

**Thetford Planning Commission
December 7, 2010 – APPROVED Minutes**

Present: Wayne Parks, Kevin O’Hara, Stuart Blood, Liora Alschuler, Lori Howard, Rick Howard (7:34), and Dean Whitlock (Clerk)

Absent: None

Guests: Tig Tillinghast (7:27 - end)

1. The meeting called to order by Wayne Parks at 7:17 PM.

2. Public Comment: None.

3. Review of Minutes (7:18 PM)

11/16/2010 - Approved as amended.

11/30/2010 - There was a brief discussion of this being a warned hearing rather than a regular meeting. The minutes will be treated in the same manner as those for a regular meeting. There was a discussion of the table of comments/questions collected at the 11/16 meeting and 11/30 hearing. Dean Whitlock suggested that this table be the official record of the questions and comments, since they were typed as the meetings progressed, in full view of the participants. Stuart Blood asked that Dean retain his notes as a backup if questions arose. The minutes were then accepted as amended.

4. Zoning Draft (7:29)

There was a brief discussion of the comments received since the hearing: 1. Tara Bamford has sent a document with written comments via email on 12/6/10. Stuart Blood had already added these to the comment document and added a sort code to group them with similar comments. He had also made some minor changes to the draft bylaw (technical corrections and copy editing that did not require discussion). 2. Patricia Fiskin had sent comments via email that arrived just before the meeting began. Wayne Parks pointed out that the deadline for written comments had been announced as 7:15 PM this evening. He moved that no more written comments be accepted. Stuart Blood seconded; the motion passed unanimously.

Liora Alschuler suggested that the commission first go through the items that seemed to need only clarification; then to look at items needing discussion. There was a brief discussion of how much time these more complicated items might require. For example, an item might fall within the scope of changes being made in this draft but would require four-to-six weeks to properly research, discuss, and resolve. For each item, the commission must decide whether to do this even if it delays adoption of the bylaw, or to table it till the next revision of the bylaw in order to meet the timeline for adoption and move on to the review and revision of the town plan.

The items from the hearing that needed clarification were all dealt with and a response recorded in the table. Dean Whitlock is to create a list of acronyms in the bylaw to see whether

they should be included in a table at the beginning. Stuart Blood moved to approve the responses to these items for publication in the table of comments. Kevin O'Hara seconded; the motion passed unanimously.

The commission began to address the items that required more complex discussion. The first item concerned the exemption of the the Connecticut River from a setback, such as is required for all other third-order and higher streams (see 6.04(D)3(c), p. 26). Rick Howard said that he had read the comments related to this issue (which added up to a recommendation for a 100-foot setback along the Connecticut River) and had not changed his mind. He still believes that the setback does not add any useful protection, since the flood plain regulations already control development along the Connecticut. He also repeated his belief that the type of fluvial erosion damage that the setback is supposed to protect against does not apply to the Connecticut River's banks, based on his day-to-day farming operations beside the river. The erosion occurs below the edge of the bank, causing it to cave in.

Stuart Blood presented maps that he had prepared, with help from the Two Rivers Ottauquechee Regional Commission (TRORC), showing the restricted flood plain line and the 100-foot setback line. This allowed the members to see what stretches of the riverbank were not in the restricted flood plain area (due to high banks), but would be restricted by a 100-foot setback. It also showed the stretches that were restricted due to existing rights of way for roads and railroad tracks. The maps show that only a few short stretches were outside of some existing restriction and thus would be affected by adding a 100-foot setback.

Stuart Blood said that he was prepared to make a motion to remove the exemption for the Connecticut River from the setback requirement, but that he would wait until the next meeting if any planning commissioners needed more information to make a decision. He then asked if any commissioners needed more information. No one said that they did. Stuart Blood then moved to replace the language "...the regulation shall not apply..." to "...the setback shall be 100 feet". Kevin O'Hara seconded. Wayne Parks opened the motion to further discussion.

Liora Alschuler said she believed that this was consistent with what the planning commission had done for other streams. Stuart Blood said he felt that adding a setback would show a concern for the health of the river, matches the regulations of the neighboring towns, and follows the guidance of the town plan to adopt the guidelines of the Connecticut River Joint Commissions. Kevin O'Hara expressed his agreement on these points.

There was no further discussion and Wayne Parks called the for the vote. In favor: Stuart Blood, Liora Alschuler, and Kevin O'Hara; against: Rick Howard; abstain: Wayne Parks and Lori Howard; the motion failed.

The next item discussed was a comment from Heather Carlos suggesting that there be a minimum setback of 75 feet applied to third-order and higher streams. The draft bylaw currently establishes a setback of three channel widths from the center of the channel (see 6.04(D)3(c), p. 26). Ms. Carlos pointed out that, in the case of a narrow, restricted channel, three channel widths could be less than 75 feet. Stuart Blood moved to amend the language after "...setback shall be..." to insert "...greater of 75 feet or..." Kevin O'Hara seconded. The members viewed the stream-order map to see what streams outside of the Ompompanoosuc were at 3rd order or higher. There are several short sections that feed into either branch of the Ompy or into the Connecticut. Stuart Blood said he felt this was a technical correction, since a setback of less than

75 feet would be less than the setback for the smaller 2nd-order streams. The question was called: in favor where Stuart Blood, Liora Alschuler, and Kevin O'Hara; against were Wayne Parks, Rick Howard, and Lori Howard; the motion failed.

The members quickly reviewed the remaining issues to see if any required homework. Liora Alschuler said she would post the new draft of the comment document to the members for further review before the next meeting.

5. Time Line Review & Future Agenda (9:53)

The sense of the group was that they should be able to finish reviewing the remaining comments at the next meeting. A new hearing is not required but the commission must vote on the revised draft of the comments document, so it can be posted for the public to see. If the change report needs to be amended, it only needs to be posted with the town clerk and at a select board meeting, but if there are no substantive changes, there would be no need to amend the report. The commission could vote on the revised bylaw as early as the meeting of January 4, 2011 if the changes can be made before then. (There was a brief discussion of the need for professional editing of the revision to make sure that the proper formatting was maintained through out the document.) After that vote, the bylaw would go to the select board for their review, along with a final set of comments, if any questions arise after the comments document is posted. Tig Tillinghast said that, under this timeline, and given their need to solicit comments, the select board could not adopt the bylaw by town meeting. However, it can be adopted at any time up to a year after it is submitted. He said he expected there would be some additional comments to deal with.

6. Reports

- a. Selectboard - Tig Tillinghast's comments in item 5 constitute the selectboard report.
- b. TRORC - The commission expressed their thanks for the help given by TRORC in commenting on the various revisions of the draft bylaw and in preparing the maps.

7. Old Business

Rick Howard apologized for missing the hearing.

8. New Business: None

The meeting was adjourned at 10:09 PM.

Respectfully submitted, Dean Whitlock, Clerk
Thetford Planning Commission