

**Thetford Planning Commission
January 4, 2011 – APPROVED Minutes**

Present: Wayne Parks, Kevin O'Hara, Stuart Blood, Lori Howard, Rick Howard, Liora Alschuler, (7:27-8:28) and Dean Whitlock (Clerk)

Absent: None

Guests: None

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

2. Public Comment: None.

8. Old Business (7:18)

Liora Alschuler (and her projector) being absent, Wayne Parks asked for editorial comments on the report he had prepared for the Town Report. The Town Clerk had given him a one-day extension on the submission deadline so the report could be discussed at this meeting. A few changes were suggested and corrections indicated.

4. Zoning Draft (7:23)

Review of the minutes was pushed to the end to be sure that all of the comments would be addressed.

Stuart Blood led the discussion of the comments still not discussed. After Liora Alschuler arrived, she set up her projector to display the comment document and led the rest of the discussion. The cases that required lengthy discussion are noted in these minutes; however, readers should refer to the final draft of the comment document, when it is published, for the official responses to every comment.

Comment 30 (Marilyn Welch Fava) regarding temporary and intermittent noise. After some discussion of the conditions at the recycling center and also on construction sites, where backup beepers are used on all heavy equipment, the commission approved adding a sentence to clarify the permitted hours of operation and to clarify that intermittent noise is not exempted from the standard.

Comment 31, 32, and 33 (Marilyn Welch Fava, Roy Fava, and Sandra Miller, respectively) all regarding the change to permit mixed use, the current agreement between the town and the neighbors to the recycling center, and “grandfathering” of the current situation. The planning commission were agreed that allowing mixed use was the best way to meet many of the goals and objectives set out in the town plan. The current bylaw in effect does not allow mixed use in general (though it does allow home occupations, which are a de facto mixed use.) Adding a clause in the bylaw to affection only a specific parcel is “spot zoning,” which is not allowed under state law. Grandfathering has the following effects: If the regulations become more restrictive, an existing use that would be disallowed on a new permit application is allowed to

continue. If the regulations become less restrictive (as in the current case of allowing mixed use where it wasn't allowed before), the new rules must be applied to all new permit applications (as long as all other standards and conditions of the application are met).

All other comments were addressed without extensive discussion. Stuart Blood suggested approving the responses to all comments tonight and posting the comment document along with the revised bylaw, with change tracking enabled, so the public can see the both the new version and the specific changes made in response to the comments. There was some discussion of the process. Wayne Parks then moved to approve the comment document as amended through this meeting and posting it. Stuart Blood seconded. The motion passed unanimously.

Wayne Parks then moved that Stuart Blood make all changes to the draft bylaw as indicated in the comment document, and that the planning commission approve that revised version for posting. Kevin O'Hara seconded. The motion passed unanimously. Stuart Blood will prepare two versions: one with change tracking enabled and one without change tracking, showing only the final version of the draft bylaw.

Kevin O'Hara moved that the planning commission vote on approving and sending the final version to the selectboard at the next planning commission meeting, on January 18. Rick Howard seconded. The motion passed unanimously.

Liora Alschuler left the meeting.

3. Review of Minutes of 12/21/10 meeting (8:28)

The minutes were accepted as amended. Lori Howard abstained from the vote because she did not attend that meeting.

5. Time Line Review & Future Agenda 8:43)

The next meeting will include voting to approve the revised bylaw and submit it to the selectboard. There was some discussion about upcoming departure of some members. Wayne Parks and Lori Howard are both leaving the commission now that the draft bylaw is complete. Stuart Blood's term is due to expire soon. (Wayne Parks will ask the selectboard if the official date is Town Meeting Day or the date of Stuart's appointment to the commission.) There are a couple of possible candidates to appoint to the commission, but no one definite. The members expressed concern that there would soon be only three members. The next items to deal with are the Subdivision regulations, which require updating to align with the new bylaw, and the Town Plan, which must be revised during the next year.

6. Municipal Planning Grant

Wayne Parks reported that the town had succeeded in its application for a municipal planning grant to help fund the review and revision of the Town Plan. The amount is \$11,000 dollars.

7. Reports (8:44)

- a. Selectboard - the Municipal Planning Grant has been approved (see above)
- b. Two Rivers Ottawaquechee Regional Commission - none
- c. Meeting Place for 3/1/11 - Stuart Blood will arrange to reserve the Community Center.

8. Old Business (8:49) - see above

9. New Business: None

The meeting was adjourned at 8:50 PM.

Respectfully submitted, Dean Whitlock, Clerk
Thetford Planning Commission