

Thetford Planning Commission  
Minutes – Meeting January 16, 2007

**Present:** Liora Alschuler, Stuart Blood, Hayden Brownell, Heather Carlos, Dennis A. Donahue, Donn E. Downey, Rick Howard, Wayne Parks (Chair)

**Absent:** Lori Howard

**Guests:** Chris Sargent- Two Rivers-Ottawa Regional Commission (TRORC)

1. Meeting called to order at 7:20
2. Public Comment: None
3. Minutes were reviewed, amended and approved as corrected. 7:26
4. Report on Selectboard “Hearing”: WP noted that the meeting had not been properly warned and therefore 30 days, possibly even 45, had been lost. It will probably be rescheduled for the end of February. LA suggested that the SB warn both meetings in the same notice. WP will request that the SB do so. HC noted that she had attended the SB meeting to record comments.
5. Chris Sargent from TRORC – Zoning: Chris attended the meeting in his capacity as consultant to the PC on revising the zoning regulations. He has gone through the PC zoning bylaws, proposed changes for the sake of consistency with Chapter 117, and noted questions. He distributed annotated copies to those present. He and the PC went through these sections item by item to solicit feedback, clarify points and decide on necessary action. He noted that those changes not rejected by the PC will be incorporated in the final draft. He also recommended omitting all sections no longer relevant to Thetford. Items discussed are:
  - Regulation of junkyards- Chris clarified that state law determines regulation of junkyards, but the town decides whether junkyards will be allowed in its area of jurisdiction or not. If yes, state law applies. There was some question about what exactly constitutes a junkyard. Chris will research this point and report back next month
  - Landfills- Chris recommends that the town designate a location for a potential solid waste dump. No state statute requires that a town allow a landfill; the Solid Waste District can mandate a landfill, but the town can negotiate location and conditions. Any landfill would require a permit. Chris will double-check the extent of the PC’s authority to exclude landfills from the town. RH confirmed that state laws supersede town regulations, unless the town regulations are more restrictive; generally, the more restrictive language takes priority. Chris will double check the precise definition of “landfill,” “sanitary landfill,” and “junkyard.”
  - Mobile homes- Chris clarified that the town can’t regulate a mobile home any differently than a permanent home, except in such specific cases as in a historic district. The difference between a travel home/ travel trailer and a mobile home was

discussed. Any town regulation differentiating between a mobile home and a regular home doesn't conform to state law unless referring to a mobile home park, which can be classified as a "conditional use." Chris noted that some towns restrict the length of stay for campers and trailers. LA suggested that these items be treated separately. She also noted that the Town Plan is still going through the official hearing process and that minor changes can still be made. Chris will look into how much leeway the town has to regulate this and answer questions about development. He will try to provide the information in advance of the next PC meeting scheduled for the first Tuesday in February, but will be unable to attend in person.

- Parking a travel trailer/RV- LA suggested that this item is not enforceable and may be unnecessary. The consensus was to leave the language place in for the present.
- 'Planned Unit Development' (commercial or residential)- DAD confirmed that mixed-usage development is "PUD" not "PRD", which is exclusively residential. The Town can continue to differentiate as long as definitions are clear.
- Item #396 will be deleted
- Telecommunications facilities- Chris inserted the Vermont League of Cities & Towns (VLCT) model and asked for the PC's response. SSB confirmed the removal of the distinction between licensed and non-licensed providers in the new model; the PC reached no conclusion about whether they want this incorporated in the town bylaws or not. Chris asked if the town wants to encourage providers or not? SSB referred to the governor's proposed state-wide authority which may supersede local regulations; maybe the PC should wait to see how this evolves. Chris will look into what other towns are doing. HB raised the question of second -provider interference and frequency density; Chris will consider this question. WP asked whether the town can select an exclusive broadband provider? Chris didn't have this information available, but doubts the governor's proposed authority will overrule local zoning. He will contact groups involved in this issue and try to provide more details.
- Accessory dwelling – the town must allow them but can specify if they're "conditional" or "permitted". SSB recommends more consistency in the language; WP prefers that the term "bylaws" be used exclusively (rather than "ordinance" or "regulation"). A discussion followed about definition and size of an "accessory dwelling." It was agreed to eliminate the limitation on the number of bedrooms. Permissible size will be subject to septic bylaws anyway. All references to the PC in the Bylaws need to be changed to DRB (Development Review Board).
- Variance criteria– Chris requests that the PC review the language and provide feedback on this item. He confirmed that variances are supposed to be hard to get and are rarely granted. To qualify for a variance an applicant is required to prove hardship. Waivers, on the other hand, are more flexible and have less impact; there is no need to prove hardship and they are intended to be easier to get. WP sees this

distinction as problematic. LA suggested that discussion of this issue be postponed until more clear definitions are readily available. Chris noted that variances must be included in the Bylaws as an option.

- Permit application process – although not required, Chris recommends that this process be clarified and made more user-friendly. Chris will also review the definition of “structure.” SSB suggests preparing a list of constructions (tree houses, deer stands, etc.) not requiring permits.

Chris concluded that while the draft bylaws “need work”, the PC is on track overall. He also confirmed that the Zoning Bylaws need to be an “extension of the Town Plan”, in basic compliance with it. LA requested that an electronic copy of the next draft be distributed to PC members sufficiently in advance of the meeting to allow them to study it beforehand. Chris will report back Feb 20<sup>th</sup> and try to have answers to the questions outlined above prior to the meeting. 9:01

6. Telecommunications model: LA volunteered to serve as the PC liaison with the Broadband Committee and will contact Mike Pomeroy accordingly.
7. Report of Working Group: SSB checked that all present had received the “capture document” of their meeting with the DRB - this will be discussed at a later date. A discussion ensued about the Subdivision Bylaws: in their current form (the “Blue Book”) the Bylaws are inadequate and need to be rewritten. Should the PC adopt the models developed by other towns e.g. Windsor or update the language of the current version? HC, LA and HB support the adoption of best practices from other towns’ models. There was discussion about the confusion regarding procedures in the existing regulations and the difficulty of revising them. SSB suggested that Chris propose language for procedures. The PC should focus on providing the third set of Standards for permit applications, which deal with protection of the environment and cultural features and which are missing from the current Bylaws. These standards should be home-grown. DAD said that ideally the new Bylaws document should include all the information required by applicants to put together an application for a subdivision permit. LA recommended more comprehensive discussion about standards. DAD recommends soliciting local comment rather than the wholesale adoption of another model. HC noted that the Town Plan has to drive standards. WP concluded that the Working Group will put “placeholder language” into the draft until language can be proposed which is consistent with current bylaws and the Town Plan. Regarding septic, WP has followed up on this issue; perhaps the PC should refer to state regulations.
8. Attendance Review: No members have missed more than 50% of meetings. The PC clerk will keep an attendance sheet for the next 6-month attendance review.
9. Old Business: Rick recommended that each PC member should review the draft Bylaws first before accepting Chris Sargent’s recommendations to remove certain material. LA suggested that this be done at the next meeting. DAD identified this as an action item for each member. LA recommends ending the minutes with a checklist of Action Items.

10. New Business: Liora would like to open up a discussion with Steve Niederhauser to leverage the local research of the Human Geography class at Thetford Academy. Maybe students can volunteer to work with the PC on its priorities. SSB proposed inviting experts to present to the PC on certain issues such as natural resource preservation. The consensus is that for the time being the PC's regularly scheduled meeting time should be reserved for work on the Bylaws. LA suggested that such presentations might be held at the Latham Library so members from other concerned groups could attend. HC suggested the "Community Corner" forum. This would require the PC membership's commitment to attend what would amount to a 3<sup>rd</sup> meeting night each month. Some members can't make this kind of commitment at present. WP would prefer some serious progress on existing commitments before any new scheduling. SSB noted that significant lead time would be necessary to schedule expert speakers in any case.

11. Action Items: Review Chris Sargent's annotations to the draft Zoning Bylaws.

The meeting adjourned at 9:41.

Respectfully submitted,  
Jennifer Jabareen  
(PC clerk)