

**Thetford Planning Commission**  
**May 3, 2011 – APPROVED Minutes**

Present: Kevin O’Hara (Chair), Terry Longo, Michael Schunk, Rick Howard (arr. 7:21), Dean Whitlock (Recording Clerk)

Absent: None.

Guests: Donn Downey, Liora Alschuler, Patrick Kearny, Stuart Blood, Sally Hull (7:22-8:45)

(Numbers below refer to agenda items)

1. Meeting called to order by Kevin O’Hara at 7:22 PM

2. Public Comment.

Stuart Blood reported on the activities of the subdivision regulation working group. He gave a brief overview of the history of the current draft: started several years ago but put aside when the Planning Commission needed to focus on the completing the draft zoning bylaw. The Development Review Board (DRB) is now requesting that the subdivision reg. be completed as quickly as possible to deal with some confusing sections in the current regs. The working group consists of himself, Bill Bridge and Sean Mullen of the DRB, and Kevin O’Hara. The plan is to work in parallel with the development of the new town plan, bringing new items to the full Planning Commission for their consideration. The DRB workgroup members will provide the lead on the procedural issues that need to be addressed. The group has met twice but has been on hold during the controversy over the membership of the Planning Commission. The workgroup members want to be sure that there will be buy-in from the selectboard when the draft regulation is finally complete.

Kevin asked the commission members for comment on the workgroup process. He said it was a duty of the full Planning Commission to complete the regulations, so the question this evening was not about buy-in, but about the process of using a workgroup. The previous membership had agreed to the process, but now the new membership should weigh in. Stuart recommended that the new members get copies of the current reg. and the current version of the draft to compare and understand what is involved. Dean Whitlock pointed out that the workgroup process had been used throughout the development of the new draft zoning bylaw, not just for the subdivision regs. Kevin said that the subdivision workgroup was also open to any new member who would like to join. Michael Schunk asked if all of the members of the workgroup could come to a commission meeting soon so the new members could meet them. Kevin answered that he would arrange that.

The new members both stated their approval of the workgroup process. Kevin said he would make sure that they both received copies of the current reg. and the draft and would try to arrange 20 minutes at the next meeting to discuss it and meet the workgroup members.

Patrick Kearney read a letter of application to join the Planning Commission. He presented his background and said he was very interested and willing to serve, but if a more qualified person came forward he would understand. Kevin said that he hoped the size of the commission would be increased again to 7, or even 9, once enough members were found to make it easier to

call a quorum. Donn Downey said the selectboard was of the same mind and would like to do it as soon as possible. Kevin reviewed the current projects that the commission was working on, described the duties of the commissioners and the work outside of meetings (reading, research, workgroups, etc.), and introduced the current members. He invited Patrick to remain through the entire meeting, and Patrick said that had been his plan.

### 3. Review of the Minutes of April 19.

The minutes were accepted as amended.

### 4. Town Plan Rewrite (7:40)

Kevin invited Liora Alschuler to join the discussion as a knowledgeable volunteer.

Sally Hull of the Two Rivers Ottauquechee Regional Commission (TRORC) gave a report on their initial review in 2007 of the current Town Plan. They found nothing then that was extremely out of line. However, there are changes in state law that could complicate the proposed re-adoption of the current Town Plan. She referred to an email sent on April 28 by Tara Bamford, a member of the TRORC board. In the email, Ms. Bamford notified the selectboard and commission that the regional planning commissions like TRORC must now apply much stricter conformance with the state planning statutes (Title 24 VSA Chapter 117). A new review under the stricter rules would require changes. Sally explained that the law outlines 10 required elements and 13 goals that town plans must include and be working toward. The regional commissions, when they reviewed town plans in the past, were able to take into consideration what they saw as the spirit and intent expressed in the plan. Now they must be sure that all 10 required elements and 13 goals are explicitly addressed. The new regulations go into effect in September, but the regional commissions must start considering their requirements immediately. Rick Howard and Liora said that the commission knew in 2007 that these regulations would become more strict by 2011 and that town plans and related town ordinances (zoning, subdivision, etc.) would have to be in alignment. The commission followed that principle with the draft zoning bylaw.

Sally said that TRORC was aware that towns could simply choose to not adopt new plans rather than meet the new requirements, so they are ready to work closely with us to move toward compliance in doable steps. Terry Longo asked why the state was asking for stricter compliance now? Sally replied that it was partially a matter of wanting all state laws to be properly enforced, but mainly because the state laws were designed to maintain the current character of the state.

Stuart said that the Thetford Town Plan has been practically the same for many years. There is a lot of high-minded language but no congruence with the actual bylaws and practices in the town. The commission needs to bring them in line so the Town Plan can be a guide to inform planners and developers.

Michael Schunk asked how this affected the commission's interim proposal to readopt the 2007 plan as is? Sally replied that TRORC was currently re-reviewing the plan and felt it would not pass at the regional level, but that there weren't too many pieces that needed to be added. Adopting the plan as is could still be done. It would provide a legal document for Act 250 proceedings that might arise, but it could not be used to apply for additional municipal planning grants. A benefit of the new review is that it would provide direction for updating the plan. Kevin asked if that information could come without a formal review and re-adoption. Sally said that TRORC director Peter Gregory could probably come to the next meeting to apprise the commission of outstanding issues.

Terry Longo suggested waiting until then to make a final decision about whether to readopt as is or to make changes. There was further discussion of the pros and cons. Sally pointed out that any major changes would require hearings, while simple re-adoption would not. There was some discussion of the potential confusion caused by holding Town Plan hearings now and then again in a year after the full review and update. The process would have to be carefully and clearly explained to the citizens, particularly that many comments received now would not be implemented until the second update. In the end, the sense of the meeting was to wait until hearing from Peter Gregory at the next meeting.

Sally then went over the revised Town Plan Update Schedule. The steps had been renumbered to match the original grant proposal. Infrastructure review had been moved back to November, while the hearing had been moved up to April to be well within the end of the grant period. Liora asked if Sally had the documents with the comments collected from the 2007 hearings and the zoning bylaw hearings, as well as from the flood and telecommunication bylaw hearings. She will make sure everyone gets all of the documents.

Sally reported that she had contacted Bob Walker of the Energy Committee regarding Step 2 of the plan, the Energy and Climate Change forum. They had yet to discuss it. Step 3, Village Center Designation would include all of the legwork necessary to apply to the state for those designations. There would be 2 forums to allow for more input, but any number of villages could be involved. Stuart Blood asked if these designations allowed for waivers on the restrictions to development on agricultural land within villages? Sally said she would find out.

She clarified that Step 4, Infrastructure, applied to such things as shared water systems and septic systems (town, village, business, and neighborhood systems). The review would look at needs, possible improvements, costs, and benefits.

Step 5, Resource Inventories would define such things as habitat areas within the town: what data is currently available and how to fill in gaps in the knowledge.

Step 6, Hearing, is now scheduled for April 2012 to be within the grant period. A town plan is a required deliverable to satisfy the goals of the grant. Kevin said he believed it would take more time to engage the town fully in the process. Sally said we could not extend the grant period but could deliver a preliminary draft of the new plan (a "hearing draft" or "proposed draft") instead of a final draft. We could then continue to fine-tune based on feedback received on the proposed draft. Stuart expressed some concern that the grant period might end with the drafting process still not close to completion. Sally repeated that TRORC would review the final draft whenever it was completed as part of their duties as or regional planning commission.

Sally then provided some examples of the goals and requirements in the statute and the language regarding how to determine which goals were relevant and attainable. (Section 4302 lists goals, and Section 4382 lists requirements.)

Sally left the meeting at 8:45

Kevin asked members if, based on their reading so far, anyone could suggest priorities for discussion. Rick said he felt a big issue would be the district definitions. There was a brief review of the input received from Dan and Dana Grossman regarding "Character of the neighborhood".

Terry and Michael said they weren't ready yet to make suggestions.

Liora said she felt there would be two types of input. One came from the commission itself and from TRORC: changes due to changes in statute, comments on the zoning bylaw that could be better addressed in the town plan (for example, new districts) alignment with the regional plan, maps. The second type of input would come from the public. The update plan specifies

some methods to ask for public input. Are there other ways the commission could engage the townspeople? Neighborhood or village meetings? Meetings centered on specific topics; for example, natural resources? Kevin felt there should be a formal introductory invitation to the public as soon as the commission had a better sense of direction and priorities. He suggested setting up a workgroup to identify early issues and the forms that the different meetings and forums specified in the plan could take. Rick said it would be best to get the first newsletter out soon to explain the goals of the process and to lay out the schedule for gathering input.

Stuart Blood agreed that District Definitions should be a priority. More than 90% of the town is in the Rural Residential district, but there are many areas of distinctly different character. Should there be more categories of district and how would they be defined? Adding districts requires a policy decision at the Town Plan level. Liora agreed and said that, during the bylaw process, the commission discovered that there was a lot of vague language in the 2007 plan, so the commission had to make policy-level interpretations. Now is the opportunity to see if those work; if not, to fix the language or remove it.

Terry said that to engage more of the public, we must make the process personal by answering the question, "What's in it for me?" What projects are property owners contemplating now and in the next 7 years? Liora added, "What do you want to see in your village?" Having a clear and personal message makes it easier to reach out. Kevin asked that everyone come to the next meeting with further reading done, ready to advance these discussions.

## 5. Reports - 9:10

a. Selectboard. Donn Downey reported that the selectboard had tentatively scheduled the first hearing on the draft zoning bylaw for May 26th, which was just within the 120-day limit set by the state. They are asking the DRB and Planning Commission if there are any conflicts. (Note after the meeting: there did turn out to be conflicts and the hearing was rescheduled to June 2.)

Donn reported that the Thetford Hill sidewalk project and the inter-village trail projects were close to being started and the selectboard would like formal or informal involvement from the Planning Commission. They are waiting for some information from subcontractors and would then schedule discussions.

Donn, speaking informally, apologized to the commission for the poor process and decisions of the last several weeks and said he hoped they could be worked through. He expressed his regret and said he took responsibility for his part. Kevin thanked him and agreed that working through the issues productively is the commission's hope, too. Donn asked to clarify what the commission's expectations were of the selectboard liaison? There was a discussion of ways each side could help the other, including more frequent attendance and updates from the selectboard regarding their activities that were planning related and their reactions to the commission's activities and decisions. Kevin would schedule the selectboard report earlier in the meetings, and would also be more proactive in notifying Donn of issues on the agenda that would benefit most from direct involvement by a selectboard member. Donn will also keep tabs on agenda items and not wait to be invited. Liora mentioned a suggestion by Casey Huling at the most recent selectboard meeting that interactions outside of formal meetings also be recorded in some way. That process is still being defined but was seen as a good idea.

## 6. Old Business - None

## 7. New Business

Kevin presented an Act 250 document from the state regarding the Vermontasaurus. It requires review and a signature from a commission member. Review was made more difficult since it was an application for an action that had already been taken, resulting in some very strained verb tenses. After a quick review by Terry, Kevin took it to sign.

The meeting was adjourned at 9:28 PM.

Respectfully submitted,  
Dean Whitlock, Clerk, Thetford Planning Commission