

Thetford Planning Commission
August 16, 2016 – WARNED HEARING ON PROPOSED TOWN PLAN UPDATE
First session. Approved Minutes

Present: Kevin O'Hara (Chair), Patricia Norton (Facilitator), Jason Crance, Jamie Thaxton, Liz Ryan Cole, Michael Schunk, Dean Whitlock (Recording Clerk)

Absent: None

Guests: Mary Ellen Parkman (Zoning Administrator), Jessica Eaton (Selectboard liaison), Tracy Borst (Town Clerk), Stuart Rogers (Selectboard member), Alex Hall, Bill T. Huff, Bonnie Weiss, Catherine Newbury, Chris Levey, Clyde Cook, Dale Gephart, David Newbury, Denise Adams, Dirk Borst, Donna McMahon, Faith Alexandre, Fred Adams, Fred Budzuya, Gurmit Grewal, Jay Clark, Keith Merrick, Li Shen, Libby Chapin, Manohar S. Grewal, Mark McMahon, Mike Pomeroy, Peter Thompson, Sally Duston Whitlock, Sherry Merrick, Stuart Blood, Thelma Thompson, Tom Norton, Ursula Austin, Wayne Parks

Planning Commission chair Kevin O'Hara called the hearing to order at 7:06 p.m. He welcomed the attendees and thanked them for taking the time to come. Then he briefly described the goals of the meeting: to hear and record comments on the proposed update to the Thetford Town Plan, so they could be discussed in detail later at the regular warned Planning Commission meetings. He introduced Patricia Norton, who would serve as facilitator during the hearing.

Patricia presented an introduction to the purpose of a Town Plan, the history of Thetford's Town Plan, and the legal requirement to update the plan every 5 years. She provided a handout that outlined the process for updating a Town Plan and showed what stage of the process the Planning Commission has reached and what still remains to complete and gain approval for the proposed update. Patricia then introduced the members of the Planning Commission and briefly touched on the roles of the Development Review Board and the Zoning Administrator, introducing the current Zoning Administrator, Mary Ellen Parkman. She also listed the various committees and groups that provided information and feedback during the process of writing the update and described the ways the Planning Commission had reached out to the community for input.

Next Patricia described the process she would follow in running the hearing. Jamie Thaxton projected the current draft of the proposed Town Plan on a screen so everyone could follow along. There were printed copies available as well for those who needed them. Jason Crance projected the Comment Resolution Document, a large spreadsheet containing all of the comments received so far during forums, open houses, regular meetings, and via email. Jason would record all new comments received during the hearing, displaying them so that the commenter could be sure they were correct. Patricia described how the Planning Commission would use the Comment Resolution Document during its considerations of each comment, record the decision and action about each one, and respond to the commenter. Kevin O'Hara said that the Planning Commission would consider ways to make the document available for public viewing from time to time.

Patricia went through the Table of Contents of the proposed Town Plan, noting how many people had comments to make about each chapter. She explained that she would start with the chapters that had the most comments to be sure that they would be heard within the time frame of the hearing.

Stuart Blood asked for a definition of the terms Goal, Policy, and Recommendation as they were used in the Town Plan. Patricia explained that Goals are overarching results that would be achieved by following the vision in the Town Plan. Policies are guidelines for future choices to be made by the Town, its officers and committees, or other appropriate bodies. Recommendations describe new actions to be taken that would lead to achieving the Goals. Stuart also asked for clarification of the difference between the terms “shall” and “should” as used in the plan. “Shall” is used when an action must be taken, while “should” is used when an action is preferred but not necessarily required; it is more conditional than “shall.” Patricia said it allows some “wiggle room.” Mary Ellen Parkman explained that you would expect to see some “shalls” in the Town Plan; for example, to preserve areas or features that we really want to save. She gave the example of the Vermont Public Service Board permitting a wind turbine farm in a location despite strong opposition from the town. The town’s plan used “should” instead of “shall” when describing its policy regarding the preservation of ridgelines. Jason Crance said the difference in the words was more vital in Zoning and Subdivision rules due to the legal processes involved. Wayne Parks, a former Planning Commission member, said that a 2007 law requires the Town Plan to be in sync with Zoning and Subdivision laws or they can be overridden. Bill Huff said he would prefer “should” to “shall” because situations change quickly and “should” provides flexibility, and recommended the phrase “should consider”. Bill Huff noted that, from a monetary standpoint, all of the “shoulds” in the proposed Town Plan would result in several million dollars of expense for the Town over the 5 years during which the Town Plan would be valid. Kevin O’Hara noted that the phrase “without undue burden” was used in places where the Planning Commission felt cost might be an issue. Chris Levey recommended that the Planning Commission review all cases of “shall”, “should”, and “should consider” to make sure the best term was used in each place and then let the townspeople review it again. Faith Alexandre asked if all of the Policy items are rigid. Dean Whitlock replied that policies expressed as “shall” were, but said that most of them were guidelines for action, not rigid. He also noted that many of them were already policies before this update. Kevin O’Hara added that some are new to this update.

Patricia proceeded to call for comments on particular chapters. Note that specific comments are recorded in the Comments Resolution Document. These minutes record the gist of the discussion surrounding the comments.

Patricia asked for comments on the Introduction. Mike Pomeroy said that the introduction section about Chapter 3, Future Economic Development, didn’t mesh with the text in the chapter itself. He said that there weren’t enough details to describe how the goals were to be achieved or how the recommendations would be made possible. He said the same thing applied to Chapter 5, Natural Resources. After a brief discussion, these points were deferred to the discussions of the chapters.

Patricia asked for comments on the Land Use chapter. She explained that there would be a major formatting change in the next draft because the descriptions of the proposed changes to the Land

Use Areas, or Districts, were in the wrong place according to the review by our regional planning commission, TRORC. By law, our Town Plan must pass their review in order to be accepted by the State. Dean Whitlock handed out a revised version of Table 2.1 in the Zoning Bylaw, which lists the uses that are permitted, conditional, or not allowed in each of Thetford's land use districts. The newly defined Neighborhood Residential area (NR) proposed for Post Mills had been added to the table so that people could easily compare how it differed from Village Residential (VR) and Rural Residential (RR). Jason Crance projected a before-and-after map showing which parts of the Post Mills VR area would be changed to NR and to RR. Patricia reviewed the reasons for the changes: TRORC had expressed concern about the possibility of sprawl being encouraged by the large VR district in Post Mills. Following two forums with residents of Post Mills, the Planning Commission chose to recommend the creation of a new zoning district, Neighborhood Residential, as a transition between VR and RR, to allow village development density but not allow the sort of commercial development that would create sprawl and draw business away from the existing store in the village center. The Conservation Commission had recommended changing the northeast triangle north of West Fairlee Road back to Rural Residential because it abuts a large nature conservation area in West Fairlee and is a wildlife corridor to Lake Fairlee. Patricia described the two forums held in Post Mills at which there was strong support for the changes.

Several people spoke against changing the northeast triangle back to RR, noting that the area was already broken up into several small lots so was about as developed as it could be. Bill Huff said he thought that most wild animals would use the Middle Brook corridor to reach the lake. It was pointed out that RR zoning allows contractors' yards, kennels, and other types of development that could be more disruptive to wildlife than village types of development. Wayne Parks said he opposed the change because it limited landowners' rights to subdivide. He said that changing the triangle to NR would be all right. Manohar Grewal, Clyde Cook, and Fred Budzyn made comments asking that more development be allowed in what would be the NR area, noting that the current set of allowed uses does not support economic growth in the town. Libby Chapin made a comment in support of the change to reduce commercial development near the lake. Stuart Blood pointed out that the chapter didn't have a recommendation about changing the district types. Kevin O'Hara noted that, before any of the proposed changes could be made effective, the Zoning Bylaws would have to be changed and adopted by the Town. Mike Pomeroy pointed out that, in the past, Post Mills had 5 different stores along with a hotel, a coffee shop, and other businesses.

Catherine Newbury asked for clarification about the boundaries of the East Thetford Commercial Business area (CB). She questioned if it made sense for the town to limit all commercial development to just one area. She also asked if park areas would be allowed in the CB area. Patricia replied that there is a recommendation in the Town Plan that the Town should identify an appropriate location for a park or recreation area in each village.

The other proposed land use area involved the Thetford Hill VR area along the stretch of Route 113 between the I-91 exit 14 and Garey Road. Patricia explained that TRORC had recommended that this stretch be changed to RR to prevent sprawl-like development (e.g., fast food outlets, chain gas/convenience stores) that would keep through travelers from using the stores in East Thetford and Thetford Center. Cathy Newbury said she thought this was a case where "shall"

should be used to avoid specific types of development. She also suggested that the Town consider ways to have transmission lines be buried. Chris Levey agreed that the Exit 14 area was a place to use “shall”. Denise Adams did not agree with the change, mentioning the convenience to travellers of having gas and restrooms available by the highway.

Patricia explained that the State had passed legislation designed to reduce sprawl, and that other laws require our Town Plan to be in sync with State goals if Thetford wants to be eligible for certain development related grants and legal backing. Kevin O’Hara added that this was not a primary consideration for the Planning Commission. Ursula Austin pointed out that RR allows commercial and similar development of other types, like the campground in Latham Road, the Park-and-Ride lot, and the State Highway Garage, so the change doesn’t make sense to her. She said that Ms. Swinzo [spelling] owns land on both sides of Exit 14 so the change will greatly affect her ability to use her property.

Patricia asked for comments on the Housing Chapter. Mark McMahon asked that “shall” be used instead of “should” in the recommendation for creating senior housing. Mary Ellen Parkman added that recommendations about specific locations would be better with “should”. Regarding recommendations like “should study” and “should consider”, there was a brief discussion of how much such studies could cost. Keith Merrick asked if there was a recommendation relating to community water and sewer systems if and when the need for them arises, for example, because increased development causes pollution of wells. Bill Huff asked about Housing Goal 3: Preserve historic structures in ways appropriate to serve the need for housing. He asked if there were specific structures in mind and also if there weren’t existing laws that forbade changing historic structures. Michael Schunk replied that, as long as the exterior appearance wasn’t changed, historic buildings could be remodeled inside for housing and businesses. Dean Whitlock added that some buildings were on historic registers that didn’t allow any changes. Peter Thompson and Dale Gephart spoke in support of reusing historic and other old buildings for housing.

At 9:06, Patricia Norton noted that there were still many chapters to cover and asked everyone to send as many of their comments as appropriate via email, but to present at the hearing only the comments they wanted others to hear. She reminded everyone that the goal of the hearing was to record comments but save the discussion for regular warned Planning Commission meetings.

Mike Pomeroy, referring to the phrase “clustered housing” in Housing Policy 2, made the comment that his vision of Rural Residential didn’t include clumps of houses on cul-de-sac side roads every few hundred yards surrounded by open fields. Bill Huff, referring to Housing Policy 7, Record with the Town evidence of compliance with Vermont Energy Codes for all housing and building construction, asked if the State didn’t already require that. Mary Ellen Parkman explained there was no requirement because Thetford didn’t require a certificate of occupancy. The homeowner or contractor was supposed to keep track and, if not done, there could be legal problems when the homeowner later tried to sell the house.

Patricia asked for comments on Chapter 2, Education. Mary Ellen Parkman noted that the chapter was missing information about Act 46 and the requirement for universal public preschool education. Cathy Newbury asked if Thetford could request the State to move away from

property-tax-based education funding to a statewide funding system. Jessica Eaton pointed out that the photo on the first page of the Education chapter was mislabeled. It is the Post Mills school, not Union Village.

Patricia asked for comments on Chapter 4, Facilities, Services, and Utilities. Mike Pomeroy had a number of questions and comments about this chapter: He asked if the Town was still setting aside \$5000 per year for recycling; he noted that the town's libraries are not public buildings so questioned the validity of policies and recommendations relating to them; he asked that the local waste haulers be mentioned in addition to Northeast Waste; he recommended that the town get out of the Greater Upper Valley Solid Waste District and find a different landfill (supported by Bill Huff); and he questioned the reasoning (and potential expense) behind Recreation Policy 2, that the Town should investigate purchasing state or federal lands when any come up for sale in Thetford. Bill Huff noted that the description of healthcare facilities didn't include the pediatric practice or dentist in East Thetford; that the police no longer use the firing range; and that the town's Snow Coasters club was no longer active. Mike expressed a concern about the policy that would require landowners to maintain year-round access to their homes (what about seasonal homes?), and about the recommendation to install a pressurized fire hydrant system in East Thetford (very expensive; he wondered if the concern was for Pompanoosuc Mills, but said that should be their project, not the Town's).

There was a brief discussion about holding a second hearing to provide more time for taking and discussing all of the comments in more detail. Patricia called a five-minute break.

Patricia asked for comments on Chapter 5, Natural Resources. Wayne Parks said that, at a regular meeting, the question of buffers for vernal pools had been discussed, and he had expected the language to be removed but it hadn't been. Patricia and Li Shen (chair of the Conservation Commission) explained that the language was rephrased to educate homeowners about vernal pools, to help them decide whether to leave a buffer. Wayne argued that the presence of the language could lead to a slippery slope, where the language would be interpreted as a recommendation and led to regulations beyond what is intended. Dale Gephart spoke in support of having a certain amount of educational information in the Town Plan. Mary Ellen Parkman suggested that the Planning Commission consider having information like this and Fluvial Erosion Hazard area maps in appendices. Bill Huff said he felt that the Town Plan, being a legal document, should be the minimum required by the State. Also, information meant to be educational should have citations of sources. Wayne Parks also noted that the Town's Zoning Bylaw was referred to, but the Zoning should be based on the Town Plan, not vice versa.

Regarding Groundwater recommendation 6 about landowners certifying that they were not drawing down aquifers through too much pumping, Peter Thompson recommended using "shall" instead of "should". Bill Huff had several other comments, all of which Jason Crance recorded in the comment/resolution spreadsheet: suggesting word changes in several places; questioning the removal of the dam in Post Mills (it would not affect Lake Fairlee, where there is another dam, but would affect fish passage along the river into West Fairlee and Vershire); asking about land banking; and expressing concern over the cost of creating conservation easements. Mike Pomeroy asked why development was not allowed on slopes greater than 25 degrees when it is done frequently in Europe.

Other issues of concern included the expense and location of putting in a boat wash station on Lake Fairlee, the cost and reasoning behind regenerating beaver wetlands, including trapping with hunting and fishing, how to identify and preserve wildlife corridors between large blocks of land without impinging on landowner rights and property values, and how recommendations to discourage activities become rigid laws rather than guidelines.

There being many more comments to hear and discuss, Kevin O'Hara put before the Planning Commission a motion that the hearing be continued on September 20, 2016 at 7 p.m. in the Town Hall meeting room. Jason Crance seconded. The vote was unanimous in favor.

The hearing was recessed at 10:07 p.m.

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