

Thetford Planning Commission
Minutes – Meeting February 20, 2007

Present: Liora Alschuler, Stuart Blood, Hayden Brownell, Heather Carlos, Donn E. Downey, Lori Howard, Wayne Parks (Chair)

Absent: Dennis A. Donahue, Rick Howard

Guests: Mike Brown

1. Meeting Called To Order 7:15
2. Public Comment: None
3. Review of Prior Minutes: the Minutes from February 6th were adopted as amended. LA and LH abstained. 7:18
4. Town Plan - Selectboard Hearing Revisions: LA presented a document in which she had recorded comments made at the meeting. The most salient concerns involved the housing-density issue and the calculation of lot size, taking into consideration slope, wetlands, etc. A discussion ensued on how the PC should best follow up on these comments: the main concern was how to address these comments while keeping the Town Plan moving forward on schedule. A difference of opinion had emerged during the working group's previous meeting; while some felt the language on density could be changed without opening up all other controversial issues up as well, others disagreed. The Group's consensus is not to make any further changes to the Plan at this time. LA reported that the SB will follow the PC's recommendations.

The PC needs to address the contradiction between the draft Plan's density requirements and affordable housing goals. HC noted that it's impossible to achieve consistency between the Plan and zoning bylaws all at once because of historical gaps. LA supported SSB's suggestion to delete Recommended Policy #10a and address density in the bylaws. DED asked whether RP #10a contradicts Objective #5 of the town plan; SSB referred to Goals #18 & 19 of the Plan. HB suggested leaving the item in the Plan and dealing with the implications in the bylaws. SSB expressed concern that this would leave room for an appeal by neighboring property owners opposed to affordable housing/ apartments etc. HC commented that in this case, the PC would need to write a letter explaining the relationship between the Plan and the bylaws. Perhaps this approach would be too indirect. LA noted that it's critical for the PC to be consistent with its own process; it needs to be careful of setting undesirable precedents. Also, the DRB has asked the PC to address this issue to avoid difficulties interpreting and applying the bylaws. LA sees the PC as justified in making this change to the draft Plan because it's not a question of policy change, but rather one of internal consistency and clarity. She reaffirmed HC's comment that reconciling the Plan and the bylaws will be a gradual process, but the state requires convergence on the issue of density because of the need for affordable housing; protection against undesirable development will be maintained without the specific restrictions included in RP #10a. HB asked who determines whether a change is "substantive?" The PC makes this determination. HB moved to change the item. WP continued the discussion; he expressed concern that this change might open the door to complaints about other problematic issues. SSB said the PC

would have to write a report accompanying the relevant zoning bylaw, explaining how it was still in conformity to the Town Plan. The State will hold the town accountable for any discrepancies so a formal justification would be needed. LA recommended accepting the changes suggested at the SB meeting, to RP #10a and RP #5, to secure more latitude for interpretation; she suggested these changes be included in the motion. HB moved to accept the language as amended. SSB seconded. The motion was passed unanimously. (8:00) Regarding Items #5, 7, 10-12, 17, HB moved to accept the changes suggested at the SB meeting. HC seconded. The motion was passed unanimously. (8:04) LA mentioned that the SB should warn the new hearing on March 19th. WP will attend the next SB meeting. WP reminded the PC that their next meeting will be held at the Community House because the date coincides with elections being held at Town Hall. He will notify the Town.

5. Zoning Bylaws: Chris Sargent of TRORC joined the meeting at 8:07. He distributed a document entitled “Questions and Answers for the Thetford Planning Commission,” which had been previously distributed to the list-serve, and reviewed it item by item. The document was drafted in response to questions raised at the PC meeting of 16 January.
 - Regarding the issue of landfills, CS clarified that the town needs to belong to a Solid Waste District (SWD), which must authorize any local facilities. However, the town can regulate dimensions, setback, etc. SSB noted that a large landfill in Thetford is unlikely in the foreseeable future. However, the existing bylaw is more restrictive than the SWD charter. CS said that this is acceptable. SSB clarified that the specific exclusion of “out-of-district trash” was instituted in response to a citizens’ petition in 1989, before Thetford joined the SWD. He will work with CS to update the language of this bylaw.
 - CS clarified the distinction between waivers and variances. He offered the example of building handicapped-access ramps, solar arrays, etc within a setback; in these cases, a waiver is sufficient. His document includes a list of projects covered by waivers as opposed to variances. SSB asked whether a waiver could be issued for a garage within the setback, for example? He cited several cases where property owners demonstrated that no other option existed because of insufficient space. CS suggested that if this problem occurs regularly, maybe the setback specifications should be revisited. He confirmed that waivers can expire; there’s a precedent for the expiration of unused permits. CS will add the item on waivers to the proposed Zoning Bylaws language according to the Barre model, which was included in the Q&A document.
 - Junkyards can be prohibited if the PC chooses. CS noted that the relevant state agency is understaffed so it’s hard to have problems involving junkyards investigated. In answer to HC’s question about whether the specification regarding a junkyard’s “visibility from highway” could be stricken from the bylaw definition, CS confirmed that the PC can be more restrictive but not more permissive. The phrase was deleted. WP asked if the term “junk” refers to discarded appliances as well as vehicles. CS will check on this. SSB questioned the restriction that a junkyard be removed 1000 feet from a residence. CS clarified that this is necessary for health and safety reasons, such as contamination of the water supply. LA noted that the biggest problem for the town would occur if the owner of a property used for junk disposal should abandon it. CS affirmed that the PC can

eliminate the “junkyard” clause or confine junkyards to “conditional use” and still be consistent with the Town Plan.

- Mobile Home Parks: CS included a model from the Bethel bylaws in the Q&A document. SSB questioned the square footage: 8000’ as opposed to 10,000’ in Thetford. CS noted that each town can decide its own restrictions in keeping with its character (e.g. “village” or “rural.”) The key question is, where does the town want a mobile home park? At least one area needs to be permitted, for “conditional use.”
 - CS will check on the “threshold” for what constitutes a “Travel Trailer Park”. SSB asked about the assumption that a “trailer park” needs to be owned as a business or whether, for example, a non-profit organization could set one up. CS will investigate.
 - Structures: SSB mentioned that the status of birdhouses is unclear – are they “structures” or not? DED noted that setbacks should be respected. WP said that more discussion on an appropriate definition is needed. CS confirmed that the PC can specify the size of a “structure.” Regarding communications towers, he recommended avoiding the treatment of wireless vs. cell tower “structures” in the bylaws because the technology is so new. A size restriction would be the best option as wireless towers tend to be smaller. Targeting a specific technology is legally tricky, but restricting the size of a structure’s “footprint” is acceptable.
6. Topics - MEG Grant Seminar: SSB asked if there was a limit of one grant per town. Perhaps the DRB could use one? WP said that the town can submit a “generic request” and specify the topic upon approval, but that a specific topic should be submitted in two weeks. SSB suggested that “Front Porch Planning” would be helpful.
7. Old Business: WP mentioned a series of communications from Richard Blacklow, the Zoning Administrator, which needs to be discussed eventually. SSB will forward this material to CS for review. LA can’t attend the next meeting and wants to know what the plan is for integrating the respective updates that CS and the Working Group have been drafting for the bylaws. R. Blacklow and the DRB should be brought in at some point. CS said that this should happen sooner rather than later. SSB has invited several guests to the next meeting.
8. New Business: None

Meeting adjourned 9:15

Respectfully submitted,
Jennifer Jabareen
(PC clerk)