

Thetford Planning Commission
May 4, 2010 – APPROVED Minutes

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

Absent: None

Guests: Dan Grossman (7:22- 9:40), Bill Bridge (7:22- 9:40), Sean Mullen (7:27- 9:40)

(Numbers below refer to agenda items)

1. Meeting called to order by Wayne Parks at 7:22 PM
2. Public Comment: None
3. Review of Minutes of April 20th (7:25): Accepted as amended.
4. Review of Tracking Document (7:26): Nothing new to report
5. Review of Zoning Draft (7:27):
 - a. Updates: Stuart Blood referred to the document he had emailed on 4/28, and went over the changes, which were non-substantive. Wayne Parks moved to accept the changes; Kevin O’Hara seconded; unanimous.
 - b. Editing Help: Stuart Blood reported that he had not yet spoken to any professional editors about formatting. He had fixed the immediate problems. He will discuss the issue with the selectboard and follow-up.
6. PUD Discussion 7:31
 - b. Road Standards (taken up first because it affects the others): Stuart Blood referred to the document discussed at the previous meeting (email of 4/14), regarding adding road standards and condition as a proxy for character of neighborhood in conditional use review. There was a discussion of the language “context-sensitive road design”: it would refer to all conditional use review, not just PUDs (which, under the current proposal, would always require conditional use review). Sean Mullen said the DRB needed to have clear connections between the zoning regulations and related sections of the subdivision rules. Liora Alschuler pointed out that the commission will be able to refer to the same set of standards when rewriting the subdivision regulations, and Dan Grossman said that the subdivision regs would set specific standards, while the zoning conditional use review language would indicate where the standards fit into CU requirements.

There was a brief side discussion of energy efficiency and sustainability standards. Stuart Blood referred to VT Statutes chapter 117, section 4414(F)(3), which states conditional use

conditions, indicating where energy sustainability fits in. Bill Bridge will help rewrite the language on sustainable energy resources.

Back to the question of “context-sensitive road design”, there was discussion of how specific the language needed to be. A clear definition of “context-sensitive” would give the DRB flexibility without being too restrictive. Wayne Parks described a specific situation where one very narrow spot in a road could block a PUD because the language now (“shall deny”) would not allow widening, even though the roadway to either side was wide enough to support the PUD projected traffic flow. We have the situation now where gradual, permitted development could lead the selectboard to authorize widening of that narrow spot; whereas it couldn’t be done for a single development resulting in the same number of new houses. Sean Mullen said the specific language was easier to deal with but the DRB would like more discretion. Bill Bridge added that the specific language creates obstacles for a PUD, which requires CU review, but not for a standard 4-unit development, which would fall under subdivision review. The counter argument from Kevin O’Hara and Stuart Blood is that a stated requirement is to protect the character of the neighborhood. We must try to find a balance between that and still allowing the sorts of development the town wants, as specified in the town plan.

As a first step, and after some discussion, it was agreed to change “shall deny” to “may deny”, which allows more discretion to the DRB. The remaining issue is to define “context-sensitive road design”. Stuart Blood will check with the various consultants to find a definition and present it at the next meeting.

a. PUD Affordable Housing: Stuart Blood reviewed the consensus of the last meeting that Rural Residential and Village Residential be considered separately when creating PUD standards for affordable housing. He presented a draft set of standards for affordable housing PUDs in the different districts (email of 4/28). There was a discussion of the density bonuses proposed. Bill Bridge asked if changing the minimum lot size in Village Residential would help allow for increased density; possibly, but that is an independent issue. There was agreement that the requirements should not be so steep that they would discourage affordable housing and also mixed housing. There was also agreement that affordable housing and energy efficiency were not mutually exclusive, so cumulative density bonuses could also help reach the required density.

There was further discussion of the best way to start and graduate the affordability bonus. The efficiency bonus is based on established building/efficiency codes, but we need a table for affordability. It was agreed that the bonus would be calculated on the basis of the number of units that would be allowed in traditional permitting for the lot size. Each bonus is calculated separately on that basis and then they are added. It was also agreed to treat Village Residential and Commercial Business districts the same unless there was sufficient negative comment from the town to require separate PUD standards for them.

There was a discussion of the Rural Residential district with regard to PUDs. It has agricultural land and natural resource areas. In RR it can also be harder to determine what is developable land on a given lot. It was agreed that non-buildable land should also not be included in developing the baseline number of lots for calculating density bonuses. Bill Bridge will find steepness standards to be used in determining buildable area.

There was a discussion of the density bonuses for conserving natural resources: agricultural land, significant wildlife habitat, and forest resources. It was agreed that the density bonus would

be based on the amount by which adverse impact is less than it would be if only the general standards were followed in developing the property. There was a discussion of how to calculate the amount of lessening, and a side discussion of how much discretion could be allowed to the DRB without running counter to the VT supreme court's decision requiring clear standards. Liora Alschuler is to develop draft language for these resource bonuses for the next meeting. With real numbers to look at, the commission can decide if these should be cumulative bonuses as well.

c. District Definitions: this topic was postponed. Liora Alschuler and Sean Mullen will work on draft definitions for the next meeting.

7. Accessory Dwelling Units - First Draft (9:03)

Kevin O'Hara referred to his email of 5/3, which includes the listers' language for finished/lighted/heated/habitable area of a dwelling unit, which they refer to as "finished area." Wayne Parks provided dwelling information sheets from the listers. This is what will be used to determine the ADU area upper limit of 30% of primary dwelling. Kevin O'Hara requested more feedback on the draft. He referred to comments received from Donn Downey (email of 5/4) and his reply that day. The section also needs a purpose statement.

Bill Bridge asked why there was a 200-foot limit on the distance between the primary dwelling and a separate ADU building. Kevin O'Hara explained that this was taking into consideration the spirit of the statute, which is meant to address "mother-in-law" units and not separate residences on a single lot. In certain circumstances, an ADU could be put into an existing accessory structure (e.g., a small barn) that was more than 200 feet away. There was some discussion of the number of bedrooms that would be appropriate and how that would be affected by square footage and septic considerations. There was also discussion of financial considerations: putting in a rental unit is different from putting in a small apartment for family members, helpers, or caregivers. After further discussion, it was decided to deal with ADUs first and then separately address standards for 2nd dwellings on the same lot.

There was further discussion on limiting the maximum size of an ADU to an area less than 30% of the primary dwelling, which is more restrictive than the statute would seem to allow. There was some worry that the additional restrictions could lead to challenges and lawsuits. The commission took straw polls on whether there should be a limit on the number of bedrooms and on having an upper limit of 1500 square feet. Neither proposal passed.

Kevin O'Hara will prepare a second draft for the next meeting.

Dan Grossman, Sean Mullen, and Bill Bridge left the meeting.

8. Informational Meetings (9:40)

a. Review of April 21st meeting: After a brief discussion, it was decided to post the slides from the information meeting. (This was done on 5/9, and they available at http://lists.valley.net/lists/d_read/thetford-planners/outreach/PCZoningUpdate.April20.ppt.) The notes from the meeting will be discussed further at the next meeting and posted when approved.

b. Planning for Next Meeting: The next informational meeting is scheduled for June 16; however, Wayne Parks asked if it should be postponed until there was more new material to

present. Liora Alschuler said she felt the commission could go into more detail on what we have already. Kevin O'Hara referred to Donn Downey's suggestion at the first info meeting that the commission pre-announce some of the major issues and ask for people to come ready to discuss them. There was discussion about how to put together such a list and lead the discussion. Stuart Blood suggested that the commission use the Thetford listserv to feature an issue in some detail, as the conservation commission has done. There was concern from several members that this could lead to a flood of emails rather than more attendance at the info meeting. Liora Alschuler reminded the group how important it was to receive input from the town before a full, final draft is presented. The group decided to bring a list of issues to the next meeting and discuss then how best to present them to the public.

9. Time Line Review (10:03)

Kevin O'Hara presented the current time line and requested further discussion of Stuart Blood's proposal (email of 5/3), drawing the commission's attention to the changes that will be needed in order to complete the draft in time for proper review and voting before the town plan expires. There are 10 meetings remaining in which to complete a draft and announce hearings. There was discussion on how to set the time line and on what issues remain.

10. Reports (10:16):

- a. Selectboard - Has been invited to the next meeting and will attend, assuming there are no more crises of beaver magnitude.
- b. Two Rivers - None.

11. Old Business (10:17): None

12. New Business (10:17): None.

The meeting was adjourned with unanimous approval 10:18 PM.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission