

Thetford Planning Commission
November 20, 2012 – APPROVED Minutes

Present: Kevin O'Hara, Patricia Norton, Michael Schunk, Patrick Kearney, Liz Ryan Cole (7:20), Dean Whitlock (Recording Clerk)

Absent: Liora Alschuler

Guests: Stuart Blood (7:25-8:35), Mary Ellen Parkman (7:25-8:35)

(Numbers below refer to agenda items.)

1. Kevin called the meeting to order at 7:15 p.m.
2. Public Comment: None
3. Review of the Minutes of 11/6/12
The minutes were accepted as amended.

Liz joined the meeting.

4. Selectboard report: None

Stuart Blood and Mary Ellen Parkman (Zoning Administrator) joined the meeting.

5. Subdivision - Update on the progress of the rewrite (7:25)

Kevin referred to the draft subdivision regulations he had emailed on 11/9. The email also included a description of a roadblock the subdivision working group had run into: the lack of road standards. Kevin and Stuart characterized the problem in more detail. The new zoning by-law and the current subdivision regulations both state that, if a development would increase road traffic to exceed the current capacity of the access road, the developer must improve the road at their expense. Since there are no town road standards, these statements have no basis for implementation. A denied development on Garey Road is now being appealed because of this. The Development Review Board (DRB) and Planning Commission do not have the authority to create road standards; that falls to the Selectboard. At this point, the workgroup felt stymied and wanted to let the Planning Commission take the next steps toward completing a draft.

Kevin said that the goal of the discussion this evening was to provide the commissioners with the status of the workgroup's progress prior to handing the project back to the commission. Outstanding issues, in addition to the road standards, include questions raised by Mary Ellen about property line boundary adjustments and issues raised at a recent DRB hearing that Tim Taylor (DRB chair) had said he wanted to discuss. (Tim had planned to attend but was absent.) Kevin said that, after this review, the commission had several options for the next steps to take: wait until the new Town Plan had been drafted, set up a new workgroup, or take it on in the

whole commission in parallel with the Town Plan.

To start the discussion of the status, Kevin pointed out the history of changes at the start of the workgroup's draft. He also noted the new format and arrangement of topics, which had been modeled after the Norwich and Windsor subdivision regulations. Kevin said he felt the new arrangement clarified the process of applying for a subdivision permit and made it easier to find specifics. The members of the DRB have also said they like it. Other major changes include:

1. Eliminating the distinction between a Major and a Minor subdivision. There was no real difference in the process so the distinction has been eliminated. Some other towns also made no major/minor distinction, and the new Zoning By-law did not make any distinction, so it made no sense to keep it.

2. The new draft has been made consistent with changes in the Zoning By-law, referring to it where appropriate.

3. Mary Ellen is proposing changes to how boundary line adjustments will be made (to be discussed and incorporated).

4. Stuart added these other points of change:

- a. Article II (Procedures) has significant changes in addition to dropping the Major/Minor distinction. These changes simplify the procedure for both the DRB and the landowner. They were modeled on the Norwich and Windsor procedures.

- b. Regarding standards, the new default process was to refer to the standards in the Zoning By-law, rather than restating them in the subdivision regs. More detail and restrictions were added only as needed.

- c. As mentioned, road standards: The workgroup was able to characterize the problem but not solve it.

- d. Section VI of the new Zoning By-law is supposed to apply to the subdivision regulations. We are not necessarily in a solid legal position now because our subdivision regs are lagging so far behind the Zoning By-law. This can't continue for too much longer.

Liz asked for a clarification of the terms "ordinance" and "by-law". Stuart explained the "by-law" is the term used in the state laws governing planning and zoning. The difference is that the Planning Commission drafts a by-law, which goes through a hearing process and is then submitted to the Selectboard for final review and adoption. An ordinance is drafted and approved by the Selectboard.

Kevin started the discussion of road standards. Stuart said he believed that the road standards must be established by the Selectboard through an ordinance. There was a long discussion of the difference between road classes and road standards. Classes are based on the amount of traffic and the road's role in the town's road network (main highway versus feeder). Standards specify details of road construction (minimum radius of curve, width of travel lane, etc.). Mary Ellen pointed out that a new road standard ordinance would only apply to new roads or roads that were being upgraded. Stuart suggested that the commissioners review the references to roads in Norwich's subdivision regulation and the road standards it refers to. Patricia (reading the VT Agency of Transportation Orange book, Section 8 on line) said it appeared that new state and federal statutes now require towns to have road standards if they want to receive a share of

certain highway funds. A look at the Zoning By-law, under Conditional Use Review, showed there is no reference to town road standards but did include a reference to travel loads and vague language about “mitigating” increases in traffic caused by development. Kevin said it was time to move on to the other points of discussion but he would bring road standards to the Selectboard’s attention.

Mary Ellen described the issue with boundary line adjustments. She said they should be separated from the processes of annexation or quit claim deeds. In the case where an existing boundary line is not clearly marked and recorded, and the two landowners come to a mutual agreement on where the boundary is, and no sale or exchange of money is involved, the landowners should be able to record the agreed upon boundary without going through a subdivision procedure. All that is required is a sketch and a clear description of the metes and bounds. Liz noted that this was a common process in Lyme. There was some discussion of the implications. Other boundary line adjustments might need a survey plat rather than just a sketch. Mary Ellen said she would research further and work on new language.

Stuart pointed out that the last couple of articles in the subdivision regs needed to be addressed but that the first was primarily legal boilerplate that had to follow the statutes, and that the last one - Definitions - needed to be completely reworked to be consistent with changes in the earlier articles and the Zoning By-law. All of the other outstanding issues involving subdivisions had been addressed in the Zoning By-law. Mary Ellen said that the language involving bridges also needed to be discussed, in addition to the items discussed this evening, but that she thought the new draft was in pretty good shape. Patricia and Liz suggested that a new workgroup be set up now. Stuart, Kevin, and Mary Ellen volunteered to take on the task, with Mary Ellen as the lead member.

Mary Ellen asked when the Zoning By-law would be updated next. Kevin explained that the normal process would not require a major rewrite until after the new Town Plan had been adopted; however, the current by-law could be amended at any time, following the legal process. Mary Ellen said that noise was an issue that needed to be clarified. The current decibel limit was described as “never to exceed,” but it needs qualifiers that average the noise over a time period. For example, a single car door slamming can easily exceed the current limit of 60 decibels.

Stuart and Mary Ellen left the meeting.

6. Town Plan (8:35)

a. Housing - 2nd Read (Michael): Michael reported that he was able collect a lot of the missing data but has not yet updated the tables. He referred to his email of this afternoon and said he wanted to review the Goals, Policies, and Recommendations in the current plan to see which could be eliminated, which restated, and which carried over as is. He went down the list, showing the changes he recommended. The commissioners made many suggestions, which he noted to include in the next reading. At 9:15, Kevin put the remaining items on hold until a future meeting.

7. Old Business (9:15)

a. Post Mills Village District boundaries - Dean reported that the Post Mills Church was available on January 29th, and that the minister, Roger Daum, had recommended an afternoon meeting so seniors would be more likely to attend. There was a lengthy discussion about holding two meetings, one in the afternoon and one in the evening, to accommodate as many people as possible. Kevin will contact the regional commission to see if they could attend two meetings to present their argument that the district should be made smaller to reduce sprawl. Dean, Patricia, and Liz said they would be able to attend both an afternoon and evening meeting. It was agreed that the meeting should be announced as widely as the open houses were, and that it should be open to all townspeople, not just the residents of Post Mills, since the issue could affect any village district in the future.

b. Should Lyme be included in the chapter on Relationship of Thetford to the Region? Liz said she would draft some language that would acknowledge Lyme as an important neighbor even though it is not in our Vermont planning region.

8. New Business - None

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission