

Thetford Planning Commission
October 19, 2010 – APPROVED Minutes

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

Absent: None

Guests: None

(Numbers below refer to agenda items)

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

2. Public Comment: None

3. Review Minutes of 10/5/10 (7:22) - The minutes were approved as amended. Liora Alschuler, who was absent at that meeting, asked for confirmation on one point in agenda item 6, regarding the discussion of drive-in/drive-thru service being permitted in Village Residential (VR) as a conditional use (CU). Stuart Blood confirmed that that was correct.

4. Review of Zoning Draft (7:26)

Stuart Blood reported that this item was unnecessary because item 8 entailed a detailed review of the entire document. He suggested that, instead of following the agenda as printed, the members jump right to item 8, start the review at Article 1, and continue in order through Article 8. The members concurred that this would be the most efficient way to proceed.

5. District Uses - General Classifications: Deferred to Item 8

6. Lot Coverage Percentages: Deferred to Item 8

7. Article 7 - 3 Remaining Open Items: Deferred to Item 8

8. Review of all Articles in Zoning Draft, to include Proofreading, Definitions, and Terms (7:28)

The members who had been assigned to proofread each article presented their comments, followed by a review of outstanding issues. The chair took the sense of the meeting on each item and then called for a vote to approve the changed article *in toto*. Many of the changes involved errors in spelling, grammar, etc. Most of the outstanding issues were accepted without discussion. There were a few lengthier discussions, noted below.

Article I. Authority & Purpose - Proofread by Rick Howard. Stuart Blood pointed out several noted changes in Section 1.04, Exemptions. Item (O) Fences and Walls has been inserted at the request of the Zoning Administrator (ZA). It refers to section 3.01 on fences/walls and lists the conditions where a fence or wall does not require a permit. Item (P) Temporary Uses refers to events such as auctions, which last no more than a few days. There was a discussion of the difference between an estate auction, which takes place over a few days at an existing home, and

an auction house or yard, which is developed for the purpose of holding regular auctions. The auction house is covered in the uses table in Article 2. The sense of the meeting was that auction houses should be a conditional use in all districts.

Stuart Blood then explained the new Section 1.05, Limitation on Regulation of Public Facilities. This is a new legal requirement set in Act 4413(a), which lists certain types of public facilities that can only be regulated with respect to certain features (specifically listed) but not in a way that would “have the effect of excluding or interfering with the intended use or function [of the facility]”. There was some discussion of how this would effect the operation of the recycling center and plans to use the same location for a road gravel storage site. Since the limits are set by state law, the sense of the meeting was that it must be included.

Rick Howard moved to accept Article 1 with all changes as discussed; Stuart Blood seconded. The motion passed unanimously.

Article 2, Zoning District Regulations. Proofread by Lori Howard. Stuart Blood pointed out the addition of Fairgrounds to Cultural use category. There was a discussion of the limits set on Maximum Lot Coverage in table 2.2, Standards by District. These had been set at 30% in VR, 50% in Community Business (CB), and 10% in Rural Residential (RR), at the suggestion of the Two Rivers Ottawaquechee Regional Commission (TRORC). These assume the coverage is impermeable and affects storm water runoff. However, a packed dirt driveway is considered impermeable and could easily use up most of the allowed coverage in a long lot. Rick Howard pointed out that Site Plan Review (SPR) covers the issue of storm water runoff. It was the sense of the meeting that these limits were too restrictive and should be deleted from all districts.

Stuart Blood explained the new Table 2.1, Uses by District, which replaces the old separate lists of uses for each district. He pointed out the footnoting system, which clearly indicates special cases that need additional review. The members applauded his work.

There was some discussion of a recent case before the Development Review Board (DRB) involving an Accessory Dwelling Unit (ADU). It has led to suggestions from the DRB for clarifications in the new ADU standards and also in Planned Unit Development (PUD), which under certain conditions can allow waivers to the maximum density standards set in Table 2.2.

Liora Alschuler pointed out an error in Table 2.1 involving Bed & Breakfasts and Motel and hotel. After a brief discussion, the consensus was that both should be CU in VR and Permitted in CB. In RR, B&Bs remain a CU, while Motel/hotel remains not allowed.

Stuart Blood moved to approve Article 2 with all changes as discussed; Liora Alschuler seconded. The motion passed unanimously.

Article 3, General Provisions. Proofread by Kevin O’Hara. Stuart Blood reviewed the changes to section 3.01, Fences, Walls, and Hedges, which were requested by the ZA. The new language specifies the height-by-setback combinations for fences and walls that do not require a permit.

Stuart Blood moved to approve Article 3 with all changes as discussed; Kevin O’Hara seconded. The motion passed unanimously.

Article 4, Nonconformities. Proofread by Kevin O’Hara. No changes.

Article 5, Specific Use Provisions. Proofread by Liora Alschuler. There was a brief discussion about changing “residential character” to “character”, so as not to imply that a use would be limited only to the residential districts. The consensus was to make the change. Liora

Alschuler moved to approve Article 5 with all changes as discussed; Wayne Parks seconded. The motion passed unanimously.

Article 6, Development Review. Proofread by Wayne Parks. He noted that “waivers” should be added to section 6.02(B) - hear and grant requests for variances and waivers... He asked about definitions for “stream” and “impervious”. Stuart Blood reported that he had not yet found an official definition for “stream” and would strike the reference to a definition. He did have a definition of “impervious”, supplied by TRORC.

There was a brief discussion of the final provision in Table 6.1, Site Plan Application Requirements, which specifies that the DRB may employ or contract with consultants at the applicant’s expense. There is no limit on the fees, which could pose a burden to some applicants. New language was proposed that would allow the applicant to review and accept or refuse an estimate of cost prior to the DRB’s engaging the consultant. Liora Alschuler suggested that the table be reformatted as a simple list, since it only has one column. Wayne Parks pointed out that section 6.05(E), item 12 in the list of standards (storm water management), also allowed the use of consultants at the applicant’s expense. The same language regarding review/refusal of an estimate will be inserted.

There was a discussion of the use of the term “reasonable person” in section 6.05(E), item 10 (Odors, etc.), regarding what might be “considered offensive.” Stuart Blood pointed out that the term “reasonable person” was used frequently in the courts, statutes, and ordinances and is an accepted, though subjective, standard. It will be kept as is.

There was a discussion of the changes made to section 6.07(D), standards 3 and 4, regarding maximum density. The rewording to 3 clarifies how density bonuses may be used in a PUD to permit the construction of additional units beyond the usual maximum density allowed. The rewording to 4 clarifies how a PUD can be used to exceed the maximum density allowed on a lot, not by allowing more units, but by allowing the permitted units to be situated in a smaller area on the lot. This concentration of units must be offset by setting aside open space that will not be developed.

Stuart Blood moved to approve Article 6 with all changes as discussed; Wayne Parks seconded. The motion passed unanimously.

Article 7, Administration & Enforcement. Proofread by Rick Howard. There were only a few changes to review, along with the definition of “Completion of Construction” authored by Kevin O’Hara. Stuart Blood moved to approve Article 7 with all changes as discussed; Rick Howard seconded. The motion passed unanimously.

Article 8, Definitions. Proofread by Stuart Blood. The unofficial definition of Stream will be removed, pending the discovery of an official one. The box definition of “Interested Person” from Article 7 will be moved to Article 8 and unboxed. Wayne Parks to moved approve Article 8 with all changes as discussed; Stuart Blood seconded. The motion passed unanimously.

There was a moment of celebration at the completion of an intense, four-year process.

Then Stuart Blood reviewed the final steps necessary to prepare a final, professionally formatted draft to approve at the next meeting (11/2).

9. Professional Review of Articles (9:55) - Nothing to report.

10. Professional Editing & Formatting (9:56)

Stuart Blood will meet with the editor in the next 2 days, after incorporating the changes discussed this evening. Wayne Parks reported that the \$400 will come out of the Planning Commission's budget for printing.

11. 2011 Budget - Selectboard Letter (9:57)

Wayne Parks referred to a letter sent by the select board to some committee and department heads requesting 2011 budget proposals by Monday, October 25 in a spreadsheet file. He had not received one, but was able to get a copy. The select board is asking that there be no increase in non-payroll spending, and to base the proposal on 2010 actuals rather than the 2010 budgeted amounts. There was a discussion of the fact that major printing and advertising expenses were about to be made for the upcoming public hearing on the zoning draft, so the 2010 actuals are significantly lower than they will be a month from now.

This led to a discussion of the process for warning the hearing and preparing copies. TRORC will be involved and can supply some copies and help prepare and place the warning. There is a report of changes to accompany the draft, which the members would like to expand beyond the boilerplate report provided by TRORC. The suggested schedule to allow time for preparing the report and warning is to publish the warning on 11/8 and hold the hearing on Tuesday, 11/30. Liora Alschuler and Stuart Blood will prepare the report; Stuart will coordinate with TRORC. Liora Alschuler suggested holding a public information session several days before the hearing. She suggested holding it on Tuesday 11/16 instead of a normal planning commission meeting, and to announce it on the town listserve.

12. Municipal Grant Application (10:15)

Wayne Parks discussed the grant with the select board. They will have to be the official applicants, to which they agreed. Tig Tillinghast has been designated as the grant specialist for the select board, and he will need to be in touch with TRORC very soon. TRORC is suggesting requesting a grant of \$8000 to support the wetlands mapping grant. The online application forms won't be available until November. Wayne Parks will forward this information to Tig. He will also ask TRORC to go ahead with the application and to keep Tig in the loop.

13. Time Line Review (10:23)

There is no more time line for completing the draft, other than the final approval at the next meeting. Liora Alschuler said it was time to set up a new time line that covered the steps to the hearing and afterward (possible changes and additional hearing before presenting the by-law to the select board for adoption).

14. Reports (10:24) - None other than what was reported above.

15. Old Business: None

16. New Business: None

The meeting was adjourned at 10:25 PM.

Respectfully submitted, Dean Whitlock, Clerk, Thetford Planning Commission