

Thetford Planning Commission
July 6, 2010 – APPROVED Minutes

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

Absent: Rick Howard

Guests: Dan and Dana Grossman (7:44-9:15), James Thaxton (7:50-9:15)

(Numbers below refer to agenda items)

1. Meeting called to order by Wayne Parks at 7:18 PM

2. Public Comment: None

3. Review of Minutes of June 29 (7:18): Accepted as amended.

4. Review of Zoning Draft (7:23):

Stuart Blood referred to the document emailed on 6/30, which contains proposed changes to the zoning draft. He reviewed the changes. Liora Alschuler moved to accept the changes relating to the zoning draft; Lori Howard seconded. Passed unanimously.

5. Use of Lot (7:28)

Kevin O’Hara referred to the document he emailed on 7/2, which includes the changes discussed at the previous meeting, plus the new Section 3 and a definition of Mixed Use.

Section 3 deals with the situation of more than one residence building on a single lot by specifying that, with the exception of an accessory dwelling unit (ADU), these applications will be subject to Planned Unit Development (PUD) procedures and standards.

It was noted that Liora Alschuler had also provided a definition of Mixed Use in her materials regarding District Uses (Item 8 on the agenda). There was a comparison and discussion of the two definitions. Kevin O’Hara proposed alternative language: “A parcel, a building, or buildings containing two or more uses which are otherwise allowed as permitted or conditional uses within the district in which the building or parcel is located.” Stuart Blood moved that the language for Section 3.07 and the amended definition be accepted; Liora Alschuler seconded. Passed unanimously. Stuart Blood noted that this completed section 3, so that it can now be sent to Two Rivers Ottawaquechee Regional Commission (TRORC) for review. (See Item 10) He will do this before the next meeting.

Dan and Dana Grossman joined the meeting.

6. Richard Blacklow’s Memos (7:45)

a. Travel Trailers and Travel Trailer Camps - Lori Howard reported that she had not talked with Richard since the last meeting. Seeking a clarification of the purpose of the old language,

she had reviewed the regulations in Norwich, which keeps Travel Trailers and Mobile Homes separate. She will ask Richard Blacklow for his opinion on the definitions. Regarding the confusion in language (permitted versus allowed), permitted means that the use requires a permit, while allowed means that the use is allowed as long as all specified conditions are met. Regarding time limits for parking Travel Trailers on a lot, Norwich sets a limit of 30 days total within a 12-month period. After a brief discussion, Kevin O'Hara proposed that 30 days over a year be adopted. This was accepted pending review of specific language.

James Thaxton joined the meeting.

b. Fences & Application House Footprint - There was nothing to report on the issue of fences. Regarding footprint, Stuart Blood reported that he had just received an email back from Richard Blacklow before the meeting and asked to defer the topic until the next meeting.

c. Review and Assignments - Stuart Blood reported that the email from Richard Blacklow went over all of the outstanding issues and suggested also deferring this discussion until the next meeting.

7. District Definitions (7:55):

Liora Alschuler referred to the documents she emailed on 7/5. She reviewed the discussion of the 6/15 meeting, when District Definitions were last discussed, then went over the changes in the language and also the alternative definition of Rural Residential (RR) submitted by the Grossmans. James Thaxton asked about the updating of district boundaries on the zoning maps, and Wayne Parks reviewed the changes that had been presented at the previous meeting. Essentially, the changes are very minor with the exception of one in Post Mills, matching the Village Residential boundary to the West Fairlee town line at the Northeast corner of the village.

The meeting focused on the RR definition, agreeing that the other district definitions were good. Liora Alschuler read the current draft of the RR definition in the new bylaw, and Dan Grossman read their alternative and reviewed their reasons for proposing it. In summary, the RR district covers 90% or more of the town and has a variety of different areas in terms of current development and potential for development. Thetford has the shortest definition of RR of any town in Vermont that he is aware of. Their alternative is an attempt to acknowledge the differences without being so specific as to create de facto sub-districts or overlays. They attempted to be consistent with the language in the Town Plan, and to give the Development Review Board (DRB) some ability to apply judgments based on the differences between areas within RR.

Liora Alschuler said that she agreed regarding the language in the Town Plan, but felt that the Planning Commission had spent more time developing clear standards for the DRB to follow than on any other issue. The standards are not limited to RR only but apply to all districts. She felt that putting standards in the zoning regulations was the best place for them, rather than fitting them into district definitions. She believes the standards spell out the values expressed in the Grossmans' definition, and that it confuses the issue to list them again in the RR definition. It adds too much weight to RR, as though the standards were not as important in the other districts.

There was an extensive discussion of these points. Dan Grossman expressed the concern that an inappropriate development might be pushed through if the differences in settings are not acknowledged in the district definition. Liora Alschuler said that the different settings are clearly

acknowledged in the standards, which provide specific controls. There was further discussion of points of language: overall low density with local areas of high density; substandard and unimproved roads; the use of “inappropriate” and whether it was an appropriate term from a legal standpoint; character of the neighborhood. There was also discussion about how best to provide guidance to the DRB and Zoning Administrator (ZA). Liora Alschuler pointed out that specific concerns could be listed in the Conditional Use (CU) column under District Uses (see Item 8). She also reported that Sean Mullen of the DRB (who was not able to attend the meeting) had reviewed the definitions and said he liked them and felt they provided guidance and gave latitude.

Wayne Parks wrapped up the discussion by asking every one to send suggestions to Liora Alschuler, who will present a final draft at the next meeting.

8. District Uses (9:11)

Liora Alschuler reviewed the current language. She said she thought it needed some reorganization in general and made some suggestions for rewording. Some issues that will need additional work:

- Room Rental (as a CU).
- Permitted density (minimum lot size and maximum number of units), which she felt should not be defined in District Uses; she will follow up with the Vermont League of Cities and Towns (VLCT) to clarify the issue.
- Maximum lot coverage is the same for all districts; there was a long discussion of whether this was appropriate or arbitrary, particularly given the incentives under PUD to encourage greater density in VR. Does CU or PUD override the District Uses? Other dimensional items like maximum height and setback are fixed.
- The Town Plan directive to remove any commercial use on 5 acres or more in RR
- In Commercial Business district (CB), a 10-foot side setback is allowed, but the fire chief has recommended 15-foot setbacks for safety reasons.

Liora Alschuler will make the recommended changes and bring a first draft to the next meeting.

9. PUD Riparian Buffers (9:50)

Stuart Blood referred to his email of 7/5. He provides a new, specific reference document for determining appropriate riparian buffers in PUDs. The new reference is the same required by the state for Act 250 and Section 248 review. It is the definitive guidance in Vermont regarding widths of buffers and how they are to be used. There was a brief discussion of how the buffers varied based on stream class, potential for lateral stream adjustment, and specific site considerations. Kevin O’Hara moved that the language be accepted; Liora Alschuler seconded. Passed unanimously.

10. Professional Review of Zoning Update (9:55)

This was discussed in Item 5: Section 3 will be submitted to TRORC for review.

11. Time Line Review (9:55)

Kevin O'Hara led a brief discussion of accomplishments and status of on-going and up-coming issues, then reviewed what would be discussed in the next meeting.

12. Reports (10:02): None

13. Old Business (10:02):

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. There was a brief discussion of what items would be best to discuss: PUD language and the items that had been reviewed by TRORC. Wayne Parks will arrange time either in their 7/27 or 8/12 meeting.

14. New Business (10:08): None.

The meeting was adjourned at 10:09 PM.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission