

**Thetford Planning Commission
February 2, 2016 – APPROVED Minutes**

Present: Kevin O’Hara, Patricia Norton, Jason Crance, Michael Schunk, Jamie Thaxton, Dean Whitlock (Recording Clerk)

Absent: Liz Ryan Cole

Guests: Jessica Eaton (Selectboard liaison)

(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 the minutes for the 1/19 meeting
The minutes were accepted as amended.

4. Selectboard Report: (7:26)

There was a discussion of a warned item submitted by the Selectboard in the Town Report. It asks to have all new Town Plans approved by a full vote of the residents at an annual Town Meeting or a special Town Meeting. The item was approved for inclusion by the Selectboard without any notification of or discussion with the Planning Commission. The commissioners present at the meeting all expressed their surprise and objections to the lack of discussion. Kevin said that he feels the current process is completely open; any interested person can attend meetings, read drafts, and make comments; the Planning Commission has announced and held several open houses and forums; the drafts have been available from the Town Clerk and by download from the town website; and there will be at least one warned hearing for final comments, which will be followed by further chances for comment to the Selectboard. Then there will be at least one warned hearing held by the Selectboard, where we could focus solely on the Town Plan. Kevin added that most of the town’s residents are not aware of the laws and requirements surrounding Town Plans and have no idea why certain changes have been made. Jessica said that the warned item, if passed, would add much more time to the annual Town Meeting, which already takes all day, and a special town meeting would incur significant expense. The discussion was set aside until Selectboard Chair Stuart Rogers could join the meeting, later in the evening.

5. Town Plan (7:40)

a. Update on maps and Town Plan Report – Dean referred the group to the emails regarding maps, sent by Pete Fellows of the regional planning commission (TRORC) on January 27 and 28. In the first, Pete listed which of the changes requested to the layout of the maps were possible. In the second, he suggested that the maps showing the changes to the Post Mills and Thetford Hill land use areas be included in the report that accompanies the warning for the draft Town Plan hearing and be included on handouts there but not be included the chapter. He also said the new descriptions should be moved from the Future section of the chapter to the earlier

part of the chapter where current land use areas are described. There was a discussion of the reasoning behind these changes, since the commissioners all thought that the changes couldn't go into effect until they were detailed in a change to the Zoning Bylaw. It was agreed that Dean should follow up with Pete to get a clarification of why these changes should be made. Jason asked if TRORC would present drafts of the maps while they were in process. Dean will ask Pete that as well.

There was also a discussion of which physical features (slopes, water bodies, deer wintering areas, etc.) should be grouped on which maps.

b. Discuss warning the Town Plan hearing once we have map due dates – Michael asked if we should set a due date or simply stress ASAP. Dean said Pete had already indicated that the maps would take a couple of weeks to produce once we had decided on the layouts. He would repeat our desire for speed to Pete. Regarding what would be required in the report that must accompany the warning, Dean reported that he had sent an email to Chris Sargent of TRORC requesting samples but hadn't heard back yet. Dean will ask again.

Patricia reported that the copy editor was ready to put in the maps and then to look through the document one last time for errors and layout problems. Kevin said we should add a credit in the document recognizing the work of the copy editor. Patricia will take care of it.

c. Printing options – Patricia asked if the report should go to any particular people to encourage them to attend the hearing. Dean answered that it had to accompany the warning and copy of the draft sent to neighboring towns and a specific list of other people who had to be notified. It also had to be available to anyone via the Town Clerk and would also be available for download on the town website. Kevin suggested that we post the new Introduction on the town listserve, with links to the report and the draft on the town website. There was a discussion of ways to help people find the sections they were interested in. Dean said that the PDF could have internal links in the Introduction and Table of Contents that would jump to specific chapters. Patricia suggested having copies available in the town libraries, and there was a brief discussion of how many would be needed. (There was no immediate decision made.) The copies will need to be clearly marked as drafts, perhaps through watermarks on every page and with revision numbers in the footer. Patricia will discuss this with the copy editor.

It is too late to hold the hearing before the Town Meeting. There is a required 30-day warning period, and the Town Meeting will be held on the last Saturday in February, the 27th. Jason noted that the Fairlee Planning Commission set aside an 18-month period to educate the townspeople about the draft Town Plan, with a forum devoted to each chapter. Only 10 or so people attended the forums, and they were almost always the same people each time.

6. Subdivision (8:05)

Kevin reiterated the current situation: Tim Taylor, chair of the Development Review Board (DRB) has contacted him to say that the DRB members would like to see the distinction between a major and a minor subdivision be reinserted into the Subdivision Regulations. Kevin feels the Planning Commission should continue finalizing the current draft and then send it to the DRB for their review, so they can see if the new draft with clearly defined waivers provides them with the flexibility they need. Jason suggested that the commissions attend a DRB meeting, on their agenda, to discuss the new draft with them all. Kevin said it would be very good to do that after

the draft was finished. There are only a few remaining comments from zoning administrator Mary Ellen Parkman to discuss.

The commissioners spent the next hour discussing Mary Ellen's comments. Many of them involved the new version of Table 2.1, in which Mary Ellen laid out the application and approval process based on her past year-plus experience working with the DRB and many subdivisions. Jason expressed some concern that many checks in the approval process meant to guard against a sophisticated developer gaming the system had been removed. The old version of the table was left in place so the DRB could compare the two and comment on this concern. That way, any important checks could easily be reinserted.

Stuart Rogers joined the meeting (9:03) and the Subdivision discussion was put aside until the next meeting.

4. Selectboard Report – Warned item to require the Town to vote to approve all new Town Plans.

Kevin reiterated his two main concerns: that the Planning Commission had no time to respond to the proposed item before it was included in the Town Report warning, and that he felt the Selectboard should have asked to discuss it with the Planning Commission. Kevin repeated the benefits of the current process that had been discussed earlier in the evening. Of primary concern was the difference between a focused discussion and comment collecting at the warned hearing, to be replaced by diluted attention as one item in a long annual Town Meeting. He noted that the Planning Commissioners are appointed as representatives of the town's residents and go through quite a lengthy learning curve regarding the legal aspects of the Town Plan, the need to be in compliance with the regional plan, and so on. It's Kevin's opinion that most town residents are not similarly informed enough to make an informed vote. The two monthly meetings, open houses, special forums, and so on permit focused discussion with interested residents, to educate them and to receive their comments. Kevin said he believed it was a better process, and it is a transparent process.

There was a brief discussion of the case in 2004, where the town residents voted at Town Meeting to have a town-wide vote to approve the Town Plan. This was only for the one year because the warned item referred specifically to 2004. After that, the process returned to the usual one, with approval first by the Planning Commission and then by the Selectboard, after warned hearings held by both bodies.

Stuart said he had heard from a few people who would like a town-wide vote for the transparency. Jason said we couldn't possibly have a new Town Plan approved in less than six months after the Planning Commission's warned hearing, due to the need for more forums to educate townspeople. Kevin said he was worried that bringing these concerns up at Town Meeting would present the impression that the commissioners did not want transparency. Dean said he agreed with Kevin's objections and reiterated the steps the commissioners had taken to make the current process completely transparent. Patricia said she was surprised and taken aback that the commissioners weren't consulted ahead of time. She noted that her term on the commission had expired last June, but she had stayed on because the commission was already short-handed and she felt committed to see the process through to the final approval. Now she was afraid her term would be extended for many more months. She also feared that the Town Plan would be voted on by very few people who would bother to attend a special Town Meeting, and that very few of them would have read the entire document. Jason repeated what had

happened in Fairlee and the importance of making sure the Town is educated about what it is voting on. Patricia noted that the Fairlee Town Plan had been voted down several times before that due to lack of knowledge and fear of change.

Jason suggested that the warned item be amended to have the vote apply to the next five-year Town Plan cycle, when education can be built into the entire process. Kevin disagreed, saying that a town vote is not as good a process as the current one. Meanwhile, this current draft could complete the standard process, which is very near completion.

Due to the late hour, Kevin suggested that we end the discussion and Stuart offered to continue the discussion at a later meeting.

Kevin ended the meeting with a brief description of where the process stood now. He hopes to warn the hearing by the end of the month, and hold the hearing at the end of March or in early April.

7. Other Business (9:45)

Dean reported that there was a bill being discussed in the Vermont senate that would legalize the retail sale of recreational marijuana at licensed stores throughout the state. The current draft of the bill would allow towns to regulate such stores through the Planning/Zoning process and through town ordinances. That would include not allowing stores in the town. (Towns would not be able to prohibit possession or use. The bill would prohibit public use or use anywhere that tobacco use was not allowed.) Dean said that passage of the bill was still in question, but he suggested that the commission should be ready to add a recommendation to the Town Plan supporting review of the issue and regulation by the Town.

The meeting was adjourned at 9:52 p.m.

Respectfully submitted,
Dean Whitlock, Recording Clerk, Thetford Planning Commission