

Thetford Planning Commission
February 5, 2013 – APPROVED Minutes

Present: Kevin O'Hara, Patrick Kearney, Patricia Norton, Michael Schunk, , Liora Alschuler Liz Ryan Cole (arr. 8:53), Dean Whitlock (Recording Clerk)

Absent: None

Guests: Kenneth Gulick, Wayne Parks, Roberta Howard, Rick Howard, Melissa Malloy

(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 1/15/13

The minutes were discussed and changes noted. Final acceptance was postponed until Liz Ryan Cole could arrive and discuss comments she had emailed earlier.

4. Selectboard report: None

5. Debrief/discussion of the Post Mills meetings (7:27)

Kevin referred to the notes that Dean had circulated, pointing out that they were a summary of the comments and discussions, not an actual transcript. He said he wanted at this time to discuss what the Planning Commission thinks should be done with this feedback regarding planning and zoning. He said he thought the general response from the attendees was good and the turnout was reasonable. The sense of both meetings was an agreement that we don't want to encourage sprawl by leaving the Village District boundaries as is. He noted that no fourth "other" option was presented in addition to the three named options on the agenda. (These were: 1. make no changes; 2. change the boundaries (property no longer in the Village District would become part of the surrounding Rural Residential District); and 3. change the boundaries and create a new type of district for a portion of the properties that used to be in the Village District.) Patricia mentioned Li Shen's comment regarding consideration of contiguous natural areas. Dean mentioned the suggestion by Tim Taylor that each village in Thetford should have its own district definition that took the individuality of the village into consideration. Liora noted that Tim Taylor had also suggested reconsidering all conditional uses. He expressed the opinion that the current Zoning Bylaw had too many conditional uses, and he was frustrated that virtually every application for one was being approved. He said they were included to allow flexibility with regard to the character of a village or neighborhood, but they had instead opened the door to all uses everywhere.

Wayne Parks said he agreed with the consensus of most attendees about changing the boundaries to coincide with the Church property and maybe the airport, but reminded the

commissioners that any change to the Rural Residential definition and uses would affect all of the Rural Residential areas, which was over 90% of the town.

Patricia suggested that, if a new district type was created as a transition between village and rural, it be named Village Residential, while the existing Village Residential be renamed to Village Center. She felt these names would better reflect the type of development in the districts. If this were done for Post Mills, we could then see how well it applies to the other villages. Kevin said we needed a conceptual discussion first, since this would be a relatively significant job to get right. The points of discussion included the nature of the discrepancy between the Thetford Town Plan and the Regional Plan and the process to resolve the discrepancy. Based on the two Post Mills forums, we seem to be heading in the right direction for Post Mills, but we must also consider the ultimate changes required to the Zoning Bylaw. There was a discussion of the need to implement changes in the Town Plan first (instead of trying to amend the Zoning Bylaw first). Liora said the Town Plan change needed to be reasonably prescriptive for Post Mills. We don't necessarily have to look at the other villages now; that could happen while the Zoning Bylaw was being updated. However, if we are going to change the name of the core village district, that change would have to be made to all villages at the same time. Liora presented an example of language that could be used in the Town Plan to recommend a change to the Post Mills Village District boundaries.

Wayne Parks brought up the issue of the small triangle of land bordering West Fairlee and Lake Fairlee that had been added to the Post Mills Village District in the last change of the Zoning Bylaw. He said that the change was made in part because it was shown that way on the planning maps provided by the Two Rivers Ottawaquechee Regional Commission (TRORC). During the second Post Mills forum, there was some discussion of this piece being changed back to Rural Residential because it bordered a large tract of natural forest land in West Fairlee. He strongly suggested that the commissioners contact the landowners in that triangle to get their opinions before changing it back to Rural Residential. Liora said she would include a recommendation for that in the next draft of the Land Use chapter, and there was more discussion of possible wording she would propose.

Wayne Parks asked about the "Hamlet" district that TRORC had proposed be added to our Town Plan and Zoning Bylaw and applied to Union Village and North Thetford. He knew that the Planning Commission was not considering adopting that change and wondered if TRORC would apply pressure about that. Kevin said that, at the previous Planning Commission meeting, Chris Sergeant of TRORC had said they would not. Kevin noted that the commissioners had already been planning to change the east boundary of the Thetford Hill District, which would make it conform more closely to the regional plan.

There was a brief discussion of approving the notes so they could be made public. Dean will work with Liz and Patricia to edit them, and they would be reviewed again at the next scheduled meeting.

6. Town Plan (8:00)

Because the guests had all come to engage in the discussion about the Natural Resources chapter, the agenda was adjusted to discuss item b. first.

b. Natural Resources - Patricia: Patricia explained to the guests that the chapter was still very much in a draft form and that she was looking forward to hearing their input. She referred to an email she had sent out on 2/2 that had attachments containing the latest revision and a set of questions she hoped to discuss at the meeting. She briefly discussed her hopes regarding pictures to include in the chapter and then noted that she wanted to focus the discussion on the Goals, Policies, and Recommendations. First, she described the specific questions she had raised.

What do we want to do about buffers? Patricia said that the regional commission and state agencies recommend natural buffers along streams and rivers as the best way to protect them. Based on many comments by land owners and the Conservation Commission, there is some doubt that they are effective on the Connecticut River. Do we want to use them on all flowing waters or only on smaller rivers and streams?

Do we want to add a statement about designating area in Post Mills contiguous with West Fairlee tract of forest in a way that limits or prohibits development? Should we consider encouraging that this land be put into a conservation easement?

How (or which) shall we use: Voters, Residents, Landowners, Townspeople? As an addendum to this, Liora raised an objection to the lists of “actors” responsible for implementing or enforcing each policy and recommendation.

How do we want to deal with the issue of development on steep slopes? Stricter limits have been recommended by TRORC, state guidelines, and the Fire Chief, but we have also received objections from townspeople in the past.

Are overlays something to bring up again yet or not? Patricia gave the example of using overlays outlining large forested tracts that should be left as natural forest. TRORC recommends using overlays as one of the most effective ways to indicate areas where we want to cluster houses on the edges of large tracts rather than place them separately in the middle of the tracts, creating roads and driveways that cut up the forest.

Patricia then asked for comments. Roberta Howard asked about a statement in the chapter that reads, “Working forests must cover at least 50 acres.” Patricia explained that was language from a TRORC report on forests. There was a discussion of “working forest,” which Patricia explained as forest being logged in way that would sustain long-term economically successful business. Roberta expressed concern that it limited landowners who had smaller forest tracts, implying only 50-acre or larger lots could be used for forestry. She wondered if the term “should” would be better than “must.” Patricia said she would double-check the source to get the exact meaning.

Wayne Parks began a discussion of the lists of “actors” by saying that he thought it was a good idea to also list the outside sources for statements like this one about “working forests.” The rationale for the lists was to make sure things get done by listing who should do it. Liora argued

that the lists would have to be absolutely complete, or someone who could work on it might assume they shouldn't. She said that most of the actors were either mandated by law or obvious by the context. She said she didn't want to lose the concept that this is the Town Plan, directed to the town as a whole. She listed a few instances where it would be beneficial to engage the different actors by inviting them to take part in the discussion about the policies and recommendations that would most involve their efforts.

There was next a discussion of buffers. Patricia noted that the current Zoning Bylaw uses setbacks. She said putting buffers into place involves knowledge of bank slope, soil types, and many other factors. It is quite complicated. She was concerned about creating a serious division over the issue. Patrick asked if there was a way to provide a financial incentive to landowners who put buffers along streams and rivers on their property; for example, property tax adjustments. Wayne warned the commissioners to check with the Listers first about any incentives based on taxes. Would tax incentives be considered for other issues? Are they being used in other towns? These questions needed to be considered. Liora suggested considering tax incentives for buffers in identified sensitive areas. Roberta Howard remarked that the Listers should consider adjusting taxes on land lost to erosion over the years, and Rick Howard added dryly that they currently were paying taxes on land that was now under water.

Patricia then went down the current list of goals, policies, and recommendations, noting comments on each of them. The issues included failing septic systems, setbacks when property was close to streams/rivers but not within a floodplain area, storm water system discharge, fencing of domestic animals away from streams, and the Tri-Waters organization set up to oversee the shared Lake Fairlee and its watershed.

Kevin closed off the discussion on this item at 9:05 p.m., noting that the remaining sections would be discussed at a future meeting.

The guests left the meeting.

a. Regional Relationships - Patrick: Patrick referred to the revision he had emailed to the group in late December. He pointed out that he had added a description of Thetford's relationship to Lyme, NH. The sense of the meeting was that Lyme should be included. Patricia said she would provide some additional points to the description. There was a brief discussion of changes needed to reflect the changing level of alignment with the regional plan.

Liz returned the discussion briefly to the previous agenda item, asking when the commission would have a chance to discuss the comments the guests had made. This led to a discussion of open meeting requirements and the need to warn any ensuing discussion with a published agenda.

4. Minutes of 1/15/13 - The group returned to the minutes of the past meeting so Liz could make comments. The minutes were accepted as amended.

7. Old Business (9:30) - None.

8. New Business

Kevin announced he will miss the next meeting and that Patricia would serve as chair. The chapters to discuss will be Housing and Land Use.

Liz said that she will be able to attend the next meeting but will then be out of town until the second meeting in April. She also said that Will Davis may attend the next meeting; he is interested in getting involved in planning.

Liora announced an upcoming discussion at the Howe Library in Hanover on co-housing. She will send the announcement to the group. Liz announced a talk at the Vermont Law School.

The meeting was adjourned at 9:38 p.m.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission