

**Thetford Planning Commission**  
**October 5, 2010 – APPROVED Minutes**

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

Absent: Liora Alschuler, Lori Howard

Guests: None

(Numbers below refer to agenda items)

1. Meeting called to order by Wayne Parks at 7:22 PM

2. Public Comment: None

3. Review Minutes of 9/21/10 (7:22) - The minutes were approved with the changes noted.

4. Review of Zoning Draft (7:29)

Stuart Blood explained that he had posted the last version after the Development Review Board meeting. This included all approved changes plus pending changes based on their comments and those from Two Rivers Ottauquechee Regional Commission (TRORC). These changes will be discussed and approved by section in this and the following meetings, so there is no need to list this as a separate agenda item any more.

5. Article 2 (7:32)

a. District Uses & b. Corrections From Meeting with DRB were reviewed together - Stuart Blood went through the remaining comments and pending changes section by section. The members indicated approval and exceptions at the end of each section and voted on the whole at the end of the article. This procedure was followed for all of the articles reviewed.

There was a discussion of the language “compatible in scale with existing development” inserted into the purpose statements, in relation to the allowed lot coverage areas in the tables of dimensional standards. In Conditional Use (CU) review, where there are additional standards specified, there is the language to avoid “undo adverse impact on the character of the neighborhood as defined by the purpose statement of the district.” Would the language and coverage limits provide enough protection or be too restrictive?

The next point of discussion concerned unlisted uses. Here, the language provided by TRORC was not adopted. The members felt that the existing language in the description of use categories (“examples include but are not limited to”) gave the DRB enough leeway to make a determination about any use not specifically listed in a category or in the Permitted and Conditional Use lists for each district.

Stuart Blood provided a definition of Drive-In or Drive-Through Service, which defines them not as uses but as characteristics of uses (e.g., food service, banks, and pharmacies). He

proposed spelling out in the general standards where this feature is or is not allowed, and that it be limited to the Commercial Business district (CB), as a CU.

The members moved on to review the lists of uses/categories and Dimensional Standards tables for each district. There was additional discussion of the allowable maximum lot coverage in Village Residential (VR) given that gravel driveways and parking areas are considered impermeable. The percentages currently in place seemed too restrictive to some members. What is the rationale for the maximum lot coverage percentages in all of the districts? It was decided to seek more guidance from TRORC about this.

In the review of Rural Residential (RR), there was more discussion of the “spaghetti lot” issue and dimensional limits suggested by TRORC to prevent such long, narrow lots (Width at Building Line in Linear Feet = 100 feet or 1/4 of the mean depth, whichever is greater). Some members felt that this would not apply well to very large lots and that 100 feet wide was sufficient.

In Community Business, the members agreed that B&Bs, like hotels, should be permitted, not CU.

Stuart Blood moved to approve the language in Article 2, leaving the issue of lot coverage in all districts until the next meeting. Kevin O’Hara seconded. It passed unanimously.

#### 6. Article 3 - Driveways & Private Roads (8:13)

Rick Howard reported that there was nothing new to report. He and Stuart Blood will write a letter to the select board before the next meeting suggesting that driveway standards will be removed from the zoning bylaw and kept on the back of the driveway permit, under their jurisdiction. The letter would include the draft standards from the bylaw, explaining that these were developed at the fire chief’s suggestion and with his input.

Stuart Blood pointed out the new section, 3.14, regarding Drive in and Drive-through Facilities and the new definition for these features. This initiated a new discussion of where a drive-in/drive-through service should be allowed. As the draft stands, it would be prohibited in VR and RR but allowed as a conditional use in CB. After some discussion, the members indicated that it should be permitted in VR as a CU also. Kevin O’Hara moved that the changes discussed in sections 3.13 and 3.14 be accepted. Wayne Parks seconded. It passed unanimously.

#### 7. Article 5 - General Review (8:29)

Stuart Blood started a discussion of the suggestion by TRORC that Home Office be changed to Home Occupation in section 5.03 and throughout. There seemed to be no logical rationale for the change. The membership indicated agreement that the three home uses currently described (Home Office, Home Occupation, and Home Industry) made sense and should be kept as is. Stuart Blood moved to approve the changes made to Article 5 on 9/7, with the exception of 5:03 A & B, which would be kept as Home Office and Home Occupation. Kevin O’Hara seconded. It passed unanimously.

#### 8. Article 6 - Wording (8:37)

Kevin O’Hara referred to the additional wording emailed by Kevin Geiger of TRORC on 9/23 in response to the discussion at the meeting of 9/7. This concerns lighting standards in Site

Plan Review. TRORC recommends adding the introductory clause (shown in quotes) in this sentence: “Where close proximity of residential neighbors might be a concern,” applicants may also be required to use lower mounting heights and illumination levels. There was a brief discussion. Kevin O’Hara moved to accept the added clause. Stuart Blood seconded. It passed unanimously.

#### 8a. Technical Amendment Regarding Citation in 6.11c (8:39)

Stuart Blood pointed out the need for a technical amendment to section 6.11c, where the Conservation Commission is listed as a consulting body to the DRB and Zoning Administrator. The statute cited to support this inclusion should be 4433. Since this was merely a correction and not a change in intent or effect, no formal approval was required.

#### 9. Article 7 - General Review (8:41)

There was a discussion of the meaning of “completed” in section 7.03f, Permit Expiration. Kevin O’Hara will write a brief definition of the term and send it to Stuart Blood to add to the Definitions section, to be discussed at the next meeting.

There was a discussion of an addition to paragraph 4.5 in section 7.03f suggested by TRORC, which language would clarify that a zoning permit applies to the property, not to the current owner. (I.e., a change in ownership does not invalidate the permit). The members indicated agreement.

In 7.04 (Appeals of Zoning Administrator Actions), TRORC suggested changing “interested person” with “potentially interested person”. After a brief discussion, the members indicated that adding “potentially” was potentially confusing and that the citation of the statute defining who constituted an interested person was clear.

There was a discussion of the requirement to send notification of a decision within the 45-day period specified in 7.04d. TRORC pointed out that the decision must be made within 45 days but that the notification does not have to be sent within that period. (A decision made on the 45th day could not be sent within the period if the meeting took place in the evening.) TRORC suggested using the language “will be promptly sent”.

There was a brief discussion of the description of penalties suggested by TRORC in 7.07a.

Stuart Blood suggested adding waivers and site plan review to the list of reasons for holding a hearing.

There was discussion of the use of “close of hearing” as opposed to “adjourn”. Stuart Blood will ask TRORC for clarification.

Stuart Blood moved to accept the changes as discussed, leaving the outstanding items till the next meeting. Wayne Parks seconded. It passed unanimously.

#### 10. Article 8 - Definitions (9:26)

There are two tasks to complete in this section: 1) Review the current list to see if any of the terms are not actually used in the document. Stuart Blood will do this and delete the unnecessary definitions. 2) To review the bylaw and make sure that all terms that should be defined have been. Stuart Blood suggested that each member proofread one or two sections with an eye on undefined terms, consistency, and errors in grammar and spelling. Rick Howard will

review Articles 1 and 7; Lori Howard, Article 2; Kevin O'Hara, Articles 3 and 4; Liora Alschuler, Article 5; Stuart Blood, Article 8; and Wayne Parks will review Article 6 and notify the absent members of their assigned articles. In the next couple of days, Stuart Blood will prepare a new revision based on this meetings approvals and will make it available for the members to review. There was a discussion of the timing of the process; the final approved draft is due in 4 weeks, on 11/2.

#### 11. Review of Meeting with DRB (9:39)

There was a general feeling that the meeting went well, with fewer complaints than expected. The members were pleased and hoped the DRB members would follow through by voicing their general approval to the select board.

#### 12. Professional Editing (9:45)

Stuart Blood reported that he had consulted with several people about the nature of the professional editing process and also to get recommendations of local editors to use. He was told there was about 8 hours of work for a professional editor, at about \$40-\$50 per hour for formatting alone, about \$400 total. There was a discussion of the Planning Commission budget and the amount previously discussed with the select board to cover this project. There was also another brief discussion of the time line and the need to have the formatting completed by 11/2. Kevin O'Hara oved to petition the select board for \$400 for professional formatting services. Stuart Blood seconded. It passed unanimously. Wayne Parks then moved to engage the services of Diana Wright to complete the formatting of the draft bylaw. Kevin O'Hara seconded. It passed unanimously.

Kevin O'Hara then requested that Article number be included in the header on every page of the document. Stuart Blood asked the members to send all formatting requests to him via email so he could create a specification to give to Diana Wright.

Kevin O'Hara then asked if there would be a table of uses/categories by district, replacing the lists that are there currently. Stuart Blood replied that he would try, if it can fit in the margins and still be readable.

#### 13. Municipal Grant Application (10:05)

Wayne Parks pointed out that the time is short; the application is due on 11/30. This grant would be for revising the Town Plan, and TRORC would be able to help is preparing the application. There was a discussion of an email from Kevin Geiger of TRORC in which he made several suggestions regarding how to proceed with the application. It was felt there was a need for a few clarifications to his suggestions. Stuart Blood moved that the Planning Commission voice its support of asking TRORC to prepare an application for a municiple planning grant to partially fund development of the next town plan. kevin O'Hara seconded. There was further discussion on the need to assure carryover of administration of the grant by the future members of the Planning Commission. The motion then passed unanimously.

#### 13.5. Review of Time Line (10:16)

Kevin O'Hara quickly went over the topics that would be discussed at the next meeting and those remaining before 11/2.

14. Reports (10:17)

a. Selectboard - Wayne Parks said there was nothing new to report this time.

b. Two Rivers (TRORC) - Wayne Parks reported that he had been in communication with TRORC about updating the maps as discussed previously. He has received their bill for \$480 for professional review of the zoning document.

15. Old Business: None

16. New Business: None

The meeting was adjourned at 10:18 PM.

Respectfully submitted,  
Dean Whitlock, Clerk, Thetford Planning Commission