

Thetford Planning Commission
Public Forum: April 21, 2010 – Approved Minutes

The Thetford Planning Commission held the first of two public forums on Wednesday, April 21, beginning at 7:00 PM in the Town Hall. The purpose of the meeting was to give townspeople background on the current process to rewrite the zoning bylaws, describe the changes that had already been drafted, discuss the issues that remained to be addressed, and invite questions, comments, and suggestions from the town. These minutes summarize the question-and-answer period following the explanatory presentation. The presentation slides can be found online at http://lists.valley.net/lists/d_read/thetford-planners/outreach/PCZoningUpdate.April20.ppt.

The entire Planning Commission was able to attend: Wayne Parks (chair), Liora Alschuler, Stuart Blood, Kevin O'Hara, Lori Howard, and Rick Howard. Dean Whitlock, the hired scribe, took notes.

Ten townspeople attended: Cy Severance, Li Shen, James Thaxton, Dana Grossman, Dan Grossman, Scot Zens, Roberta Howard, and selectboard members Tig Tillinghast, Donn Downey, and John Bacon.

Wayne Parks called the gathering to order at 7:20 PM. He, Liora Alschuler, and Kevin O'Hara went through different sections of a slide presentation that introduced the commission and its members, described the purpose of Thetford's zoning regulations and the history of their development, explained why they are being updated now, briefly described the update, review, and adoption process, described the changes that have already been drafted, and discussed the issues still to be dealt with. [The slides and the most recent draft of the new bylaws are available for review online at http://lists.valley.net/lists/d_read/thetford-planners. See above for the exact URL of the PowerPoint file containing the slides. Copies are also available for review at the Town Hall.] After the presentation, Wayne Parks asked for questions from the townspeople.

Tig Tillinghast began a discussion about riparian setbacks by asking what cannot be in a setback. Li Shen, a member of the Conservation Commission who helped draft the setback language, replied that buildings were not allowed, nor was the storage, handling, or burning of hazardous waste. John Thaxton asked if some types of structures were exempted. Li Shen replied that there could be exemptions but none had been defined so far. Tig Tillinghast asked if docks were exempted, and Li explained that state statute 29 VSA Section 11 regulates shoreline encroachment. Docks are allowed but require a permit.

Donn Downey said he thought the draft regulations were forward-looking but wondered what was being done about the mundane issues that the Zoning Administrator deals with day-to-day. Wayne Parks explained that the ZA, Richard Blacklow, had been providing the commission with problem issues, which were being addressed in the new regulations as they came up. They are not on the back burner but there are loose ends still. Liora Alschuler said that the draft covers about 80% of the regulations to date. Wayne Parks recommended that people who wanted to compare the current regulations with the draft should download the draft and get a copy of the

current regulations from the town hall. Kevin O'Hara added that the commission had prioritized the harder/bigger issues to work on first and to discuss at this meeting. He gave as an example the case of Accessory Dwelling Units, when the commission had formed a working group after Richard Blacklow had brought the issue to their attention. Wayne Parks commented that the commission has had good input from both the zoning administrator and the development review board, as well as good community support from people such as Li Shen and Dan and Dana Grossman.

Going back to the issue of riparian setbacks, Stuart Blood said that waivers are relatively easy to get, although they would be constrained by state-mandated distances from the stream bank. The zoning administrator can grant waivers without a hearing in matters of disabilities and health/safety. The development review board would handle other cases. He discussed how the initial proposal was to establish buffers, which are more restrictive than setbacks, but the commission decided they were too restrictive for Thetford. The setbacks are established as a matter of resident safety, to account for sudden erosional damage during intense rainstorms. Cy Severance asked about the status of new state legislation on shoreline protection and how it would affect Thetford's regulations. Li Shen explained that the legislation had passed in the VT House but was very watered down; it passed the burden of meeting the state's goals to the towns, but with no money allocated yet.

Stuart Blood brought up the problem defining a "structure" for the purposes of regulation. For example, there was a case in the town of a tree house being challenged because it provided a view toward a neighbor's bedroom windows. The new regulation is not much better than the old and the commission could use guidance from the town as to how to define "structure". Providing a list of exempted structures is difficult because it has to be complete. In strict legal terms, anything not on the list cannot be included later except by changing the regulation. Tig Tillinghast asked if the new regulation gave more or less discretion; what does the developmental review board want? Wayne Parks said that they have asked for more guidance, clearer definitions, and tighter regulations. Liora Alschuler added that they have also indicated where they want discretion. The more input the commission gets from them the better. There followed some discussion of "structure" but no resolution.

Stuart Blood began to list the major issues under discussion on which the commission could use help. Planned Unit Developments (PUDs) was first, and he briefly described the purpose to provide incentives for affordable housing, energy efficiency, etc. John Bacon asked if PUDs would also apply to mixed use development and in the Rural Residential district: yes. Liora Alschuler asked what the group thought the commission should focus on for the June meeting. Dean Whitlock brought up the "character of area" problem: defining it so that it made sense. Wayne Parks pointed out that 95% of the town is a single district but that it had great variation within it. John Bacon said the language must allow each situation to be dealt with on a case-by-case basis, but Liora Alschuler pointed out that we have to define what "character" means; we must balance "too vague" with "spot zoning." Cy Severance asked if there would be two sets of standards, one for Rural Residential and one for Village Residential. Yes, that is on the table now.

Donn Downey asked that the commission put together a top 10 list of issues and specific questions and put it out a week before the June 16 meeting to get people thinking and inspired to show up. Liora Alschuler asked with this group's hot-button issues were, but Don Downey said it was better to know what problems the commission was having. Dan Grossman said that the character of area issue was important and needed more work. The issue of using road characteristics as one standard in the character was discussed, and Dan Grossman pointed out that the current draft separates capacity of road from character of area.

John Bacon asked if anything was being done regarding energy technology and how future houses will work? Stuart Blood described how PUD density bonuses could be used to encourage the building of energy-efficient housing. Tig Tillinghast said that another incentive or bonus could be a waiver of permitting fees by the selectboard.

Scott Zens said he felt a certain level of discomfort in the discussion of "character of area. He was worried that language could result in de facto "takings" by limiting what a person could build. For example, to not allow solar panels mounted separately away from the residence or to not allow a roof slope that was most efficient for solar collectors. There was some discussion, with the end result that the commission and select board members assured him that the zoning regulations would not be used to set aesthetic standards.

The meeting ended at 9:10 PM.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission

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