

**RE: TOWN OF Norwich, VERMONT
PLAN REVIEW
CASE # FY 20-9**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Norwich, Vermont requested TRORC to review and approve the Norwich Town Plan adopted on March 7, 2020. The Plan encompasses all land in the Town of Norwich, and is referred to hereinafter as the Plan.

Section 4350 provides that prior to approving a Plan, the Regional Commission find that the Plan meets four tests. These tests are that the Plan is:

- A. Consistent with the planning goals in Section 4302 of Chapter 117;
- B. Compatible with the Regional Plan;
- C. Compatible with the approved plans of other municipalities within the Region; and
- D. Inclusive of all elements required of a plan as set forth in 24 V.S.A., Section 4382.

Staff reviewed this Plan and offers the following information to the Board. TRORC scheduled and held a Public Hearing on this review on April 22, 2020 in Woodstock, Vermont. This matter is now ready for decision.

This review is based upon the Town Plan as adopted.

FINDINGS

A. Is the Plan consistent with the planning goals?

NOTE: "Consistent with the goals" requires substantial progress toward attainment of the goals, unless the planning body determines that a particular goal is not relevant or attainable. If such a determination is made, the planning body shall identify the goal in the plan and describe the situation, explain why the goal is not relevant or attainable, and indicate what measures should be taken to mitigate any adverse effects of not making substantial progress toward that goal.

General Goals

1. Are municipal decisions guided by a coordinated, comprehensive planning process and policy framework?

Yes. The 2020 Norwich Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 10 distinct chapters that are required under V.S.A. Title 24, Ch. 117, §4382. Required goals of the Plan are under V.S.A. Title 24, Ch. 117, §4302.

2. Is citizen participation encouraged at all levels of the planning process?

Yes. Section 1.3 explains the planning process and surveys, workshops, meetings, and public hearings in which citizens participated and contributed to this Plan.

3. Is consideration being given to the use of resources and the consequences of growth and development?

Yes. The objective "Plan development to maintain the historic settlement pattern of compact downtowns and village centers separated by rural countryside" appears in both the Land Use chapter and the Economic Development chapter. This objective is supported by related policies and actions throughout both chapters.

4. Is the municipality working creatively together with other municipalities to develop and implement plans?

Yes. There are multiple actions listed throughout the Plan showing how the Town is working with other neighboring towns and organizations on several issues including river basin plans (Land Use 2-3.b), business recruitment (5-3.d), and transportation (6-2.i).

Specific Goals

A plan for a municipality may be consistent with the goals established in section 4302 of this title, which are:

1. Planning for development needs to be conducted so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

a. Is intensive residential development being encouraged primarily in areas that are identified as community centers, and is strip development along highways being discouraged?

Yes. An objective within the Land Use chapter is to "Increase the diversity and total stock of housing in Norwich by directing more intensive residential development to areas in, or adjacent to, the village while discouraging strip development along highways" (2-1.b)

b. Is economic growth being encouraged in locally designated growth areas or being employed to revitalize existing urban or village centers, or both?

Yes. The Economic Development section contains the objective to "Ensure the economic vitality of the village business district, so residents can continue to access goods and services within proximity of their homes" (5-1.c).

c. Are public investments, including the construction or expansion of infrastructure, being made so as to reinforce the general character and planned growth patterns of the area?

Yes, it is an objective of the Plan to “Plan development to maintain the historic settlement pattern of compact downtowns and village centers separated by rural countryside” (2-1.a).

d. Is development being undertaken in accordance with smart growth principles?

Yes. The Land Use chapter contains the objective to “Preserve rural character and working lands throughout the existing rural areas of town by developing in accordance with smart growth principles” (2-1.c).

2. Does the Plan provide for a strong and diverse economy; provide satisfying and rewarding job opportunities that maintain high environmental standards; and expand economic opportunities in areas with high unemployment or low per capita incomes?

Yes. The Plan contains an objective to “Provide a strong and diverse economy that provides satisfying and rewarding job opportunities, maintains high environmental standards, and expands economic opportunities” (5-1.b). There is also an objective to “Expand economic opportunities for individuals and households on lower and middle incomes” (5-1.d). This is supported by related policies and actions in the Economic Development section. The Plan does not specifically mention expanding opportunities in areas with high unemployment.

3. Does the Plan broaden access to education and vocational training opportunities for residents identified in the Plan?

Yes, the Facilities & Services chapter contains the objective to “Support provision of quality childcare (pre-K through grade six), education, vocational training and recreation services” (7-2.f).

4. Planning needs to provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.

a. Does the Plan provide that highways, air, rail, and other means of transportation be mutually supportive, balanced and integrated?

Yes, in the Transportation section (chapter 6). This section plans for roads, public transit, and paths for pedestrians and bicyclists that serve the town and connect to the region. It also describes resident access to the regional bus system, inter-city bus service to cities with airports, and Amtrak train service.

5. Planning needs to identify, protect, and preserve important natural and historic features of the community’s landscape.

a. Have special areas been identified, including significant natural and fragile areas; outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands; significant scenic roads, waterways, and views; and important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas?

Yes, in the Land Use section (chapter 2). There is an objective to “Identify, protect, and preserve important natural and historic features of the Norwich landscape, including: significant natural and fragile areas, outstanding water resources (including rivers, aquifers, shorelands and wetlands), significant roads, waterways and views, important historic structures, sites or districts (including archaeological sites)”. Efforts to protect and preserve identified important features can be found in the chapter’s list of policies and actions.

6. Planning needs to maintain and improve the quality of air, water, wildlife and land resources.

a. Are air, water, wildlife, mineral and land resources being planned for development and use under the principles set forth in Act 250?

Partially. The Plan plans for air, water, and land resources throughout, but as well as habitat connectors for wildlife, but does not address mineral resources.

b. Is water quality being maintained and improved on according to the policies and actions set forth in the basin plans?

Yes, it is a policy within the Land Use section to “Participate in state, federal and other efforts to protect the Connecticut River, including basin plans provided for under 10 VSA §1253.” (2-3.b).

c. Are forestlands managed so as to maintain and improve forest blocks and habitat connectors?

Yes. Forest blocks and habitat connectors are discussed in section 2.6 of the Land Use chapter. This chapter contains an objective to “Encourage and strengthen Norwich forestlands by maintaining and improving forest blocks and habitat connectors” as well as policies to “Guide development away from priority forest blocks and discourage fragmentation or subdivision of land within those blocks that would adversely impact natural resource values” and “Develop a plan to address any potential conflicts between existing or proposed development on the edge of the village and mapped forest blocks.”

7. Planning needs to make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.

a. Are general strategies included for achieving these goals to include increasing energy efficiency of new and existing buildings; identifying areas suitable for renewable energy generation; encouraging the use and development of renewable or lower emission energy sources for electricity, heat, and transportation; and reducing transportation energy demand and single occupancy vehicle use?

Yes, these strategies are found in the objectives and policies of the Energy section (chapter 3).

b. Are specific strategies and recommendations for achieving these goals identified in the State energy plan included in the Plan?

Yes, the specific strategies are found in the actions of the Energy section (page 22).

8. Planning needs to maintain and enhance recreational opportunities for residents and visitors.

a. Is growth being planned so as not to significantly diminish the value and availability of outdoor recreational activities?

Yes. The Facilities and Services section (chapter 7) has a policy to “Promote the development and use of a connected system of trails for recreation and enjoyment of natural and scenic areas in Norwich” and the Transportation section (chapter 6) has a policy to “Maintain town ownership of Class 4 roads and legal trails as a public recreation resource.”

b. Has public access to non-commercial outdoor recreational opportunities, such as lakes and hiking trails, been identified, provided, and protected wherever appropriate?

Yes, the Plan does contain a mention of public access to recreational opportunities in its objective to “Interconnect the existing system of trails for access to nature for Norwich residents and visitors” (Land Use 2-1.f).

9. Planning needs to encourage and strengthen agricultural and forest industries.

a. Have strategies to protect long-term viability of agriculture and forestlands been encouraged, including maintaining low overall density?

Yes. There are policies and actions in the Land Use section to “Encourage and support continued permanent conservation of farmland, forest land and natural areas” (2-2.h) and “Maintain the rural character of Norwich by preserving working lands and forests” (2-3.a.i).

b. Has the manufacture and marketing of value added agricultural and forest products been encouraged?

Yes, these are encouraged in the Economic Development section with the objectives to “Encourage the manufacture and marketing of agricultural (especially locally grown food) and forest industries” (5-1.e) and “Support agricultural and forest industries by encouraging participation in the Vermont Use Value Appraisal (UVA) Program, (current use) and conservation easements through the Upper Valley Land Trust” (5-3.f).

c. Is the use of locally-grown food products encouraged?

Yes. The Economic Development section contains the objective to “Encourage the manufacture and marketing of agricultural (especially locally grown food) and forest industries” (5-1.e).

d. Are sound forest and agricultural management practices encouraged?

Yes. The Plan calls for the “conservation of primary agricultural soils for current and

future agricultural use” (2-2.d) as well as to “provide residents with information on managing forest land for long-term, sustainable harvesting of wood” (3-3.h).

e. Are public investments planned so as to minimize development pressure on agricultural and forest land?

Yes. The plan encourages the “conservation of primary agricultural soils for current and future agricultural use” (2-2.d). There is a policy to “Guide development away from priority forest blocks and discourage fragmentation or subdivision of land within those blocks that would adversely impact natural resource values, including absorption and sequestration of carbon dioxide” (2-2.b).

10. Does the plan provide for the wise and efficient use of natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetics of the area?

The Plan encourages “use of conservation subdivision design and low-impact development practices in the rural areas of town in order to protect and conserve natural resources” (2-2.g). The Plan does not mention the extraction of earth resources or restoration of aesthetics.

11. Planning needs to ensure the availability of safe and affordable housing.

a. Is housing encouraged to meet the needs of a diversity of social and income groups, particularly for those citizens of low and moderate income?

Yes. The Housing chapter contains the objective to “Ensure the availability of safe and affordable housing in Norwich which will meet the needs of diverse social and income groups, particularly for low and moderate income households” (4-1.a). The Plan shows that the Town intends to support this objective by encouraging the development of dedicated affordable housing, facilitating the development of lower-cost housing types, reducing barriers to the development of new housing, and expanding public understanding of housing issues (page 31).

b. Does the plan provide for new and rehabilitated housing to be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities?

Yes. It is an objective within the Housing chapter to “Encourage new and rehabilitated housing conveniently located to employment and commercial centers, and coordinated with the provision of public facilities and utilities” (4-1.b).

b. Are sites for multi-family and manufactured housing readily available in similar locations to those generally used for single-family conventional dwellings?

Yes, this is explicitly addressed in the Housing section with the objective to “Allow for multi-family and manufactured housing in locations similar to those generally used for single-family conventional dwellings” (4-1.d).

c. Does the plan provide for accessory apartments within or attached to single family residences allowing close proximity to cost-effective care and supervision for

relatives or disabled or elderly persons?

The Plan does provide for accessory apartments in the Housing section (chapter 4), but does not directly tie the availability of accessory apartments to the opportunity for cost-effective care and supervision for relatives or disabled or elderly persons.

12. Planning needs to plan for, finance, and provide an efficient system of public facilities and services to meet future needs.

a. Do public facilities and services address plans for such services as fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal?

Yes, the Facilities and Services section (chapter 7) addresses the services of fire and police protection, schools, water supply, wastewater, and solid waste disposal. The Plan does not mention emergency medical services.

b. Does the rate of growth exceed the ability of the town and the area to provide facilities and services?

No.

13. Does the plan ensure the availability of safe and affordable child care and integrate child care issues into the planning process, including childcare financing, infrastructure, business assistance for child care providers, and child care work force development?

Yes. Child care is addressed within the Facilities and Services section (chapter 7). The Plan wishes to “develop cohesive approaches for early childcare through sixth grade” (7-1.c) as well as policies to “support provision of quality childcare” (7-2.f) and “support the viability of high-quality infant and toddler care as a mechanism to make Norwich accessible for families of a wide range of income levels” (7-2.g). These objectives and policies are further supported with specific actions the Town can take to have a role in promoting opportunities and choices for parents in need of childcare (7-3.e).

14. Planning needs to encourage flood resilient communities.

a. Is new development in identified flood hazard, fluvial erosion, and river corridor protection areas avoided? If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.

The Resilience section (chapter 8) contains policies to “guide development of new structures and impervious areas away from surface waters and encourage landowners to maintain or establish riparian buffers” (8-2.a) and to “site public and private critical facilities outside of floodplains where feasible” (8-2.b).

b. Is the protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion encouraged?

It is an objective within the Resilience section (chapter 8) to “Protect and restore floodplains and upland forest areas that attenuate and moderate flooding and fluvial

erosion (8-1.c).

c. Are flood emergency preparedness and response planning encouraged?

Actions within the Resilience section (chapter 8) address emergency preparedness and response planning, listing Town actions including to “Update and readopt the Norwich All Hazards Mitigation and the Emergency Operations Plan” (8-3.c) as well as to “Implement the hazard mitigation programs, projects and activities identified in the Norwich 2015 All Hazard Mitigation Plan” (8-3.d)

B. Is the Municipal Plan Compatible with the Regional Plan?

The Two Rivers-Ottawaquechee Regional Plan was adopted on July 26, 2017 and it will remain in effect until August 31, 2025.

The Norwich Town Plan is found to be compatible with the Two Rivers-Ottawaquechee Regional Plan. As used in this review, the term "compatible with" has been defined (in Section 4302) as meaning: that the Plan in question, as implemented, will not significantly reduce the desired effect of the implementation of the other plan (emphasis added). If a Plan, as implemented, will significantly reduce the desired effect of the other Plan (in this case, the Regional Plan), the Plan may be considered compatible if it includes the following:

- (a) a statement that identifies the ways that it will significantly reduce the desired effect of the other Plan;
- (b) an explanation of why any incompatible portion of the Plan in question is essential to the desired effect of the Plan as a whole;
- (c) an explanation of why, with respect to any incompatible portion of the Plan in question, there is no reasonable alternative way to achieve the desired effect of the Plan; and
- (d) an explanation of how any incompatible portion of the Plan in question has been structured to mitigate its detrimental effects on the implementation of the other Plan.

C. Is the Plan Compatible with Approved Plans of other Municipalities in the Region?

At the time of review of this Norwich Town Plan, the following municipalities have Plans approved by the Two Rivers-Ottawaquechee Regional Commission that are in effect:

Barnard, Bradford, Braintree, Bridgewater, Brookfield, Chelsea, Fairlee, Granville, Hartford, Hartland, Newbury, Pittsfield, Plymouth, Pomfret, Randolph, Rochester, Royalton, Sharon, Stockbridge, Strafford, Tunbridge, Vershire, West Fairlee, and Woodstock.

These approval decisions and Plans have been reviewed in the context of the above question. Based on this, we find the Norwich Town Plan to be compatible with these Plans.

D. Municipal Plan Elements - Are They Included?

A plan for a municipality shall include the following required elements. These elements or components are, in summary:

- (a) a statement of overall objectives and policies;
- (b) a land use plan;
- (c) a transportation plan;
- (d) a utility and facility plan;
- (e) a statement of policies for "special resources";
- (f) an education plan;
- (g) an implementation program;
- (h) a statement on relationship of plan to trends and plans for adjacent towns and the region;
- (i) an energy plan; and
- (j) a housing plan.
- (k) an economic development plan
- (l) a flood resiliency plan

1. A statement of objectives, policies and programs of the municipality, to guide the future growth and development of land, public services and facilities, and to protect the environment.

The Plan, in its totality, provides a series of statements of objectives, policies, and programs to guide future growth and development while also protecting the environment in each individual element.

2. A land use plan, consisting of a map and statement present and prospective land use, indicating those areas proposed for forests, recreation, agriculture, (using 6 VSA Section 8), residence, commerce, industry, public and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; set forth the present and prospective location, amount, intensity and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services; and indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests.

The Land Use section (pp. 4-20) serves as a land use plan. This section also has multiple maps including Current Land Use (pp. 12-13), Future Land Use (pp. 19-20), Housing (p. 14), Protected Lands (pp.15-16), Water Resources (p. 17), and Forest Blocks (p. 18).

3. A transportation plan, consisting of a map and a statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, with indications of priority of need.

The Transportation section (pp. 40-44) serves as a transportation plan. It is accompanied by a Transportation map (p. 44).

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

The Facilities and Services section (pp. 45-52) serves as a utility and facility plan. It is accompanied by a Community Facilities map (pp. 51-52).

5. **A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources.**

Natural areas, scenic and historic features and resources are addressed in the Land Use section (pp. 4-20).

6. **An educational facilities plan consisting of a map and a statement of present and projected uses and the local public school system.**

The educational facilities plan can be found within the Facilities and Services section (pp. 45-52) and the Community Facilities map (pp. 51-52).

7. **A recommended program for the implementation of the objectives of the development plan.**

The Implementation Program section (pp. 56-60) serves as a recommended program for the implementation of the objectives of the development plan.

8. **A statement indicating how the plan relates to development trends and plans for adjacent municipalities, areas and the region developed under Title 24.**

This is addressed in the Land Use chapter, stating "There are no proposed changes to zoning districts or land use policies that will affect the neighboring towns of Thetford or Sharon" (p. 10).

9. **An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy.**

The Energy section (pp. 21-29) serves as an energy plan for the Town.

10. **A housing element that shall include a recommended program for addressing low and moderate income persons' housing needs as identified by the regional planning commission pursuant to Section 4348a (a) (9) of Title 24.**

The Housing section (pp. 30-36) addresses the Town's needs for low- to moderate-income housing opportunities.

11. An economic development element that describes present economic conditions and the location, type and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.

The Economic Development section (pp. 37-39) describes Norwich's present and desired economic conditions along with the programs necessary to foster additional economic growth.

12. A flood resilience plan that identifies flood hazard and fluvial erosion hazard areas and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and recommends policies and strategies to protect the areas identified and designated and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.

The Resilience section (pp. 53-55) serves as the flood resilience plan.

CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Norwich Town Plan be approved. This approval shall remain in effect until the date that the Plan expires, or until it is amended or readopted and reviewed pursuant to these provisions, whichever occurs first.

DISCUSSION

TRORC appreciates the opportunity to formally evaluate the Norwich Town Plan. The Plan is all-inclusive, reflecting the community's planning capabilities and the import that they assign to issues around development.

Prior to issuing a Permit under Act 250, the District Environmental Commission or Environmental Court must find that the project is in conformance with the duly adopted Town Plan. This Plan includes clear, unambiguous language regarding current and proposed land use that can be reviewed by these bodies as part of an Act 250 project application. It is important that future Norwich Town Plans maintain their currency as Plans that have been found to be vague, unclear, or ambiguous do not carry much weight in Act 250 permit proceedings.

The 2004 Vermont State Legislature passed Act 115 that made significant amendments to the Vermont Municipal and Regional Planning and Development Act. The most notable changes, in the context of this review, are that Town Plan and Zoning Bylaws are now held to a higher standard of consistency. From 24 V.S.A. §4303 Definitions:

“**Conformance with the Plan**’ means a proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:

- (a) Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.

- (b) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.
- (c) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.”

The 2020 Norwich Town Plan is an improvement from the 2018 Town Plan. The Plan's Energy chapter has been improved by providing a more detailed analysis. The Economic Development section has been expanded to include policies and action items to support its objectives. The Plan now does a better job of encouraging multifamily housing, provides more clarity in the land use sections, and the child care section is now more detailed and actionable.

Comments and suggested improvements for the next iteration of the Norwich Town Plan:

1. The Plan could be improved throughout by providing estimates for costs to the Town, particularly for energy and utility and facility needs.
2. The Plan could be improved by planning for mineral resources.
3. The Plan could be improved by addressing its relationship to other plans (neighboring municipalities and the regional plan) more thoroughly.
4. The Plan could be improved by planning for health and medical services.

Dated this 22nd day of April, 2020 at Woodstock, Vermont.

By: Peter G. Gregory
Peter G. Gregory, AICP, Executive Director