

Thetford Planning Commission
March 16, 2010 – APPROVED Minutes

Present: Wayne Parks (chair), Stuart Blood, Kevin O’Hara, Liora Alschuler, Rick Howard (arr: 7:32), Dean Whitlock (Clerk)

Absent: Lori Howard,

Guests: Dan Grossman (7:22-9:54); Sean Mullen (7:24-9:25)

(Numbers below refer to agenda items)

1. Meeting called to order by Wayne Parks at 7:17 PM
2. Public Comment: None
3. Review of Minutes of March 2nd (7:17): Accepted as amended.
4. Review of Tracking Document (7:22): Postponed
5. Review of Zoning Document (7:22): Postponed

6. PUD Discussion (7:23)

Refer to email from Stuart Blood on March 8 with answers on the subject of PUDs from Stephanie Smith of Vermont League of Cities and Towns.

Stuart Blood went over the current draft of PUD language, pointing out what has changed, then directed discussion to Section D.4 on density bonuses. The new language specifies bonuses for affordable housing and energy efficiency, indicating the baseline for each and what bonuses are earned by exceeding the baseline by different amounts (e.g., 25% density bonus for exceeding baseline by 25%). The areas of natural resources, habitat, and agricultural land do not yet have specific baselines and bonuses, and the draft contains placeholder language instead. The placeholder language provides a bonus if and only if adverse effects of development would be less than effects caused by following the general standards. There was discussion of whether density bonuses should be cumulative and, if so, should there be a cap on the total to avoid extreme situations such as allowing 200% density. Liora Alschuler pointed out that there would be other limits, such as septic requirements, that would prevent the extremes from occurring. Wayne Parks said each additional bonus should be calculated on the original density, not on the original plus other bonuses.

Sean Mullen pointed out that a large project will usually have a big impact that is felt immediately, as opposed to slower development of individual units that are put up over several years. Neighbors are aware of the big project and are more alarmed. They voice concern and raise objections that can limit the big project, whereas they quietly accept the small projects as normal, even though the end result is the same. He also pointed out that the location would

always be considered by the DRB (e.g., the far end of Garey Road versus the edge of Post Mills), and that they would also consider the effect of the construction itself (e.g., big truck traffic). Wayne Parks said he would be more concerned with the long-term effects on the character of the neighborhood.

Stuart Blood pointed out that the current PUD language states that a PUD would not be appropriate if it put too great a burden on municipal services in that location. This would be an adverse affect greater than that caused by a traditional 2 acre or 1/4-acre density. Liora Alschuler also pointed out that transition areas (e.g., VR to RR) are not always most suitable for PUDs, since prime ag. land abuts VR districts in many cases. To which Stuart Blood added that, even if a PUD matches the character of a neighborhood, the impact/burden on municipal services could make it inappropriate. Liora Alschuler then said it was a question of how much the community wanted to accept and encourage change, which will be a constant public discussion. We might never get a full resolution but she would like to frame the question to get wider public discussion.

Sean Mullen asked if PUDs were held to higher standards than a conditional use (CU) - if so, he felt we would never have them. Stuart Blood replied that the current language would have a residential PUD not be a CU. If a project fell under CU rules, than its PUD would too.

Returning to the original topic of density bonuses, Liora Alschuler offered to develop a chart of scenarios showing how cumulative density bonuses can grow and affect a project. She would take several representative and theoretical types of development proposals, including some that have actually come before the DRB and some that are in the works (e.g., Gary Road and East Thetford Senior Housing). Sean Mullen asked if PUDs would be permitted in all districts. Stuart Blood said they would be under current language. This is a change from the old regulations, in which a Planned Residential Development (PRD = previous concept, no longer used) was a CU in all districts. Dan Grossman asked how this would affect a project that did not want density bonuses but just wanted to clump dwellings in one corner of a lot, which would represent a variance in setback regulations (e.g., there is enough acreage to permit 50 dwellings, but the developer wants to put all 50 closer together than the general standards allow, leaving much of the acreage undeveloped). This could have major impact on the character of the neighborhood if it were automatically permitted.

Liora Alschuler brought up the need for zoning changes and read the concluding section, Development Potential, from the "Site Feasibility Analysis for Senior and Affordable Residential Housing Development at Depot Drive, East Thetford, Vermont" by Pathways Consulting, LLC: "Due to the density provisions of the Zoning Ordinance, the potential to expand or redevelop the properties to incorporate additional dwelling units is not possible without a variance from the Ordinance. It is our experience that it is typically very difficult to prove adequate hardship to obtain a variance from the Zoning Board of Adjustment. If additional dwelling units are an important goal of the Affordable Housing Committee, the Committee may opt to request an amendment to the ordinance to increase the allowed density in this neighborhood."

Sean Mullen said that unbuildable land (eg. steep slope, wet, etc.) is not counted in calculating the number of permitted units in many towns. The question is, if you remove the safeguards of CUs, are there still enough protections? He suggested that PUDs be permitted in VR districts but be CUs in RR districts. This provides additional safeguards for existing RR

residents. A primary factor is character of neighborhood. Dan Grossman said that 95% of the town is defined as RR, with the same definition of character of neighborhood. It does not seem reasonable to automatically permit residential PUDs. Wayne Parks asked if we needed an additional type of district. Liora Alschuler said she thought that it would be impossible to get a consensus in the town for change outside of VR districts. There was a discussion of the need to set objective standards rather than subjective rules and further discussion of character of neighborhood as a part of district definitions. The final question came down to, do we allow PUDs at all in RR districts? There was no final answer, but a final agreement for everyone to consider the draft language and this discussion and to come back with possible density bonus numbers in each of the categories (efficiency, affordability, etc.) as well as to reach a personal decision regarding the permitting of PUDs in VR and RR districts.

9. Zoning District Definitions (9:10)

Sean Mullen reviewed his proposed definitions, which provides a general purpose for VR, RR, Community Business, and Thetford Hill Historic Preservation districts, and specific definitions for VR and RR. The focus for development under these definitions is VR.

Liora Alschuler commented that the language seemed circular and vague, particularly in RR, where it states "...and anticipates the future impact of development." Sean Mullen remarked that it also did not support PUDs. Liora Alschuler said that since a goal of the Town Plan is to limit or avoid sprawl, using a solid definition of sprawl built into the zoning regs., she would like to add "minimize sprawl" to the district definitions. Wayne Parks referred to the answers provided by Stephanie Smith regarding the Town Plan's goal to put clusters near existing VR districts.

Kevin O'Hara noted that PUDs work better in Urban areas and are not well designed for Rural areas, but they provide value to the town for thoughtful development. We need to work it in. He said he found it hard to imagine a big PUD being proposed in Thetford. Returning to the issue of sprawl, he agreed that it should be added to the RR definition. Sean Mullen said that sprawl language would support PUDs, since they are designed to help minimize sprawl. There was some discussion then regarding the definition of sprawl.

Sean Mullen needed to leave, so the discussion was put on hold till the next meeting.

10. April Public Forum Topics (9:25)

Due to the late hour, the commission moved to this item to begin detailed planning.

It was determined that the forum was scheduled for April 21st, not the 7th.

Liora Alschuler read a suggested set of topics and order of presentation: An introduction to the purpose of zoning, town plan, etc.; Scope of revisions, commission's mission and methods; Overview of the current draft, in sections; Outstanding issues to address; Question and Answer period. The June forum would then cover specific topics, with guest specialists to address them.

Kevin O'Hara remarked that the topic list seemed a lot, and a lot to prepare. Liora Alschuler proposed to prepare a full outline before the next meeting and then to assign people to parts. She would work with each person to help them prepare their section of the presentation.

It was noted that publicity needed to go out immediately to announce the meeting and what would be discussed.

There was discussion of whether the group was ready to present so much at this time. There is a definite need to communicate with the town to get feedback and also to determine the level of interest among the citizens.

Liora Alschuler needed to leave, so the topic was put on hold till the next meeting.

8. Site Plan Review 2nd (and possibly Final) Draft (9:40)

Kevin O'Hara reviewed the document (see Kevin O'Hara email of 2/15 and Stuart Blood email with different file format on 3/16). He is still waiting to get the correct reference for the list of invasive exotics and also the Fire Chief's response to fire protection language. It was decided that he will check with the Chief once again and then let everyone know which version of the language will go in that spot. Stuart Blood moved that the section be approved with the insertion of the reference and the final wording from the Chief. Kevin O'Hara seconded. Passed.

Dan Grossman left the meeting.

9. MP Grant- Subdivision By-Laws (9:54)

Wayne Parks reviewed the time line for the grant: Application due 4/30; money available late in May; money must be spent and project complete by 11/8/11. He commented that this was cutting it short. Stuart Blood said the group would need to set the town planning draft aside and re-adopt the old one for the interim. He felt it was doable, but he would not be on the commission to finish the project. Kevin O'Hara said he was optimistic about it; zoning has been a grind, but he didn't think subdivision rules would be as difficult. Rick Howard remarked that there hasn't been a lot of public outcry over what has been done so far.

Wayne Park worried that, if we don't perform well and complete the project on time, we would have to refund unspent money and would also be less likely to receive future grants. He moved that the group not apply at this time and consider applying in the next grant cycle. Rick Howard seconded. Passed.

11. Time Line Review (10:06)

Kevin O'Hara went over the time line. Stuart Blood added an item (refer to his email of 3/11 regarding comments by Richard Blacklow concerning multiple dwellings on a single parcel.) He will invite Richard to the next meeting out of courtesy.

12. Reports (10:12):

- a. Selectboard - Donn Downey not present; no report.
- b. Two Rivers - None

13. Old Business (10:13): None

14. New Business (10:13): There was an inquiry from Claire Kelsy about joining the commission. Stuart Blood followed up and invited her to come observe some meetings to see if she remains interested.

There was a rush to adjourn at 10:14 PM.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission