

Thetford Planning Commission
June 1, 2010 – APPROVED Minutes

Present: Wayne Parks (chair), Stuart Blood, Lori Howard, Rick Howard, Dean Whitlock (Clerk)

Absent: Kevin O’Hara, Liora Alschuler

Guests: Dan Grossman (7:21 - 9:05), Joe Tofel (7:21 - 8:05), Mark McMahon (7:21 - 8:05)

(Numbers below refer to agenda items)

1. Meeting called to order by Wayne Parks at 7:21 PM

2. Public Comment: None

3. Review of Minutes of May 18th (7:24): Accepted as amended.

4. Review of Tracking document (7:28): Passed over in Liora Alchuler’s absence.

5. Zoning Draft (7:29)

Stuart Blood referred to his email of 5/28, which contained a document with the draft language adopted at the previous meeting. Wayne Parks read down the list of items. Stuart Blood moved to accept the draft; 2nd by Wayne Parks; approved unanimously.

6. PUD Discussion (7:40)

a. Stuart Blood referred to his email of 5/27, which had been sent to all members and the current guests. It contained a memo with his proposal for how to proceed with PUD density bonuses for affordable housing, addressing concerns that had been raised at the previous meeting and in memos from others: different bonus formulas for the different districts; maximizing density bonuses for mixed-income projects; and decide what are the correct density bonuses.

Regarding maximizing for mixed income, there are two options: reach maximum bonus at 80% (for example) of units being affordable and then reduce the bonus for higher percentages being affordable or maximize at 80% and plateau (bonus is same from 80% up to 100%). Stuart Blood said he preferred the plateau scenario because it didn’t create a disincentive for higher percentages of affordability. The Affordable Housing Committee members present (Mark McMahon and Joe Tofel) agreed.

Stuart Blood proposed 80% affordable units as the maximization point based on the size of the East Thetford lot and the previously stated requirement of 12 units minimum in order for a project to be viable. He further proposed that the maximum bonus be 200% in Village Residential and Community Business, but 100% in rural residential, and that the bonus plateau at 80% affordability.

Wayne Parks expressed concern regarding the 100% bonus in Rural Residential areas. He felt it would be fine along Route 5 and other main roads but that it would be far too big a bonus

in other areas, such as at the end of a class 3 road, particularly if you added in bonuses due to energy efficiency and natural resource conservation. All Rural Residential areas are covered by the same standards so he didn't see that there were any protections for the more isolated areas. Stuart Blood pointed out that the conditional use review standards for roads would put limits based on roads, which would guide the DRB. Wayne Parks said the makeup of the DRB could have an effect on how those standards were applied, but that he didn't have a solution to offer. Mark McMahon asked if the PC had considered aligning standards with tax districting and was told it had not. Mark McMahon said that he had some concerns also about density bonuses in the Rural Residential district but that, as far as the Affordable Housing Committee was concerned, the current proposal is great. He felt that any developer could work within those numbers. Dean Whitlock pointed out that the District Definitions, where they are rewritten, are going to be longer and more detailed, which could address some of the concerns about the variety of neighborhoods in Rural Residential.

Wayne Parks then asked how Accessory Dwelling Units (ADU) would affect a PUD? If a PUD contained single-family dwelling units and each of those could have an ADU, the total number of units could theoretically double. There was further discussion of lowering the bonuses in Rural Residential and of the possible applications on ADUs. There is nothing in the ADU language or PDU language that would block adding an ADU; however, there are PUDs in Norwich that appear to bar them in their charters, though that seems to go against the Vermont statute. The sense of the meeting was that the situation, if it arose, would not happen overnight so the town would have time to respond. Stuart Blood will draft final language for affordability density bonuses to discuss at the next meeting.

8. District Definitions First Reading (7:59)

The meeting jumped ahead in order to accommodate the schedules of the guests.

Stuart Blood pointed out that the proposed affordable housing project in Post Mills is on a lot that would appear to span the boundary between Village Residential and Rural Residential. Rick Howard said that the maps are being redrawn so that no single lots are split that way; the district lines will follow property boundary lines. In the case of split lots, the entire lot will now be in Village Residential. Mark McMahon reported that he has received positive feedback from the state environmental representatives regarding the Post Mills project, because the development will not occur on the old mill's dump site. There are still issues of site control and grants to be resolved and those are the next steps. The town will recoup around 60% of the tax value of the property (not 100% in order to achieve affordability levels), and the units will be required to remain affordable in perpetuity.

Mark McMahon and Joe Tofel left the meeting.

Further discussion of District Definitions was postponed until Liora Alschuler could be present. The meeting return to Item 6b.

6. PUD Discussion, b. & c. (8:08)

b. Stuart Blood handed out a draft of section 6.07 (C, D, & E) of the zoning bylaw, which cover the natural resource areas: Significant Wildlife Habitat, Forest Resources, and Agricultural Land. The draft language is incomplete but includes the concept discussed at the last meeting:

“The DRB may determine the density bonus based on the severity of the impact.” In these three cases, the bonus would depend on having an impact that was less than the impact caused by following the general standards. Methods for reducing impact might include requiring riparian buffers instead of setbacks and cluster housing. The PC would need to establish a full list.

Rick Howard said he was hesitant to grant bonuses on these issues because it was so hard to base them on concrete standards; hard to quantify; and based too much on personal opinion about what was an adverse affect. Wayne Parks agreed, asking how you could determine the increments of reduction? Stuart Blood explained that the concept is to determine what resource you’re protecting by area and calculate what percentage of that you’re conserving. The percentage conserved would be linked to a density bonus percentage in a table. Wayne Parks argued that adding more density would itself increase impact. There was some discussion on how adding more houses would not increase impact and could result in reduced impact. For example, putting more houses on a smaller area in order to conserve a forest area could, in the long run, benefit the whole town. For the next meeting, Stuart Blood will work on the rationale behind these bonuses, standards that the DRB could measure against, and more methods to reduce impact.

c. Undevelopable Land, Define the Issue - Stuart Blood explained that this concern was raised by Dan Grossman and others. How do you calculate a density bonus: should it be based only on the developable portion of a property? To do that, you must distinguish land features that characterize undevelopable land. He listed some that appeared obvious and some that were not so obvious: wetlands, floodplains, water bodies, steep slopes, and wellhead protection areas. He pointed out that applying this to PUD only could result in fewer units allowed than under subdivision regulations. To not penalize PUDs, the concept would have to be applied to subdivision reviews as well.

Rick Howard said he was hesitant to consider undevelopable land because we were taxed on the entire piece, including the undevelopable areas. He felt that applying this concept to subdivision in general would result in great resistance from the townspeople. For PUD alone, it wouldn’t be an issue. Wayne Parks agreed with on all points. There was further discussion of how applying it to PUDs alone or to large parcels only might make some sense but would still cause a disincentive. The final decision was to postpone further discussion of the issue until the rest of the PC was in attendance.

7. Professional Review of Draft (8:50)

(Note that this is a change in the posted agenda. The original item had already been dealt with in the previous meeting.)

Stuart Blood referred to a statement made by Tig Tillinghast at the last meeting regarding funds available for hiring professional help in reviewing the draft of the bylaw. The figure was about \$1000. Stuart had been in contact with Two Rivers and learned that they could not commit time to reviewing until July. Stuart said it would be good for us to get on their schedule for early July into September, sending them individual sections to review as they are approved. There was discussion of what could already reviewed, what was near approval, and what needed more extensive work. An additional legal review by VLCT could be limited to just those sections that

require it, rather than the entire bylaw. Stuart Blood will follow-up with Kevin O'Hara to alter the timeline, and with Two Rivers to get in their queue. Wayne Parks will confirm with the selectboard that the money is available and committed to this review.

8. See Above

9. Assignment of Zoning Administrator's Issues (8:58)

Stuart Blood said that many of the issues could be resolved by a quick scan of the list. He proposed having someone go through the list (approximately 17 items) to take out what had already been covered or was included under items already on the timeline. There was some discussion of certain items. Wayne Parks and Stuart Blood agreed to review the list before the next meeting. Wayne Parks will confirm with the listers, town clerk, and zoning administrator about one issue: a requirement or option to file plans in the town's approved GIS format.

Dan Grossman left the meeting.

10. Time Line Review (9:05)

Wayne Parks handed out full-sized print-outs of the time line, which were gratefully received. The group reviewed the items to determine what changes were needed for the next meeting based on the decisions made in the past two meetings.

11. Reports (9:17)

a. Selectboard - Wayne Parks reported that he had informed the selectboard of his decision to resign after the zoning bylaw was adopted and that they had expressed surprise and concern. He strongly suggested to them that they begin seeking replacements now. Several members said they felt that the level of commitment involved needed to be honestly represented, and that prospective members were invited to sit in to get a sense of what was required. There was some discussion of how the town would be affected if the planning commission was not able to function due to lack of membership.

b. Two Rivers - see above under item 7.

12. Old Business (9:25)

Wayne Parks asked for everyone to notify him of their ability to attend the two extra meetings, on 6/29 and 8/31. He will not be able to attend the 8/31 meeting himself. The members present did not have any conflicts at this time.

13. New Business (9:30): None.

The meeting was adjourned at 9:35 PM.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission