

Thetford Planning Commission  
Minutes – Meeting February 6, 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:** Olivia Chapman, Mark McMahon, Sean Mullen, Pete Sonnhalter, Tig Tillinghast, Scott Zens

1. Meeting Called to Order at 7:19

2. Public Comment

A. Recreational Structures and Side Yard Requirements: Pete Sonnhalter presented a petition to get the setback law changed regarding structures such as children's playhouses, sandboxes, play structures, etc. In particular, he and the other signers want to eliminate the application of the 15 ft. setback law to such structures. He asked whether the law could be changed and if so, how soon. Any such change would be part of the overall bylaw revision process, which is anticipated to take the next 6-9 months. In response to questions from the PC, Mr. Sonnhalter clarified that their request is to allow play structures right on the property line, in order to promote child-centered activities in Thetford. HC asked how a tree house, for example, is different from a deck. Mr. Sonnhalter agreed that, while he sees kid's play structure as more tolerable than other types of structures, a height restriction may be called for to protect privacy, or maybe a variance. It was pointed out that such a variance can be requested from the DRB under current regulations, depending on conditions.

A discussion followed about the history of contentions over structures built within the setback. Mr. Sonnhalter has canvassed at least 20 people but is unaware of any complaints except the one recent incident giving rise to today's petition; violations have generally been tolerated. SB suggested that, regarding exemptions, maybe what's needed are more stringent requirements for structures directly on property lines, as opposed to those built toward the center of a property. Mr. Sonnhalter agreed that some situations could potentially become a problem. Olivia Chapman raised the question of how to deal with such potential problems; what's reasonable in absence of neighborly conversation? The bylaw definitions should be clear enough to support any property owner regardless of their position. RH pointed out that the intended users of any structure shouldn't be an issue – a tree house may bother a neighbor more than a garden shed. This issue also bears on other zoning issues such as the construction of communications towers. Tig Tillinghast brought up his experience of such regulations in the Maryland/Virginia area, where neighboring property owners are required to negotiate with each other before building any structure. The problem then is, what happens when such dialogue is absent? WP pointed out that dialogue can be encouraged by the requirement of a waiver, which entails notification of property owners before building. HB pointed out that play structures are only temporary by nature. Mr. Sonnhalter concurred but is concerned that that this one incident in the 35-year-history of the zoning bylaws may set a precedent for the future. DAD responded that it's not necessarily a precedent, but it does highlight the state of the current regulations. SB assured the guests that the PC understands what's at

stake and undertakes to work on it. Ms. Chapman expressed concern that many issues aren't being discussed and that the PC and even the DRB may not actually understand everything involved; she would like further conversation, maybe in a less public forum. WP confirmed that the original petition will be kept on file with the PC. Mr. Sonnhalter and Ms. Chapman left the meeting at 7:58.

- B. Other: Scott Zens of the Energy Committee introduced the topic of recent events sponsored by the Energy Committee and how the issues raised in these forums are relevant to planning. Many people are eager to work locally to build infrastructure for more efficient energy use and reduced greenhouse emissions. Mr. Zens identified what he termed "missed opportunities" due to the lack of a well-coordinated Town Plan, involving issues such as clustered development, residential density, alternative community-based energy initiatives (hydro, wind), transportation, etc. He pointed out that some people have developed specific plans targeting these issues, and offered to provide contacts at the PC's request. He noted that people aren't familiar enough with the draft Town Plan despite the PC's efforts to publicize it, and may need more guidance. He invited the PC to an upcoming Energy Committee-sponsored workshop on transportation. SB confirmed his intention to attend. LA would like to work more closely with the Energy Committee; perhaps they could hold a joint meeting when agenda is more open. She sees the EC as the PC's "closest collaborator" in the development of the next Town Plan.

A second question raised by Mr. Zens is why do the zoning ordinances not reflect the numbers related to density as specified in the Town Plan? DED responded that while the Town Plan has been revised every 5 years, the PC is currently undertaking the first major revision of the zoning regulations in their history. The PC's current efforts will get zoning caught up to the Town Plan; once this work is completed the regulations will be more tightly related to the Town Plan. Mr. Zens pointed out that the most specific items are outlined in the Town Plan, such as clustered housing/ density which could take advantage of an energy structure such as a heating plant. SB mentioned recommendation #10 in the draft Town Plan, which refers to multiple family dwellings and specifies a density of no more than 1 family per quarter acre in village residential and community business areas. If the present wording is adopted, a 4-unit apartment couldn't be built on, for example, the former "Village Pizza" lot. He sees this as inconsistent with other goals such as affordable housing and energy efficiency, and hopes this issue will come up before the Selectboard as a non-substantive change. If the Town Plan includes specific numbers, all revisions of the zoning bylaws must reflect these in order to comply with state law, so such inconsistencies need to be caught now. Mr. Zens and Mark McMahon agreed on the importance of zoning that allows for apartments and affordable housing.

2. LA suggested requesting time on the Selectboard agenda following Monday's hearing to discuss a process for quick handling of input and changes, as well as time on the agenda of every meeting until the Town Plan is finalized. WP and HC agreed that the PC needs to proactively support the Selectboard. WP will speak to the Town Clerk about this. It was confirmed that only one liaison needs to be present at the SB meetings and not the entire PC

membership. LA and WP will attend Monday's hearing. LA will attend the Feb. 19<sup>th</sup> meeting. She left the meeting at 8:22.

3. Amendment and Adoption of Prior Minutes: the Minutes for the meeting of January 16<sup>th</sup> were adopted unanimously as amended. 8:25
4. Municipal Education Grants (MEG) And On-site Training: The PC needs to submit any application for an MEG by May 1<sup>st</sup>. WP asked the membership to review the list of available topics to determine their preference.
5. Report of Working Group
  - A. The Zoning bylaws working group has received some memos from Richard Blackwell regarding permitting and the application process. Discussion of these will be slotted into future meetings.
  - B. Subdivision Bylaws: Sean Mullen, Chair of the Development Review Board (DRB) was present for this discussion. SSB explained the process of integrating the revised Thetford zoning bylaws into Windsor's organizational model. This involves taking the goals, objectives, and recommended policies from the draft Thetford Town Plan, identifying those relevant to the subdivision regulations, and replacing the content of the Windsor model with content pertinent to Thetford. SSB went through the latest revision of the bylaws article by article to explain the revision process and current status to S. Mullen. Article 3 poses the biggest challenge. He requested feedback from the PC membership regarding the appropriateness of the Working Group's approach. HC noted the need to determine definitions and terms up front and use them consistently. Where terms differ, is there a substantial or just a nominal difference? For example, the distinction between "goals" and "objectives" should be consistent and match the Town Plan's usage of these terms. S. Mullen said it would be helpful for the DRB to have a summary of each section of text in the form of a checklist or chart for easy reference. The bylaws need to include clear guidelines for the DRB to implement requirements. WP raised the suggestion of holding "preliminary meetings" prior to formal warned hearings, a procedure followed in other towns. SSB noted that the important thing is to put procedures in place which work for the DRB, and suggested that the DRB connect with Chris Sargent, the TRORC consultant. He suggested looking at Strafford's subdivision regulation work as a model and volunteered to send a copy of the Strafford drafts to all PC members.

A discussion ensued about the drafting process. The question is how and at what point should the general membership get involved? S. Mullen would like to incorporate language leaving some discretion to the DRB for negotiation between property owners, i.e. not too strictly worded, within the limits of the Town Plan. WP pointed out that, in order to comply with the new Plan, new zoning requirements might be more restrictive than those of previous bylaws; this may lead to problems. The issue of taxes on restricted land, such as slope and wetland, was raised. RH concurred that it's difficult to accept restrictions on land that's being taxed at the same rate as usable land. WP mentioned that, during the drafting of the proposed Town Plan, he hadn't known that state law required such close coordination between the Town Plan and zoning regulations. If he'd

been aware of this, he might have objected to certain items in the plan more strenuously. Regarding the revision procedure, HC suggested that the PC take up three items at each meeting, after review of the relevant sections of the Town Plan. She moved that SSB and WP set up an agenda for the 11 items of Article 3 and distribute them across upcoming meetings in time to let interested groups attend. DAD seconded. The motion was passed unanimously. The Working Group can address other articles in the meantime. Chris Sargent can refine the language of Article 4. Article 1 should be reviewed to be sure that no items are contentious. (9:38)

6. Old Business

A. Selectboard Hearing(s): a hearing is scheduled for Feb. 12<sup>th</sup>; the 2<sup>nd</sup> hearing will most likely be scheduled for after the Town Meeting of March 3<sup>rd</sup>.

B. Other: none

7. New Business

A. Letter From the Listers: discussion was delayed until a later meeting.

B. Other: none

8. Action items: review the list of topics available for a MEG workshop.

Meeting adjourned at 9:41.

Respectfully submitted,  
Jennifer Jabareen  
(PC clerk)