

Thetford Planning Commission Minutes – Meeting of April 3<sup>rd</sup>, 2007

**Present:** Liora Alschuler, Stuart Blood, Mike Brown, Hayden Brownell, Heather Carlos, Dennis A. Donahue, Lori Howard, Rick Howard, Wayne Parks (Chair)

**Absent:** Donn E. Downey

**Guests:** John Bacon (SB), Richard Blacklow (Zoning Administrator); Sean Mullen; Mike Pomeroy; Tim Taylor (DRB); Tig Tillinghast

7:19 Meeting Called to Order

7:20 Public Comment: In response to a question about changing the process of approving zoning laws (by SB vote), Mike Brown clarified that the public could petition. The town can vote by Australian ballot to pass authority to voters to vote on Town bylaws. He will e-mail a copy of the pertinent statutes to the questioner. He noted that Thetford is no longer considered a rural town, but could be designated as such by Australian ballot. A guest expressed the perception that “nothing is going to change,” that the new Town Plan is the same as the old Town Plan. LA expressed surprise at the inference that PC didn’t “deal fairly” with town, and noted the need for education and a general clarification for the town about the processes for adopting a Town Plan and zoning bylaws. It was recommended that by 2011, Town Plan & zoning bylaws have to be meshed; DED noted the recent trend for more attention to the interface between the Town Plan and zoning bylaws.

7:29 Review of Prior Minutes: WP reported the resignation of the PC clerk. The minutes were accepted with two abstentions.

7:30 Discussion with DRB:

- LA mentioned a luncheon Thursday for community leaders to meet with representatives from Fairpoint Communications. She will attend and report back.
- WP invited the DRB to attend the MEG Grant seminar to be delivered by Brian Schupe at 7:30 on May 15<sup>th</sup>. The seminar will be open to the public.
- HB initiated an extensive discussion on the proposal he had circulated previously. He explained that the PC working group drafting language for the Subdivision Bylaws had hit an “insolvable problem” due to the new standards of conformity with Town. They concluded that merely adapting current language won’t meet these requirements. He itemized 4 issues to be resolved - how to implement 1) simplicity of language and procedures; 2) uniformity of application; 3) flexibility to facilitate the goals of the Town Plan; and 4) conformity with the Town Plan. This last item will necessitate the biggest change in the bylaws. He proposed PUDs as a solution worth thinking about but acknowledged the reservations expressed regarding this proposal. He clarified that the PC’s purpose in inviting the DRB is to seek feedback.

The DRB expressed satisfaction with the current bylaws; they need clarification but not a major overhaul. The existing distinction between major and minor subdivisions is imperative; a PUD system would overburden the DRB and make the process too involved and expensive. Several DRB members expressed a desire for more and clearer guidelines to ensure uniformity and guard against undue subjectivity. Some “common sense introductory language” is needed; the introduction should include the Town Goals, to offer guidance to future DRB members and make the context clear to applicants. A request for clarity of definitions was made, particularly the distinction between boundary line adjustments and lot

annexations. Also missing from the current bylaws are criteria for factoring in environmental concerns. The current language regarding preservation of natural features is too general; more structure here would be helpful. SB noted that for exactly this reason, the PC is required to add standards; the challenge is implementation. In practice so far, the DRB has taken into consideration “geological limitations” causing hardship, e.g. difficulties in installing a septic system; some evidence is required that the natural feature is causing difficulty.

HB asked if an informal pre-application hearing would be helpful. It was noted that a site survey already requires a 15-day warning. WP suggested an informal meeting pre-agreed not to be legally binding. In response, an item in Chapter 117 was noted, requiring that any DRB review, regardless of how labeled, be warned because the DRB is a quasi-judicial body; even an informal exchange may prejudice the outcome of the subsequent formal review and lock the DRB into a commitment without fair warning.

SB noted that the PC’s goal is to follow the process actually followed by the DRB. In practice, the DRB is rarely involved in the survey phase; most applicants survey privately prior to applying to the DRB. Usually the DRB has some idea about an application’s status prior to the warned review. DAD suggested that the DRB get involved prior to an applicant’s developing detailed plans; once money has been invested, it’s harder to modify the application. A suggestion was made that a narrative of the whole process would be helpful, especially for the “low-budget applicant.” LA suggested a graphic form, such as a flow chart or procedural diagram. The DRB confirmed that this is what they had in mind; particularly, the point at which the distinction between major and minor subdivisions is made should be clear before the hearing. They suggested a list of general questions to be answered by each applicant as part of the application. Perhaps applications could include a checklist of natural features.

WP noted that under HB’s proposal, all new construction would have to go before the DRB, and existing permits might have to be reviewed. HB asked about the extent to which the Town Plan should apply to everybody in town. For example, if overlays apply to specific lots, current applications and permits would have to be reviewed anyway. R. Blacklow noted that not all the town wetlands have been officially classified. How should these be handled? T. Tillinghast interpolated that overlays may actually encourage “smarter use of land”, permitting more flexibility and better conservation practices etc. Citing his own experience as an applicant, he found guidance by the DRB to be very helpful.

A DRB member noted the need to anticipate “incremental subdivision.” R. Blacklow noted that new subdivisions will be on lots previously marginal land; new technology enables development of once inaccessible areas. DAD affirmed that this is the prime rationale for “marrying” zoning and the Town Plan; the “Big Picture” is more imperative than ever. A DRB member agreed that HB’s point is valid; a one-lot development can have a greater overall impact than a 10-lot subdivision, depending on treatment of the property. Maybe this should be reviewed. R. Blacklow expressed concern that more restrictions might provoke resistance from property owners. HB reaffirmed the need for the DRB to get involved earlier, prior to any significant investment, and offer incentives rather than penalties to encourage compliance with the Town Goals. In response, it was noted that if such inducement involved tax abatement, it would get very complicated. T. Tillinghast suggested that that political impression made by more “invasive structures” may affect future Town Plans; perhaps adding a new level to the review process might not be advisable. LA

concluded that retroactive application of new Goal-oriented restrictions would be highly problematic for current property owners.

HB expressed concern that overlays are meaningless if unrelated to the permitting process. DAD said that the overlays aren't meant to be unduly restrictive, but rather be a trigger to discussion. It was suggested that in sensitive cases a site visit may be requisite in context of a "friendly, informative process." T. Taylor noted that historically, the DRB has always worked things out with landowner, with only one rejection. WP noted that more controversy can be anticipated in the future. Reference was made to Lebanon's multi-media review process, with their DRB fully informed about the features of each site. Future technologies will make accurate, complete information more readily available.

WP summed up the DRB's preference for preserving the current major/minor subdivision distinction and its request for a narrative format and simpler language in the revised bylaws. Sean noted that separate sections in the bylaws for "primary use" and "variable use" would be helpful. Waivers need to be defined in language that won't compromise zoning and set undesirable precedents.

- WP assured R. Blacklow that the PC will address his previous communications at a future date.
- R. Blacklow noted that the "official district map" filed with the Town Clerk needs to be updated and clarified.
- LA observed that a mechanism is needed for continuing the consultation process. R. Blacklow volunteered to funnel questions from the PC to the DRB. WP thanked the DRB for their attendance; the PC will consolidate the feedback and get back to the DRB. SB proposed that one DRB member liaison with the Subdivision working group. T. Taylor suggested that the DRB review the draft bylaws through e-mail. SB noted most of their communication is currently through email; there aren't many meetings to attend. T. Taylor volunteered to be the point of contact, but said the entire DRB membership would like to review the drafts.

9:20 Old Business: None

8:21 New Business: LA "firmly" requested that C. Sargent send out all material to be discussed by the Friday prior to each PC meeting. SB will communicate this to C. Sargent. LA also requested that information regarding hearings on regional plans be distributed to the PC. Mike Brown will check TRORC's website. SB agreed that the PC isn't getting the necessary support from TRORC. HB and HC concurred. WP said that C. Sargent is working with several towns and is probably overstretched. MB will convey these concerns to Peter. He also confirmed that the Town Plan is currently being made available in hard copy, and is already accessible on the Thetford & TRORC websites.

The meeting adjourned at 9:33

Respectfully submitted,  
Jennifer Jabareen, PC clerk