

Thetford Planning Commission
April 16, 2013 – APPROVED Minutes

Present: Kevin O’Hara, Patricia Norton, Liz Ryan Cole, Michael Schunk, Dean Whitlock
(Recording Clerk)

Absent: Patrick Kearney

Guests: Stuart Rogers, Kenneth Gulick, Wayne Parks, Jessica Easton, Martha Howard (arr:
7:25), Rick Howard (arr: 7:30), Melissa Malloy (arr: 7:40)

(Numbers below refer to agenda items.)

1. Kevin called the meeting to order at 7:15 p.m.

2. Public Comment: Wayne Parks spoke to correct a statement of his as recorded in the approved minutes of the 3/5/13 meeting, regarding Item 5 (Debrief/Discussion of the Post Mills meetings) where the minutes state, “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.” This second clause should read “...any change to the Village Residential definition and uses...” Wayne also entered a clarification regarding his reasons for making the statement. He said he had been very concerned by comments made by a Planning Commission member in an email sent to the commission’s listserve. The commissioner was responding to a discussion at the second Post Mills forum about a triangle of land abutting West Fairlee and Lake Fairlee that had been changed from Rural Residential to Village Residential in the most recent change to the Zoning Bylaw and zoning map. Some residents had been upset about the change. In response to that, and in reference to an upcoming discussion of proposed changes to the Natural Resources chapter in the draft Town Plan, the commissioner had expressed this opinion: “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? I think this is a reasonable idea. It was clear that the second forum was unhappy about the change to RR for that triangle of land.” Wayne said his statement at the 2/5 meeting had been intended as a caution to the Planning Commission against responding too hastily to an opinion expressed by just two attendees at the forum. There followed a lively discussion about receiving and responding to suggestions from townspeople. Kevin summed up by thanking Wayne for his concern and saying that the commissioners carefully discussed all suggestions brought to them. This issue had been discussed once but it would need further discussion before any changes to the Town Plan or Zoning could be made.

3. Review of the Minutes of 4/2/13

The minutes were accepted as amended.

4. Selectboard report: Stuart Rogers introduced himself as the new Selectboard liaison to the Planning Commission. He said he was still getting up to speed and asked if there was anything the Planning Commission needed from him and the Selectboard. He also wanted to confirm that the commission had a vacancy it wanted to fill. Kevin assured him yes. Jessica Easton said she was still thinking about possibly becoming a member but wasn't ready to commit yet. Kevin gave Stuart a brief summary of the Planning Commission's progress on the Town Plan and the Subdivision Regulations. Stuart replied that the general consensus on the Selectboard was that they were pleased at the commission's progress.

5. Town Plan (7:19)

a. Natural Resources Chapter. Patricia referred the meeting to Revision 7, which she had emailed again that evening for those with computers at hand to access during the meeting. She handed out a spare hardcopy to the guests. Most had gotten a copy previously from the Town Clerk. Patricia said she hoped she was getting closer to a final draft. She wanted to address the broad questions: Does it say what we want to reflect the town's desires? Are the Goals, Policies, and Recommendations useful and doable? Will they make a difference? Since the last discussion, she had incorporated the new suggestions, cleaned out some duplicate text, and worked on the "working forests" section.

Wayne asked about some text in the section on Agricultural and Silvicultural Soils: While farmers should and do retain the right to development, this must be balanced against the preservation of a vital and irreplaceable resource. Patricia said it was an attempt to reconcile the benefit of saving large tracts of prime agricultural land against future need with the concern not to deprive landowners of their land. She said there were no good answers to this dilemma. Wayne said he was concerned that this statement would deprive farmers of the right to sell their property. Kenneth Gulick provided an example in a small piece that he owned that was not suitable for farming. He said farmers were only developing plots that were too small to farm with modern equipment, while preserving the large plots. He felt these decisions should be left up to the farmers. This led to a discussion of how to express both concerns and also provide some guidance in the Town Plan recommending that comments be actively sought from farmers and owners of prime agricultural land before any changes regarding such land were made to the zoning regulations.

There was discussion of incentives to farmers that would help them avoid breaking up the land. There was a general agreement that the costs between market value and agricultural value was greater than the town would be able to support. Taxes are already high and many feel that farmers are already highly subsidized.

Melissa Malloy asked if most of the big tracts left in town weren't already preserved in some way. Liz agreed that an inventory of farmland would be good to add to the Town Plan. Questions to answer in the inventory could include how many acres are working farms, how much does it contribute to the local economy, and how much is conserved. The VT Land Trust and Upper Valley Land Trust would be potential sources of data.

Wayne noted some repetitive language in the wildlife section regarding haying schedules and ground bird nesting. Kenneth pointed out that the ground birds being protected are actually invasive species, since the state was originally all wooded. He also noted the difference between haying, a commercial farm activity and brush-hogging, which was usually done only once a year in the fall. Patricia said she would clarify the wording.

Wayne pointed to other text in the wildlife section relating to the detrimental use of ATVs and other off-road vehicles. He said the text was biased, since any activities near wildlife would cause them to stop normal activities and flee. Patricia explained that Li Shen, chair of the Conservation Commission, had used research done in Montana showing that motorized vehicles had a greater effect. This led to a discussion of using data relevant to Vermont.

Kenneth brought up the issue of erosion on the Connecticut River and Lake Fairlee. He said the worst erosion was caused by motorboats, not changing water levels or domestic animals. He also said that open water would never be potable due to wild animals getting into it. It was detrimental to farmers to blame issues with water potability on domestic animals. There was a discussion about the use of rip-rap to counter erosion, which Vermont doesn't allow but New Hampshire does, and without apparent bad effect.

Vernal pools came up next. Rick Howard pointed out that the recommended area to be preserved was huge: 750 feet from the high-water mark, which equated to many acres for a ten-foot-diameter pool. A 100-foot pool would have a "life zone" larger than many building lots. Patricia pointed out pools were only vernal pools if they supported frogs, salamanders, etc. Rick suggested the definition be made clearer and also that the commission reconsider the recommended zone to be preserved. Wayne expressed concern that the Planning Commission was including language from other people without a full analysis of its implications. Dean pointed out that this language had, for the most part, been provided by the Conservation Commission, which was appointed by the Selectboard for the very purpose of providing expertise about natural resources. The commission also used the expertise of the town Energy Committee and other town committees, plus the regional planning commission.

Kenneth asked about the Recommendation that the town adopt increased side setbacks on parcels abutting farmland to reduce homeowner conflicts with farmers. He said that, in his experience, the main issue was potability of the water supply, so perhaps the setback should be the same as for wells and septic fields. There was a discussion of the issue of smell, which wider setbacks would not solve. The general feeling was that people who wanted to live in Thetford should understand what farm activities smell like.

Melissa pointed out that Miller Pond was indicated as being in Thetford but was not. Rick also cautioned the commissioners about the names of Lake Abenaki and Forsyth Pond, which were shown as Mud Pond.

b. Energy Chapter - Roberta Howard asked if the town was considering building a solar farm? Michael replied that the Energy Committee was proposing that the idea be studied. It could be a resource, but it could have detrimental effects to people living nearby, such as blinding reflections when the sun was at certain angles and the view from nearby homes. Another issue would be making sure that the power it generated stayed in town to provide benefits to the local economy and reduce local fossil fuel use.

Wayne Parks, Kenneth Gulick, Rick Howard, Roberta Howard, Melissa Malloy, and Jessica Eaton left the meeting.

Michael referred the meeting to the draft he had emailed to the group list on April 1. He repeated his report from the previous meeting, that he had attended another meeting with the Energy Committee, at which time they had gone through the Goals, Policies, and Recommendations and made a number of small changes. One of the Energy Committee members had reduced the chapter by half, putting the excised material into an appendix. This was all background information about energy production and use that was not specific to Thetford. Michael said the next step was for the commission to review this draft, so he could create a new revision to discuss again with the Energy Committee. Michael said that his biggest issue now was finding references that would validate all of the statements of fact in the narrative. For example, there is the statement that 82 cents of every energy dollar spent on wood stays in the local community, but there is no indication of the source of that claim.

There was a brief discussion of the tone and length of the language in the statement of purpose as opposed to the Citizen's Summary at the start. The general feeling was that the statement was heavy-handed and editorialized. Kevin said he felt it could be much more succinct and still get to the same point.

There was a discussion of the use of initials in the section of Goals, Policies, and Recommendations. The initials by each item are supposed to indicate which town body was responsible for achieving or following the item. The members discussed whether to keep the initials or look for another solution to the problem of "ownership" of the tasks implied. No clear solution presented itself.

One of the recommendations was to promote the development of commuter parking lots for bus stops and carpooling primarily. Stuart noted that the police were concerned already about the need to police the park-and-ride lot by the interstate exit. Apparently lots like this are a prime venue for drive-by drug deals. Dean noted that other parking areas and pull-offs in town were also of concern, and one just north of Sawnee Bean Road had been railed off in the past to stop its being used that way. Michael said he hadn't realized that problem existed, but that he already felt the language in that recommendation wasn't appropriate for Thetford and would be rewritten.

Kevin asked everyone to read over the chapter and send comments to Michael before the next Energy Committee meeting, which was the following Tuesday, April 23.

6. Town Plan -Further discussion of the process

There was a brief discussion of the editing needs that would come up soon: bringing the separate chapters together into a single document and making them consistent in format and style. Patricia said she would consider taking on the lead role in this task. Dean offered to help her, and reminded the members that a professional editor had been hired for that purpose when the Zoning Bylaw was rewritten. This item will be discussed again.

7. Old Business - None.

8. New Business - None.

The meeting was adjourned at 9:36 p.m.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission