

Thetford Planning Commission
December 3, 2013 – APPROVED Minutes

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

Absent: Liz Ryan Cole

Guests: Stuart Rogers, Wayne Parks, Jessica Eaton, Rick Howard (7:23), Ken Gulick (7:23), Li Shen (7:30)

(Numbers below refer to agenda items.)

1. Kevin called the meeting to order at 7:16 p.m.

2. Public Comment: None

3. Review of Minutes from the 11/19 meeting.
The minutes were accepted as amended.

4. Selectboard Report: (7:21)

Stuart asked if anyone would be interested in joining a workgroup with him, other Selectboard members, the Zoning Administrator, and Development Review Board to resolve inconsistencies that the ZA has identified in several town documents. The commissioners all expressed some interest. Stuart will notify the group when the workgroup is ready to convene.

5. Town Plan (7:24)

a. Natural Resources – Patricia referred the commissioners and guests to the most recent revision, which she had sent by email several weeks before and again on the previous day. She started the discussion by pointing out several pending changes that were not in the previous revisions.

Li Shen joined the meeting.

There was a long discussion of Recommendation number 8 under agricultural soils, which reads “The town adopt increased side setbacks for potable water for development on parcels abutting farmland to reduce homeowner conflicts with farmers.” The clause “for potable water” is new. Wayne Parks asked if there were standards from the state soil or septic engineers. Patricia said she would check. Ken Gulick said they would depend on the type of well and if it was uphill or downhill. A dug well would need bigger setbacks. He said that his main concern was that new neighbors understand he is farming and following approved practices. When he is notified of a request for a building permit, he attends the hearings to answer questions and work with the applicants. Patricia asked what she could put in the Town Plan to educate people and support him in his farming. Other issues include noise and smell. There was a general agreement that there will always be some people who complain about such issues with neighboring activities, even

when they knew about the existing condition ahead of time, whether it's a farm, the interstate, a church, etc. There was a brief discussion of how having such language in the Town Plan would affect the possibility of lawsuits. The sense of the meeting was that Patricia will include recommendation 8. Kevin will research state standards, and the commission will try to update the Zoning Bylaw as soon as possible.

Patricia went back to the start of the chapter and asked the guests if they had comments about any other sections. Several items were discussed.

The section about the dam on Lake Fairlee is out of date and will need to be updated as the project proceeds.

Wayne asked a question about buffers to wetlands (page 6) and how it affected his mowing of a lane between fields on his property. Patricia said his mowing was not prohibited by the buffer language since it was related to agriculture.

The language about vernal pools on page 7 generated a long discussion about the sizes of the critical habitat for salamanders and the "life zone" around a vernal pool. Patricia had reduced the sizes in this version but they were still large. Wayne, Ken, and Rick Howard were concerned that too large an area on a small lot could prohibit a landowner from being able to build anywhere on their property. Li Shen pointed out the recommendations related to this part of the narrative, where it says: "The Development Review Board and Zoning Administrator consider vernal pools when evaluating plans for building and driveway siting. Provided this is not an undue hardship it would be desirable to:" She explained that this language does not mean "must." It is intended to make sure that vernal pools are considered in decisions but balanced against other needs so as not to create undue hardship on the landowner. Wayne asked that the language be clarified and also that the definition and size of "life zone" also be clarified.

There was further discussion of the concept of "balance" in the language about agricultural soils on page 8: "While farmers should and do retain the right to development, this should be balanced against the preservation of a vital and irreplaceable resource. When the town is crafting regulation that will affect agricultural soils, we need to include farmers and affected landowners directly in that discussion." The result of the discussion was that the text should refer to the recommendations derived from this language and be clarified as to its intent, which in this case is that the town should help the farmers find solutions to use and resolve conflicts. Ken added his concern that the town has lots of agricultural land but not many farmers. Farmers' children are leaving because it's so hard to make a living while farming. The town should expand the amount of land available for commercial and industrial uses in order to provide jobs that will keep the children and grandchildren here in Thetford. Kevin and Patricia spoke about the current trend toward high-tech jobs instead of industrial jobs and also new trends in agriculture toward smaller, sustainable agriculture such as organic vegetable farms and specialties like cheese-making. Ken added that tourism jobs are low paying and encouraging them is not working in Vermont.

Wayne said that the agricultural protections should also apply equally to silvaculture, and Li said she would follow up on that. Wayne also made note of the statement that roads and trails break up large forest plots, causing habitat fragmentation. He asked why, if that was the case, the Selectboard had put so much time and effort into developing a trail system. Li explained that it

resulted from the town receiving two grants for the Thetford Hill sidewalk project and deciding to spend the extra money on trails. (The grant conditions wouldn't allow other uses.)

Rick pointed out that the language about fragmentation referred to 500-acre parcels, but none of the parcels in town are that big. Li and Patricia discussed how multiple parcels tie together to create larger tracts and also that small forested parcels that are contiguous create corridors for wildlife to travel between large parcels; for example, wildlife can travel from the West Fairlee wilderness area to Lake Fairlee over such a corridor in Post Mills. Dean suggested that the language be more specific about the size of Thetford's forested parcels. The discussion broadened to the function of the Town Plan as a way to educate the DRB, zoning administrator, and landowners about natural resource and land use issues so they can consider them and make wise decisions.

Jessica Eaton referred to the section on page 12 about all-terrain vehicles and off-road vehicles (ATVs and ORVs) and noted that there was no section about dogs running wild on private land. Rick added his irritation with mountain bikes crossing private land without permission. Kevin noted that the ATV ordinance was still under review so hadn't been added to the chapter yet. Wayne said he felt there was too much editorializing about ATVs and ORVs; the language was not balanced. As written, anything moving in the woods was a disturbance. He asked, "Where do you draw the line?"

The meeting digressed to a discussion about the town's maintenance schedule and budget for Class IV roads. Kevin asked that the concerns be taken to the Selectboard.

On Page 16, in the recommendations for Flowing Waters, number 13 reads, "Farmers become informed about financial incentives to follow these practices..." Wayne suggested that it be changed to, "The Town will inform farmers about financial incentives..."

On page 17, in the recommendations for Lakes and Ponds, number 4 reads, "The Town work toward the protection of the shoreline of Lake Fairlee, and Lake Abenaki by voluntary conservation of at least one shoreline property before the next town plan is created." Wayne asked if the goal had been accomplished, leading to a discussion about the effectiveness of a volunteer effort and aiming for only one property during such a time period. Li and Patricia explained that it was a new recommendation taken from the Basin Plan of the Agency for Natural Resources so there was no track record yet. Kevin said it was intended to get the ball rolling.

There were no more comments at this time. Patricia will make sure that the next revision gets sent by email to all of the visitors with email addresses and that the Town Clerk will have a copy for the others to pick up.

All of the guests except Li Shen left the meeting.

b. Facilities, Utilities, Services (9:22) - Because of the late hour, this item was rescheduled to the next meeting.

6. Old Business: Kevin went over the arrangements for the workshop on Planning and Natural Resources. The Two Rivers Ottawaquechee Regional Commission had agreed to hold the workshop in Thetford on January 14. They will publicize it to other towns in the region. We will provide the space and host the meeting, as well as announce it on the town listserv for residents who are interested. Stuart and Li both said they would like to attend.

7. New Business: None

The meeting was adjourned at 9:26 p.m.

Respectfully submitted,
Dean Whitlock, Clerk, Thetford Planning Commission