

Ex. NN-Cross-3

NORWICH PLANNING COMMISSION
Tuesday July 13, 2021, 6:30pm

DRAFT MINUTES

Zoom Meeting:

<https://us02web.zoom.us/j/89339717735>
Meeting ID: 893 3971 7735

Physical meeting location: small conference room, Tracy Hall

Members Present: Brian Loeb, Jaci Allen, Jeff Lubell, Leah Romano, Melissa Horwitz, Jeff Goodrich, Ernie Ciccotelli
Public Present: Troy McBride, Ryan Darlow, Brendan Malley, Claudette Brochu, Linda Cook
Staff: Rod Francis

Meeting Opened: 6:34pm

1. Approve Agenda:

Lubell moved and Ciccotelli seconded a motion to approve the agenda Motion carried 6 – 0 – 1. For: Allen, Loeb, Lubell, Romano, Horwitz, Ciccotelli. Abstain: Goodrich.

2. Public Comment: none

3. Norwich Technologies Upper Loveland Rd solar installation:

Francis provided an overview of his memo outlining the process and standard of review for the proposed solar generation project. In particular that the Norwich Zoning Regulations only address the visual impact of development as experienced by road users on town roads, state highways and the interstate (I-91). Possible impacts to other natural and cultural resources are not part of the review. In addition, the standard calls for “minimal adverse impact” from development, which is similar to the “no undue adverse impact” standard found in criterion eight of Act 250 review, which in turn is used by the Public Utility Commission (PUC, the regulating body for the proposed project) in Section 248 hearings. This standard allows for some impact from development.

Troy McBride of Norwich Technologies introduced the project and presented a study of visual impact including slides portraying the proposed site super-imposed on arial photographs and viewshed analysis that demonstrated the proposed solar installation was not be visible from Upper Loveland Road, Route 5 North or I-91.

Goodrich commented that there was no evidence of a wetland scientist reviewing the possible impact of the project, therefore he could not support the application.

McBride responded that a wetland scientist will be characterizing the site in preparation for the Section 248 Certificate of Public Good (CPG) hearing where the Vermont Agency of Natural Resources (ANR) is a party to the proceedings. ANR has jurisdiction over wetlands in Vermont.

Ciccotelli commented that the site was already disturbed with an electric transmission line and mobile telecommunications tower, so he has no real concerns.

Romano asked what the anticipated timeline would be.

McBride said that the 45-day notice will likely be released before the end of the week allowing the Town and residents to comment on the project direct to the PUC. Meanwhile, he hoped the planning commission and selectboard would be able to provide a support letter on behalf of the project as required by PUC procedure. Then they would submit an application for reviewed by the Public Service Department (PSD). Assuming approval he expected a Section 248 hearing will occur in July 2022 and construction to commence in July 2023.

Commissioners continued to discuss the question of potential wetland impacts. Francis reminded them that this was outside the scope of their review and would be addressed in the Section 248 CPG application (and review).

Horwitz moved and Ciccotelli seconded a motion that the Planning Commission recommend to the selectboard a letter of support be provided for Norwich Technologies for their proposed solar generation project on Upper Loveland Road. Motion carried 6 – 0 – 1. For: Ciccotelli, Allen, Loeb, Lubell, Romano, Horwitz. Abstain: Goodrich.

4. Announcements, Reports, Updates & Correspondence:

Loeb informed the meeting that the Childcare Committee was still preparing an interim report for the selectboard to be presented soon.

Lubell updated the meeting on his conversations with David Forbes, the Chair of Thetford planning commission. Commissioners discussed the idea of having a small group meeting with David Forbes. They also provided input on the range of topics to be discussed. Horwitz and Ciccotelli emphasized the need for general dialog, reflecting concerns expressed at the last meeting that this interaction should avoid any particular agenda on the part of Norwich. Goodrich, Loeb and Allen suggested discussing affordable housing issues. The meeting affirmed an invitation should be sent to Forbes for the August or September meeting.

5. Density Study draft RFQ:

Loeb commented that the product deliverables appeared very narrow in focus and possibly too narrow for policymaking. Lubell agreed.

Francis responded that the product deliverables were drawn from the grant application, which the planning commission provided input on at the time the application was prepared. The grant agreement requires adherence to the approved scope. The grant is for \$15,000 total which limits the amount of work possible. Technical information is a necessary first step to allow for commissioners to explore possible policy responses.

Ciccotelli agreed that this first project was a necessary technical background document.

6. Planning Commissioner Code of Conduct

Allen introduced the item, commenting that the selectboards' Vision and Guiding Principles document adopted 2017 was excellent and that the planning commission should contemplate adopting it.

Goodrich asked for the item to be deferred in light of the time.

Allen said she was reluctant to push it off again, given that it had already been deferred.

Loeb suggested that he is open to a longer conversation but wanted to move forward by looking at other aspects including:

- a) The job description of elected officers
- b) The process of agenda setting

Goodrich said he was happy that the selectboard document was under review. But he was concerned that there were some issues possibly being conflated. 24VSA §4325 defines the role of the planning commission, it is critical to understand that the commission is comprised of seven members, not a chair, but seven members. A staff member has no standing in the commission. The selectboard, town manager and planning commission all have different roles described in statute. He agreed with Ciccotelli's previous calls for a deliberative panel that discusses complex issues, not led or directed by a chair or staff. He would like to discuss casting a specific role for staff. The planning commission has responsibilities that have nothing to do with the selectboard or staff. The selectboard's role is limited to appointing planning commissioners and accepting or modifying materials submitted by the planning commission. The planning commission has broader responsibilities which occur without regard to the political nature of a changing selectboard. He expressed a concern about how the commission should express this collective responsibility. Goodrich suggested that Zoom meetings may be a factor in commissioners being interrupted, muted or cut-off, in response he wanted to encourage the idea of a "point-of-order" where commissioners could raise issues of concern, and be recognized. Goodrich said he would like to revisit Open Meeting Law as a topic, along with how minutes are drafted and noticed (this task need not be centralized).

Loeb thanked Goodrich for his comments, and asked if he was seeking changes to the bylaws. Goodrich replied that the long history of this commission has been positive and collegial, love and respect does not need to be codified.

Loeb suggested that some revisions to the bylaws could be helpful. He will prepare a track changes document with suggested amendments for the commission to review.

Romano suggested that discussions about how we work together should be encouraged to occur as needed. Finding the appropriate mechanism to call people out has been a challenge for this group and this could be something the bylaw revisions to address.

Ciccotelli asked if more thoughts could be transmitted to Brian as he works on his suggested amendments.

Loeb agreed to work on suggested changes to the bylaws and welcomed additional input from other commissioners.

7. Approve Minutes of June 8, 2021:

Horwitz moved and Loeb seconded a motion to approve the minutes of June 8, 2021. Motion carried 6 – 0. For: Allen, Loeb, Lubell, Romano, Horwitz, Ciccotelli.

8. Other Business: none

9. Future Meeting Schedule & Agendas:

- Discussion with chair of Thetford planning commission
- Preparation for suggested revisions to the administrative section of the Norwich Zoning Regulations
- Updates from point people (Ciccotelli – Energy; Horwitz – Conservation and Lubell – Affordable Housing)

10. Comments from the Public: none

11. Adjourn

Romano moved and Ciccotelli seconded a motion to adjourn. Motion carried 5 – 0. For: Allen, Loeb, Lubell, Romano, Horwitz, Ciccotelli.

Meeting adjourned: 8:33pm

Future Meetings:

- Tuesday, August 10, 6:30pm Regular Meeting**
- September 14, 6:30pm Regular Meeting**

Respectfully submitted,

Rod Francis