

Thetford Planning Commission
September 17, 2013 – APPROVED Minutes

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

Absent: None

Guests: None

(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 9/3/13: The minutes were accepted as amended.
4. Selectboard report: None

5. Town Plan

a. Land Use - Patricia referred to the latest revision of the Land Use chapter, which she had emailed to the commissioners on Sept. 10. This revision incorporates the editing changes made at the 8/20/13 meeting. It also includes amendments to the population charts (as discussed at the meeting); an explanation of existing land use (after discussion with Mary Ellen Parkman and the listers); a rewrite of the Business Development Plan (based on info from Niko Horster); an addition to policy #5 (regarding business development), and the addition of a visual aesthetic recommendation for development in villages (as discussed at the last meeting). She went over each of the changes with the commissioners. There was a brief discussion of whether the items in the introductory narrative should be rearranged to match the order of the sections and goals, policies, and recommendations, but the consensus was that the current order was more appropriate.

Liz, noting that the Town Plan is the foundation for the Zoning Bylaw, expressed her concern that the recommendations in the chapter might result in unintended consequences; for example, that it would lead to inclusion of a use that the town would actually not want to include, or vice versa. Her question was sparked by the first sentence in the “Residential Development” section: Residences will continue to be the predominant form of development in Thetford. Would that statement restrict business and commercial development more than intended? For example, what would happen if someone proposed putting a ski area in Thetford? Could it be excluded based on that sentence? There was a long discussion. Everyone agreed that the entire plan should be reviewed with the question of unintended consequences in mind. Kevin agreed that, while the Zoning Bylaw dictates practice, when there is a question, the Zoning Administrator, Development Review Board, and developers will refer back to the Plan for guidance. Patrick said

he felt the Plan has many goals, policies, and recommendations that guard against inappropriate development, citing the example of a ski area in the Brownsville/Reading region. Kevin noted that the review process will result in feedback from the regional planning commission to help catch any unintended consequences. Patricia added that the review by townspeople provides many points of view based on different experiences had elsewhere, which also helps guard against unintended consequences.

Liz asked why Recommendation 8 (Develop energy efficiency performance standards to be used in review of office and commercial uses in the village residential districts) did not also refer to residential uses. The short answer is that the state sets energy standards for both commercial development and residences, which are dealt with in the current Zoning Bylaw; however, this led to a long discussion of how to word the recommendation to express what the town could actually do. Since Thetford does not require a certificate of occupancy, the Zoning Administrator has no real means of enforcing that developers meet energy standards. The state law does not provide a means for the state to enforce the standards; it passes that duty to the towns. In Thetford, the enforcement eventually comes from banks: When a developer or owner eventually tries to sell a house, buyers will find it more difficult to get a mortgage on a house that doesn't meet the standards. Michael said that the Energy Chapter also discusses this point and recommends that developers provide a signed certificate of compliance, but again the problem is that the town has no enforcement mechanism. We can encourage and support but not require. Patricia will reword the recommendation and also change it to be a policy.

Patricia will make the few changes discussed and will then format the chapter so Dean can post it on the Planning web page and announce that it is ready for public review.

b. Historic Resources - postponed till the next meeting.

c. Housing Chapter - Michael reported that he had gotten the data he needed and tidied up the graphs and tables but feels that the narrative needs to be expanded and given more direction. He had a long discussion with Dale Gephart of the Thetford Elder Network (TEN) about elder housing needs. Dale also sent Michael the complete grant application TEN has submitted to fund the development of senior and affordable housing in East Thetford. Michael wants to incorporate their intent into the Housing chapter, but currently the wording in the chapter narrative is too general. Michael also said he thought the chapter should be restructured by type of housing and should also discuss the economics involved, based on the census data for income levels and rent levels in the town. From his review of that data, many of the residents in the town would not be able to afford to rent a house or apartment in the town if they lost their current dwelling. This could drive many people out of Thetford, particularly seniors on fixed income, and provides support for the senior/affordable housing project. His goal is to have the new narrative ready by the next meeting, on 10/1.

6. Old Business

a. Flood resiliency. Patrick reported that he has contacted the regional planning commission about the new requirements and has signed up for a conference on the topic on

September 30th. He believes there is a good start with language already in various parts of the Town Plan; he needs additional information from the conference and regional planning commission before proceeding.

b. List of Changes to introduce the plan - Patrick reported that he had reviewed the list that he had been compiling and believes that it will fit in as a Forward, rather than as a part of the Introduction. He believes that providing a list of changes, as requested by the Select Board, appears to be doable with the qualification that it would be impossible to list every change.

5. c. - Michael remembered another point he wanted to discuss about the Housing chapter. In the current recommendations, there is a section of very detailed standards. He thought they were more suited to the Zoning Bylaw. A quick review of the Bylaw showed that most of them had been incorporated the last time it was rewritten. He will remove any that have been.

7. New Business:

Kevin reported that he had attended the Vermont Lake Shoreland Protection Commission meeting, held at the Lake Morey Inn on the 4th. There were several legislators there, representatives of the regional planning commission and town planning commissions, and general public, for a total of 40-50 people. The commissioners and legislators are considering enacting new laws to deal with setbacks, water quality, etc., and are accepting public comment until October 15. Kevin said one concern discussed was a possible rush to develop existing lots before the new law is passed. There was also discussion of the lakes being a public interest, with public boat landings. Some lakeside residents are asking that consideration be given to redistribution of the tax burden in recognition of public common good derived from using the lake as a public resource. Vermont is lagging behind our neighboring New England states in passing a law like this. The law being considered would set minimum standards. Towns would be able to pass ordinances that exceed but not reduce the state standards. Kevin said it sounded to him like a good starting point.

Kevin asked if the other commissioners had received the newsletter from the Vermont League of Cities and Towns, which listed upcoming training events. He said he would post it on the planning listserv.

The meeting was adjourned at 8:49 p.m.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission