

Thetford Planning Commission
June 29, 2010 – APPROVED Minutes

Present: Wayne Parks (chair), Stuart Blood, Kevin O’Hara, Liora Alschuler, Lori Howard (7:22), Rick Howard (7:45), Dean Whitlock (Clerk)

Absent: None

Guests: None

(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 June 15 (7:18): Accepted as amended.

4. Review of Zoning Draft (7:20):

Stuart Blood referred to the document emailed on 6/24, which contains proposed changes to the zoning draft and other colored text for other discussions this evening (items 5 and 8). He reviewed the changes to the zoning draft. Liora Alschuler moved to accept the changes relating to the zoning draft; Kevin O’Hara seconded. Passed unanimously.

5. Planned Unit Development (PUD) Discussion (7:30)

a. Natural Resource Protection Bonuses - Stuart Blood reviewed the PUD sections under consideration (see document emailed on 6/24). This included language in Paragraph 3 and 3c relating to caps on density bonuses; 3c. relating to natural resource bonuses; and Paragraph 6, relating to riparian buffers in PUDs. Paragraphs 3 and 3c were discussed together. The language in Paragraph 3 puts a cap on total density bonuses (added from all possible means: affordability, energy efficiency, and the there natural resource values) of 150% in Rural Residential (RR) and 250% in Village Residential (VR).

Liora Alschuler asked a question first about Paragraph 4, which would allow greater density if some portions of the site are set aside as open space. Open space is described in greater detail in 3c and its use is made clear there. She questioned the purpose of Paragraph 4. Stuart Blood explained that it was language taken from the Norwich zoning law and that it allows clustering of dwellings independently of density bonuses; that is, there are no additional units but the units are allowed to be closer together than normally required. Liora Alschuler asked how this would work in the case of a subdivision, and Stuart Blood replied that open space could be jointly owned by the owners of each new lot. After approval, the language will be brought to the Development Review Board (DRB) at one of their meetings for a full discussion.

Rick Howard joined the meeting.

Returning to bonus caps, the commission discussed whether there was a need for the separate “subcap” of 100% on cumulative natural resource (NR) bonuses. It adds to the complexity without necessarily being needed. Could a developer actually achieve the maximum bonus in all values and thus exceed 100% total. The NR cap would ensure that the total cap was not reached on NR bonuses alone and thus would encourage the developer to work on affordability and energy efficiency as well. In the interest of moving the discussion along and getting public feedback as soon as possible, Kevin O’Hara moved to accept both caps as written; Wayne Parks seconded. Passed unanimously.

Liora Alschuler raised a discussion about the requirements for open space at the end of paragraph 3c, which has the density bonus percent calculated as being the same as the percent of open space set aside. Stuart Blood explained that he was attempted to provide a clear standard for determining the bonus. There was some discussion of cases where the percent of open space might not equate well with an appropriate density bonus. Liora Alschuler proposed changing the language from a standard to a guideline: “In determining the density bonus to be granted, the DRB shall *consider* the following *guidelines*:” and replacing “will be equal to” with “compared to”. With the understanding that the change would need professional review to see if it was clear enough from a legal standpoint, the change was accepted.

The commission now considered the new language in Paragraph 6, which makes riparian buffers a requirement in PUDs. Stuart Blood reviewed the earlier discussion of buffers in the general standards, which resulted in the commission adopting a requirement for setbacks rather than buffers. He explained that PUDs were a different situation intended to encourage developers to protect natural resources in exchange for density bonuses. Buffers were more protective than setbacks, but in this case did not result in a de facto “taking away” of developable land because the end result was more units on the property. There is a give-and-take involved. Buffers are also specifically recommended in the Town Plan, and there are expert opinions from other sources that recommend their use. There are also several sources of accepted guidelines for creating buffers. Wayne Parks asked if having two sets of standards would create a problem, but Stuart Blood pointed out that there are different sets of standards already in PUDs. Rick Howard said he approved of the concept but would be more comfortable with a stated set of guidelines or named published set of guidelines rather than the “such as” language that was there now. Since there was a consensus that buffers were acceptable in PUDs, Stuart Blood said he would find a published set to reference and bring the changed language to the next meeting

b. Undevelopable Land (8:25) - Stuart Blood reviewed the discussion of the last two meetings, in which it was decided not to add language concerning undevelopable land. He moved that the item be closed out with no action taken; Rick Howard seconded. Passed unanimously.

6. Principal Use of Lot (7:23)

Kevin O’Hara referred to the document he emailed on 6/25, which includes the first draft of new language for Section 3.07, now titled “Use of Lot”. Dean Whitlock pointed out that the language in paragraph B seems to imply that a lot can have several uses but that the second line speaks of “two uses”. There was a brief discussion of how best to reword the line so that it does not limit the number of uses to two. Dean Whitlock asked if there would be an upper limit on the

number of uses. Wayne Parks asked if it would permit more than one single-family dwelling on one lot. Liora Alschuler noted that a duplex is permitted under district definitions; however, that is not the same as two separate single-family dwellings. Wayne Parks asked if the two-home situation fell under PUD, noting that an Accessory Dwelling Unit (ADU) applied only to family members or small rental, limited in size and both units owned by a single resident. Stuart Blood suggested that there be an item 2 in the section that stated a requirement that more than one house on a single lot required PUD review or at least Conditional Use (CU) review. Kevin O'Hara said the working group would come up with appropriate language addressing the situation and exempting ADUs.

The commission also discussed the need for a clear definition of "multi-use". The working group will provide a draft definition for the next meeting.

7. Zoning District Maps (8:40):

Wayne Parks and Rick Howard laid out the new zoning maps for the village districts (VR and Community Business (CB)). The district boundaries have been redrawn by the Two Rivers Ottawaquechee River Commission (TRORC). As closely as possible, the boundaries along the main road axis are drawn to be 500 feet from the center of the roadway. There are a few places where adjustments still need to be made to make sure the boundaries are correct. Wayne Parks pointed out a few places at the ends of the districts where they have shifted the district boundary out to match a property line. An adjustment is also being suggested in Post Mills to match the Thetford/West Fairlee boundary. These adjustments also need to be confirmed with TRORC. Stuart Blood moved to accept the draft maps as modified; Lori Howard seconded. Passed unanimously. There was a brief discussion of the procedure for having TRORC prepare the final maps and whether that cost fell under the original contract.

8. "Red Text" (9:25)

Stuart Blood referred again to the document emailed on 6/24. He has moved the relevant paragraphs of Section 3.10 to Site Plan Review and removed the paragraphs that were redundant. The items were moved verbatim and will now only be considered under Site Plan Review. The change was accepted; the changes will be moved to the draft bylaw for final approval at the next meeting.

9. Richard Blacklow's Memos (9:30)

a. Travel Trailers and Travel Trailer Camps - Lori Howard described her conversation with Richard regarding this issue, which is currently under consideration in an application. Richard has found the language in the current bylaw to be confusing. The case at hand involves non-commercial use of 3 or 4 travel trailers on private land for repeated or extended periods, and the application includes providing power, septic, a covered area, and a bathhouse. There is confusion over the allowed length of stay and whether it is per year. Richard also had questions about how the word "permitted" was used and about the permitting process in this situation. Stuart Blood said TRORC had already made the comment that the steps in the process must be made explicit. Lori Howard is to head up a work group, with Rick Howard as a member, to speak with Richard again and work on new language for Travel Trailers/Camps and on the process question.

b. Assignments - Stuart Blood went down the list, pointing out that there were 5 issues still unresolved. There was discussion of these items: 1-Feb-07 (resolved through language suggested by TRORC in their recent review, comment SSB4 in Sec. 1.04F); 1-Feb-07-3 (issue is fees for renewing permits after 2 years: fees are handled by the select board); 3-Jul-07 (width of driveway). This issue had been resolved once, but there are 2 additional points of detail. 1. What about a driveway that does not lead to a house or other structure? Should there be a required width? (no decision at this time) 2. What if a house is not built where the application shows it would be? (Ask Richard to check with the VT League of Cities and Towns (VLCT) for an opinion as to whether that constitutes a violation of permit.) 1-Dec-07 (Fences - still not clear; Liora Alschuler to find the relevant memos and notes and distill the issue for the next meeting.)

10. Professional Review of Zoning Update (9:59)

Stuart Blood referred to document in his email of 6/28, which has changes to Articles 1 and 4 suggested by TRORC, with comments/clarifications by Stuart. He went down each one, further clarifying its purpose. In addition to the actual changes, there was also discussion of the suggestion to remove the text box containing the definition of Land Development (copied verbatim from the definitions section). It was decided to follow the suggestion and remove the text box. Stuart Blood moved to accept the changes as discussed; Kevin O'Hara seconded. Passed unanimously. There was a brief discussion of how the time and money spent on these two sections was well in line with the budget for this review.

11. Time Line Review (10:25)

Wayne Parks questioned the source of the rumor that he would be gone on 8/31. It was agreed that he was welcome to attend at any time. Kevin O'Hara reviewed the upcoming issues and how they fit into the meeting schedule, with adjustments for items discussed this meeting. Wayne Parks reminded everyone that there is a meeting next Tuesday because this meeting was on a 5th Tuesday.

12. Reports (10:29): None

13. Old Business (10:29):

Liora Alschuler referred to her suggestion of getting on the agenda of the next DRB meeting to reserve time to discuss sections of the new zoning language that pertain to their activities. Sean Mullen and Bill Bridges had been good about coming to planning commission meetings to provide input, but more focused time was needed with the entire DRB. There was discussion of what items would be best to have them review. Wayne Parks will set up the meeting; Liora Alschuler will attend, with others who can make it.

14. New Business (10:44): None.

The meeting was adjourned at 10:45 PM.

Respectfully submitted,

Dean Whitlock, Clerk, Thetford Planning Commission