

Thetford Planning Commission
September 21, 2010 – APPROVED Minutes

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

Absent: Liora Alschuler

Guests: Kevin Geiger of TRORC (7:18 - 9:26)

(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 9/07/10 and Vote on Minutes of 8/31/10 (7:18)

Still lacking a quorum of members present on 8/31, Chair Wayne Parks approved the amended draft without a vote. The minutes of the 9/7 meeting were approved as amended by a unanimous vote of the members present.

4. Review of Zoning Draft (7:25)

Stuart Blood explained the confusion over multiple posting and reposting of the “latest” version. Version 41c contains all of the approved changes, plus all of the projected changes based on the comments from Twin Rivers Ottauquechee Regional Commission (TRORC) discussed at the last meeting, plus noted comments from Liora Alschuler. See the email of 3:06 PM on 9/21/10. This is the version that will be discussed with Kevin Geiger in the next agenda item.

5. Professional Review of Zoning Draft with Kevin Geiger (7:28)

The review began with Article 6.3, Methods. Kevin Geiger used a projector to display the draft ordinance on a large screen so all could follow along. Stuart Blood acted as lead for the Planning Commission. Each of the TRORC comments that had yet to be approved was discussed with Kevin Geiger to clarify its meaning and intent.

Regarding septic systems in riparian setbacks, there was discussion of including septic system in the definition of “structure” so that the town could regulate them along with all other structures. The concern here is existing small lots that wouldn’t have room for a septic system if they were barred from the setback area. Regulating septic systems with all other structures provides more protection but still allows the Development Review Board (DRB) to work with the state to grant variances on grandfathered lots. Septic systems are already defined structures in the flood regulations, so this is consistent.

The next comment discussed was K59, regarding the difference between Site Plan Review (SPR) and Conditional Use Review (CU). SPR is a more limited process, almost pro forma, and doesn’t consider off-site impact. CU does consider off-site impact and should include all SPR

conditions plus the off-site conditions. The comment indicates that certain conditions listed at this point for gravel pit reclamation shouldn't be listed if they are already in SPR or CU. CU should have its own set of standards for gravel pit reclamation; if the conditions here aren't in CU, they should be moved there. Turns out they are, so they can be removed from this section.

Kevin Geiger provided a definition of "fiscal impact study", which is not what was wanted. Instead, in the standards on open space, there is a requirement for a management plan in PUDs; for example, fields in the open space will be mowed every third year to protect songbird nesting but also to keep the field from growing up to woods. The open space requirement is in 3.08 regarding open space in PUDs.

Comment K63 and K67: There was a discussion about the differences between should/shall and may/will. Kevin Geiger explained that the applicants need to know what will be required of them and why. Conditionals like should/may are not definite enough. For K63, Kevin O'Hara will write a phrase that indicates the why. For K67, Kevin Geiger will supply a phrase.

Comment K66: Feasible versus Reasonable - Feasible is too strict in this context; use Reasonable.

Comment K69: Constitutes versus Indicates - There was a discussion of cases where our regulations are stricter than state regulations.

Comment K70: Removing the final sentence of the description (regarding character of area affected) achieves the purpose of explaining the situation without affecting the rights of abutters.

Comment K71: Additional standards F2 and F4 are covered in SPR so can be deleted here.

Comment SB72: The earlier reply by Chris Sargent of TRORC indicates that this point should be left for consideration in the next round of rewriting.

Suggestion by Chris Sargent to add section E regarding facilities held in common: the permit process would now include the set up of legal agreements on the shared property.

Section 6.12.5.i regarding the Historic Overlay, is the last sentence redundant. It was copied from the old zoning so should be kept.

Comment K74: rather than sending copies to the Zoning Administrator (ZA) and DRB at the same time, it would be better to have the ZA serves as the initial point of contact and gatekeeper of documents. The ZA would forward necessary documents to the DRB.

This completed the review of Section 6. Wayne Parks moved to accept all suggestions as discussed, conditional on receipt of the additional phrases. Seconded by Stuart Blood; passed unanimously.

Article 2. Stuart Blood suggested focusing on the uses and categories. He referred the group to the document emailed at 11:36 PM on 9/20, which included the latest changes to categories and uses. Kevin Geiger projected the document. The discussion started with section 2.04. Kevin Geiger explained the purpose of using a table to implement "scaling" of uses by district. A category could be allowed in all districts, with district-specific size limits for development given in the table. He referred to the sample categories and table from Randolph. Kevin O'Hara explained that the working group had started working on scaling, but their priority was first to define all the categories, then to work on the scaling. Kevin Geiger suggested looking at what currently exists as a starting point to determine appropriate scaling. He pointed out that the Ompompanoosuc Mills factory/showroom in East Thetford set a very large precedence in the

Community Business District (CB) so might not be the best starting point there. Stuart Blood said there appeared to be a choice of either scaling all uses or of using “town planning language” in the purpose statements for each district in order to give the DRB discretion in the CU process. Rick Howard suggested setting size ranges for each district, from which the DRB could choose.

This led to a discussion of rewording the purpose statements. Kevin Geiger’s comment was that they needed to be phrased as purposes rather than descriptions. Purposes A and B are descriptions, while C and D are phrased as purposes. He pointed out that scaling language could be inserted into the purpose statement; for example, “small” in Village Residential (VR), “small to large” in CB; along with phrases like “compatible in scale with existing buildings.” The purpose definitions use terms like “primarily” and are general, whereas the category/use/district tables are specific.

There followed a discussion what categories/uses would apply to Rural Residential (RR), and additional uses were put forward (e.g., summer camp and hunting lodge into the outdoor recreation category). There is also the “Unlisted Use” category (or similar) for uses that don’t fit into any other category. This list allows the DRB to decide if a use fits in a given district. There are other combination uses (2 primary uses) and blends of uses (several primary uses), as opposed to mixed use (1 primary use and 1 or more secondary uses). Kevin Geiger noted that there are uses protected by statute - if they are not specifically listed as allowed in some districts, they are considered to be allowed in all districts. There was a brief discussion of state exempt uses (for example, silvaculture) and the need to not list these in any categories.

This ended the professional review period. Wayne Parks took the opportunity of asking Kevin Geiger to clarify the application process for Municipal Planning Grants, which could be applied to updating the town plan before it expires in 2012. The application would need a compelling rationale, as well as approval by the select board. There was a concern expressed that the Planning Commission did not have time to complete the new zoning regulations and put together a grant proposal by the deadline of November 30 this year. The current schedule has the zoning finished by town meeting, leaving a year to update the town plan before beginning work on the subdivision regulations. Kevin Geiger indicated that TRORC would be able to offer help on the grant application and rationale.

Finally, there was discussion of the required warnings for public review of the draft when it is ready. TRORC will help with wording and placing of the warning and report that goes with the mailed version. Only 1 hearing is required. The map must go out with the warning.

Stuart Blood went over the list of the outstanding articles that need review. Article 2 remains the most difficult section to complete, but tonight’s review will make that easier. A final item is the driveway standards. Rick Howard reported that he had yet to get a reply from the fire chief regarding the bridge standard; however, he discovered that there are driveway standards on the back of the town’s road and bridge application form to be submitted to the select board. Kevin Geiger commented that it was not common to have them in the zoning regulation. Rick Howard recommended asking the select board to incorporate on their form the new standards the planning commission had developed in order to accommodate the fire chief. He has found the bridge specifications through other sources and will adjust the new set to match the set on the application where those are more stringent. He and Stuart Blood will work together on a letter to the select board explaining the situation.

Another item to address are fence specifications, but that will be postponed to the next meeting.

Kevin Geiger left the meeting.

6. Time Line Review (9:46)

Kevin O'Hara went through the list of topics for the next meeting, which includes a review of article 7, the list of uses and categories, and fences.

7. Meeting with DRB (9:48)

Wayne Parks reminded the members that the commission is scheduled to attend the DRB meeting next Tuesday, the 26th, at 8 PM, to discuss the new regulations with them, focussing on articles 2 and 6. There was a discussion of ways to get the DRB involved in article 2 before the meeting. Start Blood will incorporate the points of this evening's discussion and send the new version as a yet-to-be-approved work in process so they can read it ahead of time. There was a brief discussion of preparations to be made ahead of time.

8. Reports: None

11. Old Business: None

12. New Business: None

The meeting was adjourned at 10:00 PM.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission