

**Thetford Planning Commission**  
**April 6, 2010 – APPROVED Minutes**

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

**Absent:** None

**Guests:** Dan Grossman (7:20-9:38); Sean Mullen (7:28-9:13), Richard Blacklow (7:28-9:38), James Thaxton (7:29-9:38), Mark McMahon (7:38-9:38)

(Numbers below refer to agenda items)

1. Meeting called to order by Wayne Parks at 7:20 PM
2. Public Comment: None
3. Review of Minutes of March 16 (7:21): Accepted as amended.
4. Review of Tracking Document (7:26): Postponed
5. Review of Zoning Draft (7:27): Postponed
6. Accessory Dwelling Units 7:29

Richard Blacklow addressed the memo he sent to the PC prior to the 3/16 meeting (see email from Stuart Blood on 3/11), which refers to state law, Title 24, section 4412 (1) (E) The section says that a town may not exclude an accessory dwelling unit (ADU) (often referred to as “mother-in-law” apartments) and defines what one is. The current zoning draft uses the language as-is, and Richard recommends that the PC review and consider changing it (which is allowed in section (F) so that it is not subjective. He listed reasons why someone would have an ADU (family member, affordability, allowing people to age in the community, dealing with a current shortage of small dwelling units). He also raised three basic policy questions: should such a unit be permitted or a conditional use (the current language says permitted.); how far away can it be from the primary dwelling, if not built in; and how large can it be (currently no more than 30% of primary dwelling unit). He had samples of ordinances from several towns, but those were not discussed in this meeting.

Regarding distance for a separate building, Stuart Blood pointed out that the fire code specifies a minimum of 30 feet between separate buildings. He suggested that the PC consider the possibility of two or more residences on a single lot. If a single ADU is inside or attached to the primary dwelling, it would be permitted; if separate buildings are involved, it would be a conditional use, perhaps addressed through a PUD (but not automatically a PUD if only a 2nd house). The current ordinance allows a duplex but not a separate residential building.

Liora Alschuler asked for more clarification on what ADUs would be for. Richard gave an example of a self-builder who wanted to put up three extra houses for rental income. Even though on one lot, the town would be able to tax four residences. Sean Mullen pointed out that this would not be allowed by the current ordinance, section 430, which states only 1 primary use per lot. Stuart Blood said that, since the town plan encourages mixed use, the PC needs to redefine section 430. Liora Alschuler listed two negatives to such a situation: a change to the character of the neighborhood and infringement on neighbors. There was discussion of the density requirements being considered and how a separate ADU would apply.

Dan Grossman said that the ruling resulting in the language in Title 24, section 4412 was a reaction to the number of mother-in-law apartments already in existence. It allows ADUs in an attic or other part of the residence footprint, in an attached ell or garage, or above an existing separate garage or barn. 4412 was not meant to permit separate residences. The primary dwelling must be owner-occupied and have only one ADU.

After further discussion, it was agreed by consensus that the situation of a single unit in the dwelling (or above garage or small, existing out-building) would be considered an ADU, while a new, separate building would be considered a separate residence and would be covered through PUD as a density issue.

There was further discussion of the 30% size limit: it refers only to the size of the new ADU in relation to the existing primary residence. Sean Mullen said the PC should specify whether an ADU was only for family members. There was discussion of live-in nurses, hired hands, etc., and use of the unit when the original family member occupant dies.

A working group was created to continue the discussion and create a draft revision. Members are Kevin O'Hara, Wayne Parks, Dan Grossman, and Richard Blacklow.

As a side issue, Wayne Parks noted that certain map overlays in Richard's possession did not correspond to the current versions. All maps should be reviewed.

## 7. PUD Discussion (8:18)

Stuart Blood went over his memo of 4/3 listing PUD issues that need to be resolved, with brief discussions of PUD requirements by District and by "neighborhood" and Cumulative Density Bonuses, plus a spreadsheet outline which of the issues were affected by which sections of the current ordinance, the working draft, and the proposed draft.

He said he felt that, in this revision of the ordinance, the PC must at the very least address affordable housing, in light of the projects already on the drawing board, even if energy efficiency and natural resources were not addressed until later. He suggested using affordable housing as an example of what a PUD would look like and raised these questions: Do we allow affordable housing density bonuses through PUDs in all districts? Do we make them permitted or conditional use in all districts?

Liora Alchuler said that, to move forward, the PC must define "character of neighborhood" and the PCs charge to protect it. As a step in that direction, she suggested that the ordinance state that a PUD cannot require an upgrade in the class of the road on which the property is located. Road class would refer to width, surface, and who maintains the road.

Wayne Parks said he would first like a definition of "permitted." Did this mean that the Zoning Administrator could issue a building permit without holding a hearing? Richard

Blacklow said he did not think that was a good idea. Stuart Blood said “permitted” was still subject to the PUD review process (and site plan review as specified now). The PC needs to define a PUD review process for the DRB, so they have specific standards.

Dan Grossman, going back to Liora Alschuler’s suggestion regarding road class, said he found that proposal attractive, but also that he felt PUDs were not appropriate in a large percent of the town. The PC needs to specify criteria where a PUD would apply. To say PUDs were “permitted” everywhere would not be good. Stuart Blood asked if the same standards for traditional development (major subdivision) applied to PUDs. There was further discussion of the affect of development on roads and how that affected character of neighborhood. Currently, site plan review is supposed to weigh the impact on existing facilities, including roads (number of cars expected). Mark McMahon pointed out that all town roads are 3-rod roads, so the language must be clear that right-of-way is not the defining factor.

#### 8. Zoning District Definitions (skipped)

#### 9. Affordable Housing Discussion (8:55)

Mark McMahon reviewed the plan for the East Thetford project. Viability of such a project depends on a minimum number of rentable units (generally 12), which would require a variance based on current regulations regarding Village Residential districts. Even with 12 units, the East Thetford project probably would not break even, based on the purchase price of the property, but combining that project with the one on the Malmquist Mills site would make it possible. The combined units would work as a single project in terms of expense/income.

There was discussion of density bonuses that would be required for the East Thetford site to allow 12 units. The discussion expanded to determine what sort of density bonus would be required to reach 12 units in any of the plots available for Senior/Affordable Housing in any of the Village Residential districts. It was noted that the density bonus could be set per district, as could the allowable footprint, but not height, which was restricted by fire ladder lengths.

Sean Mullen left the meeting.

Liora Alschuler described a system whereby density bonuses would be based on points earned for affordability, efficiency, etc. The points would be earned by meeting defined criteria for each of the values. The maximum bonus allowed could vary by district. The criteria for natural resource values would have to be very clear and simple because measuring compliance would be difficult. She argued that PUDs should be allowed in Rural Residential districts for small numbers of units (1-4), which is typical of development in Thetford. The current zoning forces 2-acre lots per unit, which causes fragmentation of natural resources. PUDs offer an alternative method. Traditional development would still be allowed.

Mark McMahon suggested that a density bonus of 100% be allowed at least in Village Residential to permit affordable housing in Thetford. Dan Grossman suggested that a different definition of an apartment as a distinct type of unit with a different density allowed per lot could help. There would need to be separate definitions for “living unit” and “dwelling unit”. Wayne Parks asked how that would affect schools, and Stuart Blood answered that would be covered under Site Plan Review, which addresses effects on existing facilities.

John Thaxton, Richard Blacklow, Dan Grossman, and Mark McMahon left the meeting

10. April Informational Meeting (9:38)

Liora Alschuler presented described a proposed outline of the presentation for the next meeting. There was extensive discussion of the number of topics and the appropriate level of detail. Various members agreed to present certain topics. Liora will prepare a complete set of PowerPoint slides and send them for review before the next meeting. There was also discussion of the best ways to publicize the meeting, which will include paid transaction ads in the Valley News, flyers at the town hall and other bulletin boards around the town, and on the Thetford listserv.

11. Reports (10:28):

a. Selectboard - The selectboard wishes to attend an upcoming PC meeting in May for 1/2 hour. The date will be decided at the next meeting.

b. Lori Howard has agreed to continue on the PC through the zoning revision process.

12. Old Business (10:29): None

13. New Business (10:29): None.

The meeting was adjourned by acclamation at 10:30 PM.

Respectfully submitted,  
Dean Whitlock, Clerk, Thetford Planning Commission