean and elegant solution to the issue of a government owning an unregulated business (internet service providers are not regulated, although their phone offerings are), competing in an open market, with no geographic exclusivity, no power to compel citizens in any way, no taxing powers, and no right to call upon the resources of the towns that comprise it.

Returning to the failed negotiations second point, GWIs desire for too much control, you need to understand that right now all the money that gets paid to ECFiber goes into ECFiber bank accounts, and all the expenses to operate ECFiber are paid out of ECFiber bank accounts. So ECFiber effectively controls expenses and is the owner of everything used in the business – all trucks, computers, office equipment, software, you name it. GWI gets a check to cover payroll expenses, but that's for the ECFiber staff which the operating contract does not permit to be used for any other business. When ValleyNet had the opportunity to build

LymeFiber, it first came to the ECFiber Governing Board and asked permission and ECFiber and LymeFiber have an agreement.

GWI wants a different arrangement. They want to pay most of the expenses, own the systems, and use ECFiber staff for whatever they want – mainly to help run other ISPs. They want the Board to pay fees per customer, per passing, for each customer added, etc. It's not a terrible idea, and we might go for it if we didn't have the bonds to worry about, and if we didn't think the eventual result would be the loss of local jobs. But we do have the bonds to worry about, and the bonds lose their tax-free status if anyone uses the network to generate private profit or if the government that issued the bonds loses control over strategic decisions or even setting prices. We've issued over $70 million in bonds and will be paying them off into the late 2040s – unless some billionaire decides to take advantage of our municipal status and make a donation for tax purposes that is big enough for us to defease (essentially, retire) the bonds.

Speaking of the bonds, the bondholders and our bond bankers support our decision. They know that the biggest single reason for the adjustment in the S&P outlook (which does not affect the near-investment grade BB rating) is that GWI didn't meet its contractual obligations around accounting during 2024, leading to late or never-delivered reports and subsequent audit problems that Board members had never seen in the past.

GWI suggests you take action to pressure us to change our decision. We invite you to visit our website FAQ explaining why GWI is suing us, along with links to all of the court documents filed to date. GWI's lawsuit against ECFiber's Board.

We also suggest that you speak with your appointed ECFiber board representative and any alternate delegates appointed by your town. You will learn that they have been kept closely informed at every turn.

VISPO will run ECFiber the same way it's been run for the past 10 years, using the same systems, using the same staff positions. It's up to the people in those jobs to decide if they want to stay with GWI or become VISPO employees. The only threat to a smooth transition is GWI, which

is why we are seeking enforcement of the Transition Policy adopted by the Board in May pursuant to our rights under the expiring contract.

The ECFiber Board has been overseeing things for 17 years, and it's been 14 years of serving customers – over 10,000 of them now. VISPO has a prior ValleyNet CEO involved as well as a new CEO for VISPO whose career includes the buildout of fiber internet for Ireland. Exactly what transpires over the next several months is uncertain, but only because of GWIs inability to gracefully accept its failure to persuade. As for fear or doubt, we have none.

F. X. Flinn
Chair
802-369-0069 | chair@ecvtd.gov

Chris Noble
Vice-Chair

Dan Childs
Treasurer

Jeff Brand
Secretary

Irv Thomae
Executive Committee Member
Chair Emeritus

Jim Masland
Executive Committee Member

Dan Leavitt
Executive Committee Member

Clare Holland
Executive Committee Member

Jerry Ward
Executive Committee Member

Outlook

Re: Questions about Finance Office Overview in July 23 Selectboard meeting packet

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From: Chris Katucki <ckatucki@outlook.com>
Sent: Tuesday, July 22, 2025 9:30 PM
To: Brennan Duffy <BDuffy@norwich.vt.us>
Cc: Select Board <selectboard@norwich.vt.us>; Miranda Bergmeier <MBergmeier@norwich.vt.us>; Mary Layton <marydlayton@gmail.com>; Barrie Rosalinda <brosalinda@norwich.vt.us>
Subject: Questions about Finance Office Overview in July 23 Selectboard meeting packet

Dear Town Manager Duffy:

I have reviewed the financial information in the Finance Office Overview, which is in the Selectboard meeting packet for Wednesday. I have some questions that I hope you would cover as part of your presentation to the Board on this topic.

1. According to the financials, the Town budgeted to receive $6,163,401 in revenue (Packet 149 of 211). However, the budget called for expenditures of $6,868,308 (Packet 166 of 211). Had the budget unfolded as planned, the Town would have overspent revenue by over $700,000. I understand some expenses are paid from designated funds.

- What specific reserve or designated funds (and amounts) did the Town plan to use to cover the shortfall?

- What specific reserve or designated funds (and amounts) did the Town actually tap into last fiscal year?

2. The Town received significant extraordinary revenues this year. The two largest are Hold Harmless State Revenue ($248,577 and 1,604% over budget) and Bank interest ($183,426 and 917% over budget).

- Did these unexpected inflows cause the town to revise its original plans for using reserve funds—specifically, were planned draws on reserves reduced or postponed as a result?
- What accounts for the underestimating (and overestimating) of various inflows? Does the Town need to update its forecasting methodology, particularly for state revenues and interest income?

3. Miscellaneous revenues grew by over 3,000% ($15,416 vs. $500 budgeted). What specific items drove this 3,000% increase in miscellaneous revenues? Should the Town consider adding new categories to the revenue items?

4. The Town received $15,220 in opioid settlement monies. How much has been received in prior years? Are there any plans to use those funds?

Thanks in advance for considering my questions.

Sincerely,
Christopher Katucki

Outlook

Re: Questions about Finance Office Overview in July 23 Selectboard meeting packet

From Priscilla Vincent <priscilla.e.vincent@gmail.com>
Date Tue 7/22/2025 10:13 PM
To Chris Katucki <ckatucki@outlook.com>
Cc Brennan Duffy <BDuffy@norwich.vt.us>; Select Board <selectboard@norwich.vt.us>; Miranda Bergmeier <MBergmeier@norwich.vt.us>; Mary Layton <marydlayton@gmail.com>; Barrie Rosalinda <brosalinda@norwich.vt.us>; kimogriggsnorwichselect@gmail.com <kimogriggsnorwichselect@gmail.com>; mswettselectboard@gmail.com <mswettselectboard@gmail.com>; Marcia Calloway <msbcalloway@gmail.com>

I am so grateful to Chris Katucki for putting into clear words questions I also had, as I reviewed the financials. Every time I ask a question about financials, I am asked please to send the questions in writing, in advance of the meeting. Please accept Chris's memo in lieu of one from me - it is in writing, and this is in advance of the meeting. I am hoping all members of the Selectboard will also wish to have these questions answered.

No one should reply, of course, lest we violate the Open Meeting Law.

I would like to go on record with the Town Manager and the Finance Office as requesting answers to these questions at Wednesday night's meeting.

Priscilla

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Thanks in advance for considering my questions.

Sincerely,
Christopher Katucki

Outlook

RE: Questions about Finance Office Overview in July 23 Selectboard meeting packet

From Brennan Duffy <BDuffy@norwich.vt.us>
Date Wed 7/23/2025 3:54 PM
To Priscilla Vincent <priscilla.e.vincent@gmail.com>
Cc Select Board <selectboard@norwich.vt.us>; Miranda Bergmeier <MBergmeier@norwich.vt.us>; Mary Layton <marydlayton@gmail.com>; Barrie Rosalinda <brosalinda@norwich.vt.us>; kimogriggsnorwichselect@gmail.com <kimogriggsnorwichselect@gmail.com>; mswettselectboard@gmail.com <mswettselectboard@gmail.com>; Marcia Calloway <msbcalloway@gmail.com>

Hi All,

Please see below in red-font answers the questions posed by Mr. Katucki last night and then taken up by Priscilla later last night. A big thank you to Barrie for taking some time out of her day to review and answer these quickly. Several of these have already been asked and answered, some very recently.

1. According to the financials, the Town budgeted to receive $6,163,401 in revenue (Packet 149 of 211). However, the budget called for expenditures of $6,868,308 (Packet 166 of 211). Had the budget unfolded as planned, the Town would have overspent revenue by over $700,000. I understand some expenses are paid from designated funds.
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The $700,000 difference represents the surplus infusion to reduce the tax rate decided upon in FY25.

2. The Town received significant extraordinary revenues this year. The two largest are Hold Harmless State Revenue ($248,577 and 1,604% over budget) and Bank interest ($183,426 and 917% over budget).
- Did these unexpected inflows cause the town to revise its original plans for using reserve funds—specifically, were planned draws on reserves reduced or postponed as a result?
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Ms. Vincent posed a question via email on May 28, 2025 about the Hold Harmless State Revenue. The response to Ms. Vincent was included in the 6-11-2025 Selectboard packet. The item can be found on page 98 of the 6-11-2025 Selectboard packet.

The bank interest earned in 2025 was uncharacteristically higher than the average earned over the previous 23 years. The previous 23 years averaged around $26,000 in earned bank interest.

3. Miscellaneous revenues grew by over 3,000% ($15,416 vs. $500 budgeted). What specific items drove this 3,000% increase in miscellaneous revenues? Should the Town consider adding new categories to the revenue items?

Miscellaneous revenues are often unknown and may be one-time revenues. A major contributor to the increase for FY25 had to do with the results of the Town's worker compensation audit which resulted in a

premium return of $4,962.00.

4. The Town received $15,220 in opioid settlement monies. How much has been received in prior years? Are there any plans to use those funds?

Opiod Revenue in 2024 $13,229.36; and in 2025 $15,220.41.

The 1-22-2025 Selectboard minutes (page 3) discuss the proposed Article 13. Additional comments are also available on page 3 discussing the opioid funds.

Sincerely,

Brennan Duffy, CEcD
Town of Norwich
Town Manager
(802) 649-1419 x117
Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.

From: Priscilla Vincent <priscilla.e.vincent@gmail.com>
Sent: Tuesday, July 22, 2025 10:13 PM
To: Chris Katucki <ckatucki@outlook.com>
Cc: Brennan Duffy <BDuffy@norwich.vt.us>; Select Board <selectboard@norwich.vt.us>; Miranda Bergmeier <MBergmeier@norwich.vt.us>; Mary Layton <marydlayton@gmail.com>; Barrie Rosalinda <brosalinda@norwich.vt.us>; kimogriggsnorwichselect@gmail.com; mswettselectboard@gmail.com; Marcia Calloway <msbcalloway@gmail.com>
Subject: Re: Questions about Finance Office Overview in July 23 Selectboard meeting packet

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Thanks in advance for considering my questions.

Sincerely,
Christopher Katucki

Outlook

Questions about the Period 12 Financials, continued

From Priscilla Vincent <priscillavincentsb@gmail.com>
Date Thu 7/31/2025 11:51 AM
To Brennan Duffy <BDuffy@norwich.vt.us>; Barrie Rosalinda <brosalinda@norwich.vt.us>; Mary Layton <marydlayton@gmail.com>; Marcia Calloway <msbcalloway@gmail.com>; Kimo Griggs <kimogriggsnorwichselect@gmail.com>; Matt Swett <mswettselectboard@gmail.com>; Select Board <selectboard@norwich.vt.us>

I have further questions about the Period 12 financial presented at our last Selectboard meeting on July 23rd.

Differences in Expenditures vs Revenues.

Clarification was given that the $700,000 difference is because of the surplus infusion, in that same amount, that the Selectboard voted to reduce the tax rate. Why, then, does the Period 12 report NOT reflect this $700,000 in the revenue section?

The Significant and Extraordinary Revenues

We were directed to look at page 98 of the 6-11-2025 Selectboard packet to find the answer to this question, which had been asked in advance of that meeting. Page 98 shows that the Vermont Land Use Tax and the Hold Harmless State Revenue were erroneously entered on each other's lines. According to the response, the VT Land Use budget amount, entered as $218,178, should have been $15,495 with $2,015 received at that point. The Hold Harmless State Revenue amount, entered as $15,495, should have been $218,178 with $248,577 received at that point.

Okay - there was an acknowledged bookkeeping error. Why then has this error NOT been corrected since then in the Period 12 budget status report?

I still have other questions about the financials, but these are the two biggest ones in terms of dollar amounts.

Priscilla

Outlook

RE: Questions about the Period 12 Financials, continued

From Brennan Duffy <BDuffy@norwich.vt.us>
Date Wed 8/6/2025 9:30 AM
To Select Board <selectboard@norwich.vt.us>

Hi All,

After further consultation with the Finance Director I am replying to these additional questions for inclusion in the 8/13 Selectboard packet.

Differences in Expenditures vs Revenues.

Clarification was given that the $700,000 difference is because of the surplus infusion, in that same amount, that the Selectboard voted to reduce the tax rate. Why, then, does the Period 12 report NOT reflect this $700,000 in the revenue section?

Surplus is not revenue. It is a balance sheet item.

The Significant and Extraordinary Revenues

We were directed to look at page 98 of the 6-11-2025 Selectboard packet to find the answer to this question, which had been asked in advance of that meeting. Page 98 shows that the Vermont Land Use Tax and the Hold Harmless State Revenue were erroneously entered on each other's lines. According to the response, the VT Land Use budget amount, entered as $218,178, should have been $15,495 with $2,015 received at that point. The Hold Harmless State Revenue amount, entered as $15,495, should have been $218,178 with $248,577 received at that point.

Okay - there was an acknowledged bookkeeping error. Why then has this error NOT been corrected since then in the Period 12 budget status report?

The mix up was in the budget and therefore not changed to ensure the budget represents what the voters approved.

Brennan Duffy, CEcD
Town of Norwich
Town Manager
(802) 649-1419 x117
Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.

From: Priscilla Vincent <priscillavincentsb@gmail.com>
Sent: Thursday, July 31, 2025 11:51 AM
To: Brennan Duffy <BDuffy@norwich.vt.us>; Barrie Rosalinda <brosalinda@norwich.vt.us>; Mary Layton <marydlayton@gmail.com>; Marcia Calloway <msbcalloway@gmail.com>; Kimo Griggs <kimogriggsnorwichselect@gmail.com>; Matt Swett <mswettselectboard@gmail.com>; Select Board

<selectboard@norwich.vt.us>
Subject: Questions about the Period 12 Financials, continued

I have further questions about the Period 12 financial presented at our last Selectboard meeting on July 23rd.

Differences in Expenditures vs Revenues.

Clarification was given that the $700,000 difference is because of the surplus infusion, in that same amount, that the Selectboard voted to reduce the tax rate. Why, then, does the Period 12 report NOT reflect this $700,000 in the revenue section?

The Significant and Extraordinary Revenues

We were directed to look at page 98 of the 6-11-2025 Selectboard packet to find the answer to this question, which had been asked in advance of that meeting. Page 98 shows that the Vermont Land Use Tax and the Hold Harmless State Revenue were erroneously entered on each other's lines. According to the response, the VT Land Use budget amount, entered as $218,178, should have been $15,495 with $2,015 received at that point. The Hold Harmless State Revenue amount, entered as $15,495, should have been $218,178 with $248,577 received at that point.

Okay - there was an acknowledged bookkeeping error. Why then has this error NOT been corrected since then in the Period 12 budget status report?

I still have other questions about the financials, but these are the two biggest ones in terms of dollar amounts.

Priscilla

Outlook

Appealing town listers process

From T Mac <todd.d.morrell@gmail.com>
Date Thu 7/24/2025 11:40 AM
To Select Board <selectboard@norwich.vt.us>

[Some people who received this message don't often get email from todd.d.morrell@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Select Board,

I am writing in frustration with the town lister's recent assessment process. We believe our property is extremely misvalued. Our first communication from the town listers was only an empty envelope containing nothing at all. The second communication took 20 days to arrive. This included the instructions and deadlines to file a grievance. The grievance period closed before we had received our assessment. The town listers made no allowance for failed communication from the town.

We believe the process itself is flawed and has led to our property being inequitably valued compared to our neighbors. We wish to appeal the process itself in the hopes of an equitable valuation.

Thank you for your consideration.
Sincerely,

Todd and Elisabeth Morrell
43 Norwich Meadows #9

todd.d.morrell@gmail.com

Outlook

Appealing Town Listers process

From Cheryl Lindberg <CLindberg@norwich.vt.us>
Date Mon 7/28/2025 7:46 PM
To todd.d.morrell@gmail.com <todd.d.morrell@gmail.com>
Cc Select Board <selectboard@norwich.vt.us>; Listers <Listers@norwich.vt.us>; Brita Vallens <bvallens@norwich.vt.us>; Miranda Bergmeier <MBergmeier@norwich.vt.us>

Dear Todd and Elisabeth,

The Listers can certainly understand your frustration in learning after the fact that you missed the opportunity to grieve your 2025 reappraisal assessment and we can understand your frustration at receiving an empty envelope that should have contained the booklet of the 2025 proposed assessments for all Norwich properties. This was a booklet prepared and mailed by KRT Appraisal, the firm under contract to conduct the 2025 town-wide reappraisal. Unfortunately, yours was not the only empty envelope that KRT mailed, as we received numerous similar complaints. This was particularly disappointing to the Listers, as we did not prepare the mailing although the envelopes had the Norwich Listers return address on them and would appear to be an undertaking that emanated from our office. It did not.

All mailings are sent to the owner of record at their last known address. In your case, the address we have on file for you is an address in Hillsborough, NC. The Listers had no way of knowing that you are now residing at your Norwich Meadows property. It is unfortunate that during your Informal Hearing with KRT on June 12th the KRT Appraisal representative did not notate a change of address request for you. Our review of KRT's worksheet from your meeting confirms this. Any Lister would have gladly accepted your change of address request and updated the software. Therefore, the Change of Assessment (COA) letter dated July 2, 2025 would have been mailed to Norwich and not the North Carolina address.

The COA letter stated that all property owners had until 4:30pm on July 16, 2025, to notify the Listers in writing of their intent to grieve their assessment. When you called our office on Tuesday, July 22, you were informed that the deadline to grieve your 2025 assessment had passed and that the next opportunity to notify the Listers of your intent to grieve your assessment would be for the 2026 Grand List. You were also asked to send a written request to the Listers to change your address in our records so that all future mailings would reach you in a more timely manner. We will use your July 24, 2025 email to the Selectboard as a notice of your change of address.

No process is perfect and the 2025 reappraisal by KRT has had its share of missteps and mistakes. We hope that you can understand that the Listers, who are your neighbors as well as Norwich property owners and taxpayers, do understand how stressful and fraught this reappraisal process has been for everyone.

Respectfully,

Cheryl Lindberg, Pamela Smith & Ernie Ciccotelli
Norwich Board of Listers

Please note that this email message, along with any response or reply, is considered a public record, and thus is subject to disclosure under the Vermont Public Records Law (1 V.S.A. §§ 315-320).

Q2 Town Clerk Update
Submitted 7/25/25

Licensing:

1. **Dogs:** 577 licenses issued as of June 30th – 249 of those licenses were issued in Q2.
2. **Hunting and Fishing:** We sold 29 Hunting, Fishing or Combo licenses, netting the town a whopping $43.50 (while the state got $1,144.50).
3. **Marriages:** We issued five marriage licenses in Q2.

Land Records:

1. **Online Hosting:** Our contract with COTT Systems, the company that hosts our land records online, was due for renewal in June. After offering 7-8% increases in each of their last three renewal cycles since 2012, this year they proposed a 34% increase on a 3 year contract, as well as a shift from monthly payments to yearly payments. (See chart below.)

Year of Contract	Term	Cost per month	# instruments	# pages	Total Storage Images	Total Storage GB
2012	48	225	1000	--	--	--
2016	36	241	980	3870	--	--
2019	36	260	855	3475	--	--
2022	36	280	825	3630	106,335	10
2025 (proposed)	36	390	810	2930	140,370	13

Given the arbitrary nature of the proposed increase, I've elected to invoke an automatic rollover clause for the term of one year. This increases our monthly costs by 10% - from $290 to $319 per month - for the next year. I can continue doing this for as many years as we want. I'm also looking at other land record hosting companies, as well as the possibility of switching between COTT products. We currently use their legacy software, ResolutionIII, and it might

make sense to switch to their newer, web-based system, RecordRoom. ResolutionIII is overpowered for what we use it for, and we're paying a premium to have access to features we don't use.

2. **Recording:** 492 instruments totaled 977 pages of recording (plus three maps). This brought in $10,755 in revenue, of which $7,895 goes to the general fund, and $2860 goes to the Restoration fund.
3. **Research and printing revenue:** We hosted 26 hours of research time in Q2. Researchers made 545 pages of copies at $1 per page.
4. **Scanning:** Currently scanning maps. We had a few hundred un-scanned maps from the 1920s to the 1980s; we are working through these as time permits.

NEH preservation assistance grant: this grant, for $6,692.58, was terminated by the current federal administration because it "no longer effectuated the goals" of the NEH. We had spent all but $200 of the grant money, and have successfully received reimbursement for what we spent.

Trainings and conferences:

1. **Vermont Municipal Clerks' and Treasurers' Association**: Helped organize (as part of the VMCTA Education Committee) and attended the Spring Training days in West Rutland and Danville in April.
2. **BCA Training:** Along with much of the Board of Civil Authority, I attended a training on property tax assessment appeals in May to better prepare us for this summer's anticipated high number of appeals.
3. **VEMS Training:** Vermont rolled out a new online election management system in May, and all clerks were required to attend a four hour training. I'm happy to say that the new program is much like the old program – its most notable improvement is being able to hit "enter" to search instead of having to tab over to the "submit" button. It's the small things.

From: Edith Forbes
To: Select Board
Subject: dog ordinance thank you
Date: Tuesday, July 29, 2025 5:30:47 PM

[Some people who received this message don't often get email from edithforbes212@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

To the Norwich Selectboard,
Thank you so much for taking time to listen to the community and work through to a reasonable solution to the Huntley Meadow/dogs question. To my eye, it looks like you have reached a fair compromise between dog owners and community members uncomfortable with dogs.

I wish all levels of government could function this way!

Best,
Elfie Forbes (dog owner)

Outlook

capital planning memo for SB 8/13/25 packet

From Jaan Laaspere <laaspere.planning@gmail.com>
Date Mon 8/4/2025 10:38 AM
To Select Board <selectboard@norwich.vt.us>; Brennan Duffy <BDuffy@norwich.vt.us>; Miranda Bergmeier <MBergmeier@norwich.vt.us>; Brita Vallens <bvallens@norwich.vt.us>

Please include the following in the packet for the 8/12/25 Selectboard meeting.

To: Norwich Selectboard
From: Jaan Laaspere, Chair, Norwich Planning Commission
Re: Capital planning
Date: August 4, 2025

At our July 8, 2025 meeting the Planning Commission agreed to begin a capital planning activity. Our current town plan does not include a capital plan element, which we believe would be a very useful addition and provide long range context for the town's annual budgeting process.

State statute describes the three components necessary for a comprehensive capital planning process and enables these for municipalities.

- Utility & Facilities plan
- Capital program (5 year plan)
- Capital plan (1 year plan)

The first stage is to establish a baseline of town capital assets in a utility & facilities plan. This element is described in 24 V.S.A. 117 § 4382 (a) (4) as:

> "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."

Many elements of this list already exist within our town departments. Assembling these data into a comprehensive package will identify missing pieces and prepare the data for use in the next stages of capital planning. The PC hopes to work with groups and departments in town in a collaborative exercise to create the full list.

The first data gathering collection phase can be done with a minimum of impact on town staff, given that the Planning Commission has volunteered to do much of the legwork.

The Planning Commission is committed to this long-term project and brings unique skills and perspectives to the work. To be successful, this effort must include the Selectboard and town staff under the direction of the Town Manager, along with interested residents as the process progresses.

We welcome an opportunity to discuss this topic in detail with the Selectboard, including how best to proceed together, and will make PC representatives available whenever you can make time on your agenda.

We look forward to embarking on this important and valuable project. It promises to streamline the annual budgeting process while enabling long term projects and encouraging responsible stewardship of the town's finances.

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[Please note that this email message, along with any response or reply, is considered a public record, and thus subject to disclosure under the Vermont Public Records Law (1 V.S.A. §§ 315-320) This is not intended to be a legal document]

Outlook

Solar Siting subcommittee charge

From Jaan Laaspere <laaspere.planning@gmail.com>
Date Mon 8/4/2025 10:45 AM
To Select Board <selectboard@norwich.vt.us>; Brennan Duffy <BDuffy@norwich.vt.us>; Miranda Bergmeier <MBergmeier@norwich.vt.us>; Brita Vallens <bvallens@norwich.vt.us>

Please include the following in the packet for the Aug 13th Selectboard meeting.

———

In the Selectboard draft minutes for July 23 it states that the Selectboard handbook draft may be approved at your next meeting. Before approving this document, you should be aware that the charter for the Planning Commission solar siting subcommittee, included as a placeholder in the handbook draft, has not been approved by either the Planning Commission or the solar siting subcommittee.

There is a full charter for this subcommittee which was approved by the Planning Commission in September 2023. Possible updates to this charter were discussed at our most recent subcommittee meeting and we will be discussing an updated charge statement at our August 12th Planning Commission meeting.

Given that the Selectboard meeting is the next night, we cannot get the results of this discussion into your packet, but the PC Chair will be prepared to report verbally on our discussion at the Aug 13th Selectboard meeting to be included in your handbook discussion.

Thank you,
Jaan Laaspere
Chair, Norwich Planning Commission
--

[Please note that this email message, along with any response or reply, is considered a public record, and thus subject to disclosure under the Vermont Public Records Law (1 V.S.A. §§ 315-320) This is not intended to be a legal document]

5 August 2025

Harry Falconer
Shared Energy Coordinator (SEC)
hfalconer@trorc.org
802-457-3188 x3013

Re: SEC Quarterly Report FY25 Q4 – Town of Norwich

Hours billed to Norwich this quarter: 171
Hours remaining on FY25 contract: 0

Norwich Projects

- **ChargeVermont Grant for Norwich Senior Housing**
  - During Q3, SEC approached Norwich Senior Housing to ask if they were interested in applying for the ChargeVermont program, which funds the installation of electric vehicle chargers at affordable housing complexes.
  - SEC applied for and won a grant of $25,040 for Norwich Senior Housing and coordinated with NorwichEV (a division of Norwich Technologies) to install the equipment. The equipment was installed in late July and is pending final commissioning as of this writing.
  - The total project cost is $30,956. The state's contribution, coupled with a $1,500 incentive rebate from Green Mountain Power, brings the out-of-pocket cost down to just $4,416 for Norwich Senior Housing.
- **Privately Funded DC Fast Charging Station**
  - During Q3, the Norwich Energy Committee was approached by a local funder who is interested in building an electric vehicle fast charging station somewhere in Norwich Village. SEC offered to assist the donor in finding a feasible site host and equipment installer, and in exploring tax incentives and low-interest loan programs to help reduce the upfront cost of the project.
  - SEC first approached the Town of Norwich and the Norwich Public Library to explore publicly-owned sites. Both options were ruled out due to physical constraints and infrastructure feasibility challenges. After approaching several privately-owned sites, the funder has decided to move forward with Dan & Whit's. Site visits with Next Level Electric, the prospective equipment installer, and Green Mountain Power were conducted in June.
  - Next Level Electric is currently facing supply chain bottlenecks with their preferred equipment provider. If an alternative provider is secured soon, Next Level hopes to install the equipment before the end of 2025.
- **Pedestrian and Bike Counters**
  - TRORC recently purchased a set of TRAFx infrared pedestrian and bicycle counters. The Norwich Main Street corridor across the Ledyard Bridge into Hanover is one of the highest potential bike and pedestrian commuting corridors in the TRORC region given the close proximity of jobs to the dense residential cluster of Norwich Village.

- SEC plans to deploy the counters on Route 10A in Norwich to generate data on pedestrian and bicycle traffic. This data will be useful for future grant applications aimed at enhancing the corridor's bicycle and pedestrian facilities to encourage further use. SEC currently plans to install the counters in September when Dartmouth returns to session.

Shared Projects

- **Residential Building Energy Standards (RBES) Outreach & Education**
  - As part of SEC's ongoing effort to educate town officials about the 2024 update of the Residential Building Energy Standards (RBES), Vermont's home energy performance building code, SEC sent targeted outreach messages to each town's zoning administrator in Q4. The messages included an updated version of the one-page RBES info sheet created by SEC and encouraged the ZAs to attend an RBES education webinar targeted at municipal officials, which was hosted by Chittenden County RPC and Energy Futures Group in May.
  - Periodic follow-up with zoning administrators to answer questions about the RBES will occur in FY26.

Outlook

Status update on Grand List filing and subsequent timing

From Brennan Duffy <BDuffy@norwich.vt.us>
Date Wed 8/6/2025 7:16 AM
To Listers <Listers@norwich.vt.us>
Cc Mary Layton <marydlayton@gmail.com>; Miranda Bergmeier <MBergmeier@norwich.vt.us>; Brita Vallens <bvallens@norwich.vt.us>; Barrie Rosalinda <brosalinda@norwich.vt.us>; Select Board <selectboard@norwich.vt.us>

Dear Listers,

I am writing this morning requesting an update on status for the Town's Grand List filing with the Town Clerk.

We will be meeting later today with Mary to set a draft agenda for the 8/13 Selectboard meeting and/or will need to plan for a special Selectboard meeting to set the tax rate late next week. As you are aware, the Grand List filing is the critical step that will allow the billing process to begin.

In order to ensure proper time and accuracy is allowed the Finance Office has requested a day's lead time to calculate the tax rate before this will go to the Selectboard for their review and approval.

That said, can you provide an update on timing for the filing.

Will the Grand List be submitted something early next week, prior to the 8/13 SB meeting, where this item could be placed on that agenda?

If not, my understanding is that Thursday, 8/14 is the statutory deadline for the filing, is it likely that the Grand List will be filed on that day? If so, is there an estimate of at what time of day that might occur?

A prompt response to this enquiry is requested so that we can plan accordingly for the work ahead.

Sincerely,

Brennan Duffy, CEcD
Town of Norwich
Town Manager
(802) 649-1419 x117
Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.

Outlook

RE: Status update on Grand List filing and subsequent timing

From Cheryl Lindberg <CLindberg@norwich.vt.us>
Date Wed 8/6/2025 9:27 AM
To Brennan Duffy <BDuffy@norwich.vt.us>; Listers <Listers@norwich.vt.us>
Cc Mary Layton <marydlayton@gmail.com>; Miranda Bergmeier <MBergmeier@norwich.vt.us>; Brita Vallens <bvallens@norwich.vt.us>; Barrie Rosalinda <brosalinda@norwich.vt.us>; Select Board <selectboard@norwich.vt.us>

The Listers are right up against the **AUGUST 15th deadline** for lodging the Grand List.

KRT must address three significant grievances on which the Listers are waiting their deliberative feedback in order to send that decision along with the other 190 letters.

Once all deliberative sessions are done, we must transfer assessment data between three software systems, reconcile them, print grievance decision letters and prepare them for mailing with a Certificate of Mailing. We anticipate needing Friday, August 15, to finalize the process, but if there is a chance to lodge and mail on an earlier day, we will keep you posted.

Cheryl, Pam & Ernie
Board of Listers
Town of Norwich

From: Brennan Duffy <BDuffy@norwich.vt.us>
Sent: Wednesday, August 6, 2025 7:17 AM
To: Listers <Listers@norwich.vt.us>
Cc: Mary Layton <marydlayton@gmail.com>; Miranda Bergmeier <MBergmeier@norwich.vt.us>; Brita Vallens <bvallens@norwich.vt.us>; Barrie Rosalinda <brosalinda@norwich.vt.us>; Select Board <selectboard@norwich.vt.us>
Subject: Status update on Grand List filing and subsequent timing

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Sincerely,

Brennan Duffy, CEcD
Town of Norwich
Town Manager
(802) 649-1419 x117
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