

**Thetford Planning Commission
February 2, 2010 – Approved Minutes**

Present: Wayne Parks (Chair), Stuart Blood, Kevin O’Hara, Lori Howard, Rick Howard, Dean Whitlock (Clerk)

Absent: Liora Alschuler

Guests: Li Shen (7:18-8:23), Betty Campbell (7:18-8:43)

(Numbers below refer to agenda items)

1. Meeting called to order at 7:18 PM by Wayne Parks.
2. Public Comment: Deferred till item 4, riparian buffers, and item 5, sr. & affordable housing.
3. Review of Minutes (7:20)
Minutes declared approved with corrections.

4. Riparian Buffers (7:25)

Refer for background to document emailed by Li Shen and forwarded by Stuart Blood on 2/1/10.

Li Shen reviewed the discussion of the last meeting and summarized her current draft, which replaces the concept of buffers with setbacks. Buffers restrict building and changes to vegetation within a certain distance of the bank; setbacks restrict building but do not put any restrictions on what can be done to vegetation. Setback offers little or no protection to critical habitat along river banks, which protection is asked for in the town plan. She referred to a new paper from Two Rivers Commission that states, in essence, that buffers along the Connecticut River’s Wilder impoundment have not controlled erosion, but that they would be more effective on smaller rivers.

There was a long discussion of the effect a 75-foot buffer or setback would have on existing lots along Lake Fairlee. Wayne Parks said combining this distance with the road setback would make it impossible to build on some of these lots, and would make some existing structures become non-conforming. Remodeling/expansion would become impossible in some cases. He said that the plan suggested by Skip Brown would allow structures but limit cutting. He asked if the Lake Fairlee Association had asked for setbacks. Stuart Blood replied that they had asked for buffers. Kevin O’Hara began a discussion of how the size of a body of water would effect setbacks or buffers; for example, a half-acre pond would fit on a single lot and would be entirely privately owned and be exempted. Man-made ponds should also be exempted. Should only natural bodies be covered? What about dammed lakes (e.g., Lake Fairlee)? And what about state regulations or recommendations regarding septic systems beside bodies of water? The Lake Fairlee Association had recommended a book on practices and procedures from the state of New Hampshire. Li Shen will look into this so we can clearly define which lakes and

ponds are covered and which are exempted. She will also contact the state regarding the septic issue. There was some concern that the state officials would be stricter than necessary.

There was further discussion of the need to meet the requirements of the town plan, but also to have very clear rationales for any setback widths in order to limit controversy, since this is an area where there are few or no regulations already in existence. Wayne Parks said he would prefer setbacks to buffers but agreed that the widths had to be defensible; for example, what about 25 feet for the lake shore? Rick Howard raised two other issues: the need to be able to trim trees that grow tall enough to block satellite dishes or solar panels, and fencing for animals. He did not want to see any regulation that would require fencing to keep domestic animals away from water. Agriculture is exempted, but people with one or two horses or cows, for example, would not be.

There was then discussion of the proposed widths for different stream orders. Li Shen explained that she used the buffer widths as a starting point for setbacks. The rationale for different setback widths was to protect structures from severe erosion events: larger streams can move further in catastrophic situations. The flood plain regulations deal with inundation, not fluvial erosion.

Rick Howard stated that he was not comfortable with any regulation but that he felt the townspeople would accept setbacks more easily than buffers. He wasn't ready to commit on specific widths yet. Wayne Parks and Lori Howard agreed. Stuart Blood said he didn't feel setbacks met the protection needs requested in the town plan regarding wildlife, habitat, and water quality. Kevin O'Hara said that if we voted to accept this, we get feedback from the town about this in the upcoming forums. Lori Howard agreed, saying we can't do 100% in every situation, and setbacks are a good starting point.

Stuart Blood will contact Two Rivers for more information regarding setback widths and Li Shen will contact Gretchen at the state agency.

Li Shen left the meeting.

5. Senior and Affordable Housing (8:23)

Betty Campbell was there to represent the Sr & Affordable Housing Committee in place of Gina Sonne. She said that she was present to offer the committee's help to the commission. Currently, there are two lots being considered: the train depot lot in East Thetford and the Malmquist property in Post Mills.

Regarding the Depot site, there is hope that 1-2 acres more could be added from Pompanoosuc Mills property. Initial conversations have taken place with the owner. The plan/hope at this time is to use the old station building as an adult daycare, with an apartment upstairs for a caretaker/care provider. They also hope to obtain the Durkee property to use for assisted living quarters. They would need a donor to help purchase the property. And there is the current four-unit apartment building, which would probably need some repair/renovation. Betty Campbell said there are people all ready to move in, and she would happily be the first. She recommended checking with Mark McMahon for more details on zoning issues. Liora Alschuler would also have information.

Regarding the Malmquist site, there are six acres on the hillside across the road from the mill location. That would allow 13 units according to current zoning regulations. The land is wet

and has other issues that are being researched. They hope to have something built by 2011. They are also looking into an organization like Community in the Square to help with the process. Such an organization takes on the development for the community.

The committee has submitted a combined grant application to proceed with both sites. Betty Campbell is to get information about the grants, appraisals, and other documents to the commission before the next meeting. Kevin O'Hara offered to scan and distribute the documents if that would help.

Betty Campbell left the meeting

In Liora Alschuler's absence, the committee made a brief review of her current draft of an affordable housing standard (sent by email January 31). Stuart Blood had already sent some comments back to her. He commented that it was a step forward but didn't look like a standard. The intent is to provide incentives for developers so need more specifics of how the requirements would change if the developer did certain things. The draft has objectives but lacks a formula addressing incentives before it can move to the final draft. Kevin O'Hara asked if this was a case where PUDs or waivers might apply, and Stuart Blood agreed that only they would apply. This is not a general standard.

It was agreed to ask for another draft based on Stuart Blood's comments to be read at the next meeting.

6. Traditional Patterns of Settlement 2nd Reading (8:43)

Refer to draft document emailed by Liora Alschuler on January 31.

Wayne Parks commented that this was similar to the Affordable Housing document in that it described goals well but didn't not specify clear standards. Stuart Blood agreed that it did not provide sufficient guidance to the DRB to meet the recent VT Supreme Court Decision. It was decided to leave it as a first draft until the next meeting.

7. Site Plan Review Procedures 2nd Reading (8:47)

Kevin O'Hara referred to his document mailed January 29, with revisions by Liora Alschuler emailed on January 31. He went through the document section by section. There was some discussion on what site plan review applied to. One-two family dwellings are exempt. The state does not provide clear guidance on the number of units that triggers review. It was decided that it applied to situations that required a permit: restaurants, churches, home industry, conditional use, and commercial use.

There was a discussion of landscaping tree sizes. Kevin O'Hara will check with Two Rivers for recommendations. There were questions regarding the meaning of some of the technical terms under lighting and storm water management. Lighting was also discussed as a performance standard. Stuart Blood asked if we also needed a performance standard for noise. This led to a more general discussion of whether to include performance standards in the site review document or in the general standards document. This also applied to the section on natural resources and zoning districts. It was agreed to cut as much redundant standards as possible and refer to general standards and traditional patterns of development language. Kevin O'Hara will make the suggested changes and submit a final draft at the next meeting.

8. Conditional Use Procedures (9:20)

Wayne Parks presented the conditional use language (emailed by Kevin O'Hara on January 30). It is based on Norwich's conditional use procedures with a few modifications in the purpose, DRB role, and Item F bullets I and J, which are from the current regulations. Stuart Blood commented that this was very close to being ready, that much of the language was taken directly from existing or state documents. He mentioned that they needed to pick up the language about off-site parking, but Rick Howard pointed out that that was in Site Plan Review.

Wayne Parks and Kevin O'Hara will prepare a final draft for the next meeting. They requested that everyone reread the current draft and send comments beforehand to help.

9. Review of Time Line (9:32)

Kevin O'Hara went over the time line. The next meeting will cover the new drafts of the sections discussed in this meeting, along with a discussion of PUDs and waivers. Wayne Parks said there must also be a discussion of the first public forum, which will be in April.

10. Review of Tracking Document and Zoning Draft (9:35)

Postponed till next meeting due to time.

11. Planning Commission Vacancy (9:37)

Wayne Parks read a letter for Gus Jacacci offering to serve on the commission "if I might add social and cultural considerations." Wayne reminded the members that Mr. Jacacci had applied once before, but withdrew his application after sitting in on a meeting and seeing that the commission's purpose did not include these concerns. It was agreed that, since the purpose has not changed, Mr. Jacacci probably would still not want to serve. Wayne Parks will discuss this with him and draft a formal letter.

12. Reports (9:40)

Stuart Blood reported that Don Downey was now on the selectboard.

10. Old Business (9:42): none.

11. New Business (9:43)

There was discussion of two letters that had been emailed to the commission: how to reply and how to keep track. Lori Howard suggested asking Liora Alschuler to create a formal procedure for dealing with such correspondence, as she has done in the past.

Regarding a letter from Mike Pomeroy regarding riparian buffers, in which he was under the impression that play structures would not be allowed in the buffer zones, Stuart Blood commented that a reading of the minutes could lead to that assumption. The commission needed a clear definition of "structure" and the exceptions. Rick Howard remarked that this could indicate a wider dissatisfaction with riparian buffers in general. It was noted that the regulations will use setbacks, which are less restrictive, but still need clear language. Wayne Parks will discuss this with Mike Pomeroy, but the members agreed that a clear, formal process that states rationales is very necessary. Wayne Parks will draft a response.

Regarding a letter from Paul Kram regarding the trimming of trees in a wetland that were growing large enough to block solar panels on his house, the same situation regarding formal reply applies. It was noted that the current regulations allow such trimming as long as it is authorized by a forester and is on his own land. Rick Howard asked if the town's tree warden had any jurisdiction or authority in such a situation. It was decided that the regulations stipulated a forester and that the tree warden's duties applied to roadways. Stuart Blood already sent a brief reply which promised a more detailed reply after this discussion. He will follow up with specifics.

Noted that Don Downey had also sent some comments and suggestions based on his years of experience as a builder, but that no reply was required; however, this should also be recorded and tracked. Wayne Parks will contact Liora Alschuler to ask if she will take on the tracking job again.

Stuart Blood moved to adjourn; 2nd by Lori Howard. Meeting Adjourned at 10:07 PM.

Respectfully submitted,

Dean Whitlock
Clerk, Thetford Planning Commission