



Town of Thetford Vermont

3910 Vermont Route 113 • P.O. Box 126 • Thetford Center, VT 05075
802-785-2922 • thetfordvermont.us

Selectboard Regular Meeting *Draft* Agenda

– Online Only –

Monday, April 19, 2021 7:00pm

Please note Section 6 of H.681, signed into law on March 30th, 2020, for the temporary suspension of designated physical meeting location requirements.

To connect to Zoom via computer: <https://us02web.zoom.us/j/88122490498>

To connect via phone only: +1 (646) 558 8656 | Meeting ID: 881 2249 0498

Note: Selectboard meetings are in public, but not of the public. 1 V.S.A. § 312 (h) states, “At an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting, as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson.”

7:00pm – Call to Order

1. Agenda Review
2. Town Manager Report
3. Public Comment
4. Scheduling of Subdivision Regulations Hearing
5. Possible Acceptance and Adoption of the 2021 Local Emergency Management Plan
6. Committee and Commission Appointments
7. Selectboard Priorities and 90-Day Plan for Town Manager
8. Warrants and Minutes
9. Other Business
10. Possible Executive Session pursuant to Title 1 V.S.A. section 313(a)(1)
11. Adjourn

Town of Thetford, VT

Subdivision Regulations

Approved by Planning Commission 1/19/2021



Adopted xx XXX 2021

Effective xx XXX 2021

NOTE: The deadline for Approval of this version by the
Selectboard is December 15, 2021

To the First-Time Applicant

If you are new to the Subdivision Application process in Thetford, please schedule an informal meeting with the Zoning Administrator to discuss the nature and scope of your project. In the long run, this will save time, effort, and possibly money.

Tables 1 and 2 on the very next pages outline the steps involved in applying for a subdivision application and list the documents required at each step. Some of the steps don't apply to every type of subdivision, and some of the documents and diagrams can be waived for some projects. The Development Review Board (DRB) will make the final decisions about which steps apply to your application and which documents will or will not be waived, but the Zoning Administrator can help you determine most of this information ahead of time. Note that you must request these waivers, and the DRB must approve them, but the Zoning Administrator can guide you through the process.

Section 2 provides detailed descriptions of the steps and documents outlined in the two tables.

You can contact the Zoning Administrator at zoning@thetfordvermont.gov or, during the Zoning Office hours, at 802-785-2922 ext 3. The Zoning Office hours are listed on the Thetford Town website at <https://www.thetfordvt.gov/departments/zoning>.

Table 1 – Subdivision Review Process Outline

ACTION	RESPONSIBLE PARTY; TIMELINE
<p>Step 1: Pre-application Meeting (Available to all potential applicants – Not Required) Informal preliminary discussion to be held at next regularly scheduled Development Review Board Meeting. No application required. <i>Strongly recommended.</i></p>	
<p>Step 2: Preliminary Plan Review Hearing</p>	
Submission of Subdivision Application and preliminary plan as indicated in Table 2. Include any waiver requests.	Applicant; at least 30 days prior to public hearing scheduled before Development Review Board
Development Review Board hearing	Applicant: attendance required
Review of compliance with general and specific standards in Article 3	Development Review Board; issues a Preliminary Plan Review determination within 45 days of close of preliminary plan review hearing
<p>Step 3: Final Plan Review Hearing</p>	
(1) Submission of final subdivision plan (2 paper copies and 1 Mylar copy), including: <ul style="list-style-type: none"> • compliance with design changes set forth in preliminary plan approval; and • proposed final plat and supporting documentation requested in the preliminary plan review. 	Applicant; within 12 months of date of preliminary plan approval, unless DRB approves extension, and at least 30 days prior to scheduled hearing before Development Review Board.
(2) Final Plan Review Decision	Development Review Board; issues a Final Plan Review Decision within 45 days of the hearing adjournment date. Thereafter the Zoning Administrator will issue a zoning permit with the approved conditions.
(3) Recording of final plat (Mylar copy) in the town records	Applicant; within 180 days of date of subdivision approval.
<p>The DRB reserves the right to combine both the Preliminary and Final Plan Review Hearing into a single hearing. If at the Preliminary Review Hearing the DRB finds that they have sufficient information to approve the final plat, the hearing process will automatically be considered combined once a decision is rendered.</p>	

Note: In accordance with the Act [§4464], a warned public hearing shall be required for final plat review. This warning will occur before any hearing conducted in regard to the subdivision that is not Continued to another date during the Open Public Meeting.



Table 2 – Subdivision Application Requirements		
Yes = Required information or document		
NOTE: Shaded requirements may be waived at the hearing by majority vote of the DRB, per section 2.1(D)		
(A) Application Information	Preliminary Plan	Final Plan
Application Form [# of copies]	Yes, 1 copy	Yes, 1 copy
Application Fee	Yes	
Name of project, if any	Yes	Yes
Name and address of applicant and landowner	Yes	Yes
Written description of proposed development plans, including number and size of lots; estimated timing of development	Yes	Yes
Waiver requests, in writing	Yes	Yes
Written request for modification of dimensional requirements or other standards contained in the zoning bylaws in instances involving applications for a Planned Unit Development (PUD).	Yes	Yes
(B) Plan/Plat Mapping Requirements	Preliminary	Final Plat
Materials	Paper	Paper & Mylar
Date, North Arrow, Legend	Yes	Yes
Preparer Information, Certifications	Yes	Yes
Plat scale ratios specified in VT Statute (§1403) shall be sufficient to show all pertinent survey data, and each plat shall contain a graphic scale graduated in units of measure used in the body of the plat.	Yes	Yes
Project boundaries and property lines	Surveyed	Surveyed
Existing and proposed lot lines, dimensions	Surveyed	Surveyed
Zoning district designations and boundaries	Yes	Yes
Must comply with the General Standards and the Wetland Buffer Requirements in the Zoning Bylaw	Yes Based on VT State wetland inventory	Yes Delineated in area to be developed
Must comply with the General Standards in the Flood Hazard Bylaw	Yes	Yes

Table 2 – Subdivision Application Requirements		
Existing and proposed streets, driveways and parking areas		Yes Surveyed
All rights-of-way or easements		Yes
Digital data as specified by the Zoning Office		Yes
Soil types – note especially “Primary” and “Statewide” agricultural soils.		Yes
Names and addresses of abutting property owners	Yes	Yes
Subdivisions and buildings within 100 feet of the parcel to be subdivided	Yes	Yes
Intersecting streets and driveways within 200 feet of the parcel to be subdivided	Yes	Yes
Proposed development envelopes		Yes
Survey Monument locations	Yes	Yes
Street profiles; street, intersection and parking area geometry and construction schematics within area to be developed		Yes
Proposed landscaping and screening		Yes
Proposed conservation buffer and/or easement areas		Yes
Utility Corridors		Yes
Notation prepared in accordance with Section 2.6		Yes
Copies of full size plans	Yes, 2 copies	Yes, 3 copies (1 of Mylar)
Reduced (11' x 17') copies of proposed plan	Yes, 6	Yes, 6
(C) Supporting Information & Documentation	Preliminary Plan	Final Plan
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	Yes	Yes
If applicable, all application materials required under Planned Unit Development Review in the Thetford Zoning Bylaw.	Yes	Yes
If applicable, all application materials required under Planned Unit Development Review in the Thetford Zoning Bylaw.	Yes	Yes

Table 2 – Subdivision Application Requirements		
Engineering reports (water and wastewater systems)		Yes
Off-site easements (e.g., for water, wastewater, access)		Yes
Proposed phasing schedule and future development		Yes
Proposed road maintenance agreements, covenants and/or Deed restrictions		Yes
Proposed homeowner or tenant association or agreements		Yes
Proposed performance bond or surety		Yes
(D) May be required by the Development Review Board		
Stormwater and erosion control plan		Yes
Grading plan (showing proposed areas of cut and fill)		Yes
Open space management plan		Yes
Site reclamation plan (for subdivisions involving extraction)		Yes
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)		Yes
Fiscal impact analysis (analysis of fiscal costs and benefits to the town)		Yes

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Article 1. Authority & Purpose

1.1 Enactment and Authority

(A) In accordance with the Vermont Municipal and Regional Planning and Development Act 24 V.S.A., Chapter 117, [§§4410, 4418], hereinafter referred to as the Act, as most recently amended, there are hereby established subdivision regulations for the Town of Thetford, Vermont. These regulations shall be known and cited as the “Town of Thetford Subdivision Regulations.”

(B) Definition of **Subdivision**: (1) The division of a lot, tract, or parcel of land into two or more lots, tracts, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development; or (2) a change of recorded subdivision plat if such change affects any street layout on such plat, or area reserved thereon for public use, or any change of a boundary (lot) line, or any such change if it affects any map or plan legally recorded.

(C) It is the policy of the Town of Thetford to regulate all subdivision of land, and subsequent development of subdivided plats in accordance with these regulations. No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred, or leased until a final plat prepared in accordance with the requirements of these Regulations has been approved by the Development Review Board (DRB) and recorded in the Thetford Land Records.

1.2 Purpose

(A) These regulations are adopted to further the following objectives:

- (1) to ensure that all subdivisions in the Town of Thetford shall be in conformance with the *Thetford Town Plan* and shall be in conformance with the *Thetford Zoning Bylaw* and all other applicable State and local by-laws, ordinances, and regulations;
- (2) to protect and provide for the public health, safety, environment, and general welfare of the Town of Thetford;
- (3) to preserve the character of Thetford as set forth in the Town Plan;
- (4) to further the purposes contained in the Act as set forth in §4302.

1.3 Adoption & Amendment

(A) In accordance with the Act [§4442], these regulations shall take effect 21 days after the date of their adoption by the Thetford Selectboard. The subdivision regulations for the Town of Thetford in effect prior to the adoption of these regulations are hereby repealed as of the effective date of these regulations.

(B) Amendments to these regulations shall be enacted in accordance with the provisions of the Act [§§4441, 4442]. If a proposed amendment is supported by a petition signed by not less than five percent (5%) of registered Thetford voters, the Planning Commission shall make only technical corrections to the proposed amendment and shall prepare a written report as required under the Act [§4441(c)].

(C) As provided in the Act [§4449(d)], after a public hearing of the Selectboard has been warned to consider adoption of these regulations in accordance with this Section, or an amendment to these regulations subsequent to their adoption, applications for subdivision approval shall be reviewed in accordance with the procedures and standards set forth in both the proposed regulations or amendment and the subdivision regulations then in effect. In the event of a conflict between the proposed regulations or amendment and the regulations then in effect, the most restrictive provision shall apply. Review under both current and proposed regulations shall occur for a period of 150 days from the date of the first warning or until the proposed regulations or amendment are adopted or rejected by the Selectboard, whichever occurs first. An application that has been denied under a proposed amendment that has been rejected or not adopted within the 150-day period shall be reviewed again, at no cost, under the existing regulations, upon the request of the applicant.

1.4 Severability

(A) If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.

Article 2. Subdivision Application Procedures

NOTE: See Table 1 for an outline of the steps in the application process, and Table 2 for a list of information, plans, and documents required at each step. These tables are printed at the front of this document.

2.1 Applicability

(A) **Subdivision Approval Required.** Whenever any subdivision of land is proposed, the subdivider or authorized agent shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in these regulations prior to:

- commencing any construction, land development or land clearing (excluding forestry or agriculture and activities exempted from zoning permit requirements under Section 1.04 of the *Thetford Zoning Bylaw*);
- the granting of any permit for the erection of any building in the proposed subdivision;
- the sale, transfer or lease of any portion of a property intended to be subdivided; and/or
- the filing of a subdivision plat with the Thetford Town Clerk.

(B) **Boundary Line Adjustments.** In accordance with the Act [§4464(c)], the Zoning Administrator may review and approve an application for a boundary line adjustment to previously approved development that would otherwise require review by the Development Review Board. The Zoning Administrator may classify an application as eligible for administrative review if the boundary line adjustment:

- will not result in a substantial impact under any of the standards set forth in these regulations or in the *Thetford Zoning Bylaw*; and
- will not have the effect of substantively altering any of the findings of fact of the most recent approval.

For an application that is eligible for administrative review, the Zoning Administrator shall approve the filing with the Town of a final plat for recording, in substantially the same manner as final plats for approved subdivisions under Section 2.6, if the boundary line adjustment:

- combines two contiguous lots into one or will not change substantially the nature of any previously approved subdivision; and
- will not increase the number of parcels of land; and
- will not impair access to any parcel; and
- will not impact adversely any significant natural resource or result in fragmentation of agricultural or forest resources and will conform to the general and specific standards in the *Thetford Zoning Bylaw*; and

- will not create a nonconforming lot or nonconforming structure, or increase the degree of nonconformity of a preexisting nonconforming lot or structure.

For the purposes of this regulation, the terms “nonconforming lot” and “nonconforming structure” have the meanings defined in the Thetford Zoning Bylaw.

Any decision by Zoning Administrator under this subsection may be appealed as provided in Section 4.5.

(C) **Coordination with Planned Unit Development Review.** Subdivision applications for Planned Unit Developments (PUDs) shall be reviewed as subdivisions in accordance with this Article. The application procedures and review processes set forth in the Development Review article, Planned Unit Development section of the *Thetford Zoning Bylaw* shall apply. PUDs shall meet the standards set forth in the Development Review article of the *Thetford Zoning Bylaw*, as well as subdivision standards included in Article 3, unless otherwise waived by the Development Review Board.

(D) **Waiver Authority.** In accordance with the Act [§4418(2)], the Development Review Board may waive or modify, subject to appropriate conditions, the provision of any or all improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision. The request for a waiver shall be submitted in writing by the applicant at the time of the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Board to reach a decision.

During the course of the hearing, the DRB at its discretion may waive some of the subdivision application requirements by majority vote, as set forth in Table 2.2.

In granting a waiver the Development Review Board shall require such reasonable conditions as will, in its judgment, secure substantially the objectives of the requirements so waived. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the Town Zoning Ordinance, Town Plan, or these Regulations. Such waivers and their justification shall be recorded in the hearing minutes and included in the permit file.

2.2 Pre-Application Meeting

(A) **Any person** who is considering submitting an application for subdivision in accordance with these regulations is strongly encouraged to meet with the Development Review Board before applying in order to discuss preliminary conceptual plans, the subdivision review process, and to review the standards set forth in Article 3. The pre-application meeting is intended to be an informal, preliminary discussion. As such, a person seeking a pre-application meeting will be placed on a duly posted agenda for the first available regularly scheduled meeting of the commission.

(B) **Information.** The applicant may present any information that he or she deems appropriate at the pre-application meeting, including site information and/or conceptual subdivision design.

(C) **Action of the Development Review Board.** The Development Review Board will not take formal action of any kind at the pre-application meeting. Board members may provide guidance as to the application and review process, and/or comment on the intent of specific planning and design standards

relative to the potential subdivision of the applicant's parcel(s). No comments made at the pre-application meeting will be binding upon any future review of a subdivision application.

(D) Meeting with the Zoning Administrator. As an alternative, or in addition, to a pre-application meeting with the Development Review Board, all applicants are encouraged to meet with the Town of Thetford Zoning Administrator prior to preparing an application for subdivision approval to receive guidance regarding the application and review process and the subdivision standards in effect.

(E) Notification of Abutters. All applicants for subdivision review are strongly encouraged to notify abutting landowners and other potentially interested persons prior to submitting an application to ensure that legitimate concerns of neighbors are addressed early in the subdivision design process. The Town will provide official notification to abutters as part of the application review process.

2.3 Preliminary Plan Review

(A) All applicants for subdivision approval are required to submit a Subdivision Application and preliminary plan for the Development Review Board to review at the Preliminary Plan Review Hearing. Subject to Section 2.4 (B) final plan approval may happen at this hearing if the materials submitted meet the Final Plan requirements outlined in Table 2, at the front of this document.

(B) Application Requirements. The applicant shall submit to the Zoning Administrator a Subdivision Application, Preliminary Plan, and associated fee. The application shall include a survey by a surveyor licensed by the State of Vermont, along with associated materials that include the information for Preliminary Plan Review specified in Table 2.

(C) Preliminary Plan Review Hearing. The applicant and/or an authorized representative are required to attend a Preliminary Plan Review Hearing with the Development Review Board to review the subdivision application and proposed preliminary plan. Prior to the Preliminary Plan Review Hearing, The Zoning Office will provide Public Notice in accordance with Article 4, Section 4.3 of these rules. The Board may request any additional information as needed to act on the preliminary plan.

(D) Phasing. The Development Review Board may impose conditions as the Board deems necessary to ensure the orderly development, or phasing, of the subdivision to be in conformity with the Town Plan and avoid overburdening town facilities and services.

(E) Action on Preliminary Plan. The Development Review Board, based on the information provided, shall record in the meeting minutes the following:

- (1) a preliminary determination of whether or not the proposed subdivision plan conforms to applicable subdivision review standards under Article 3, and with other municipal regulations currently in effect;
- (2) recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation;
- (3) the granting or denial of requested waiver provisions; and
- (4) conditions proposed to be included in the final decision.

(F) **Effect and Period of Preliminary Plan Review Determinations.** Preliminary Plan Review Determinations shall remain in effect for 12 months from the date of approval, unless otherwise extended by the approval of a waiver request to extend the effective date by not more than an additional 12 months. Waiver requests shall be submitted by the applicant prior to the end of the initial 12-month period. Waivers may be granted at the discretion of the Board where there is evidence of an ongoing effort by the applicant to meet recommendations in the Preliminary Plan Determination or to obtain additional permits from other jurisdictions.

Prior to the expiration of the 12 months or extended period, the applicant shall submit to the Zoning Administrator the application materials required for the Final Plan and Plat, as listed in Table 2. Otherwise, the Preliminary Plan Review Determination shall expire and a new Preliminary Plan Review application will be required, based on the subdivision and zoning regulations in effect at the time of the new application.

2.4 Final Plan Approval

(A) **All applicants** for subdivision approval are required to submit materials that meet the Final Plan requirements in Table 2. If Final Plan Review and Approval is not granted at the Preliminary Plan Review Hearing, the hearing will be continued to a future date(s) where approval may take place. If a future date cannot be established at the Preliminary Plan Review Hearing, the applicant will need to request a Final Plan Review Hearing. Any subsequent hearing will be warned in accordance with the Act [§4464].

(B) **Application Requirements.** Within 12 months of the date of Preliminary Plan Decision the applicant shall submit to the Zoning Administrator the application materials required for the Final Plan and Plat as listed in Table 2. If the applicant fails to do so, the applicant will be required to submit a new preliminary plan for approval subject to zoning and subdivision regulations effective at the time of the new application.

Unless otherwise specified or waived by the Development Review Board under 2.1(D), the application for Final Plan and Plat Approval shall include associated fees, plans, and documents for Final Plan and Plat review specified in Table 2. This approval may be combined with the Preliminary Plan Approval so that there is a single application and hearing for approval of a subdivision.

(C) **Public Hearing.** The Board shall hold a public hearing on the final plan and associated plat, warned in accordance with Section 4.3. If the Preliminary Plan Review is to be held in conjunction with the Final Plan Approval, then the Hearing shall be warned as such.

(D) **Final Plan Approval.** In accordance with the Act [§4464], within the 45 days following the date of the close of the public hearing, the Development Review Board shall issue a decision to approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Article 3. Failure to act within this 45-day period will result in deemed approval of the application and shall be effective on the 46th day.

Approval, conditions of approval, or grounds for disapproval and provisions for appeal under Section 4.5 shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent by first class mail to the applicant, all abutting landowners, and any other interested persons. The decision

signature date shall be considered the date of approval. (See section 4.3 (C), **Decisions**, for more details.)

(E) **Effect of Final Plan Approval.** Approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with state statute. The applicant must apply to the Selectboard for such acceptance.

The Development Review Board may impose a time limit for the start and completion of site improvements, such as roads, erosion control measures, and bridges that are an integral part of the subdivision approval.

2.5 Performance and Maintenance Bonds

(A) In accordance with the Act [§4464(b)(4),(6)], The Development Review Board may, as a condition of subdivision approval, require from the applicant a performance bond or comparable security in a form approved by the Thetford Selectboard in an amount sufficient to cover the full costs of new streets and/or other required improvements and their maintenance for a period of not more than 3 years from the date of completion. With the mutual written consent of the Development Review Board and applicant, such bond or security may be extended. If any required improvements have not been installed or maintained as provided within the term of the performance bond or other security, such bond or other security shall be forfeited to the Town. The Town shall, if necessary, install or maintain such improvements to the extent of the proceeds from such bond or other security.

2.6 Plat Recording Requirements

(A) In accordance with the Act [§ 4463(b)], within 180 days of the date of receipt of final plan and plat approval under Section 2.4 (E), the applicant shall file two (2) paper copies and one (1) Mylar copy of the final subdivision plat for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180-day period shall expire.

(B) Prior to plat recording, all three copies of the plat must be signed by the Development Review Board Chair or Vice-Chair. Only the Mylar plat will be recorded. All three copies of the final plat must include a notation to include the following statement:

The subdivision depicted on this plat was duly approved, as conditioned, by the Thetford Development Review Board in accordance with the Thetford Subdivision Regulations and all other applicable laws and regulations on the ___ day of _____ 2___.

Subdivision Permit# _____.

Signed: _____ [Development Review Board Chair or Vice-Chair].

(C) For Boundary Line Adjustments, prior to plat recording, the plat must be signed by the Zoning Administrator. All final plats will include a notation to include the following statement:

This plan shows a division of land for the purpose of a boundary line adjustment as defined in Article 2 of the Town of Thetford Subdivision Regulations. Any further subdivision of these parcels or lots must be approved by the Thetford Development Review Board. This boundary line adjustment has been approved on the ___ day of _____ 2__.

Subdivision Permit#_____.

Signed: _____ [Zoning Administrator].

(D) The Board may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.

(E) Every subdivision plat shall show all proposed rights-of-way and easements as required under these regulations. Documentation and assurances shall be provided that all required improvements and associated rights-of-way, easements, and other common lands or facilities will be maintained either by the subdivider, a homeowners' association, or through other accepted legal mechanism. Such documentation shall be in a form approved by the Development Review Board and filed in the Thetford Land Records.

(F) The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 4.6.

2.7 Coordination with Zoning Permits

Prior to the issuance of a zoning permit for development on any subdivided lot approved under these regulations, the Zoning Administrator shall determine whether the lot and the proposed development are in compliance with all conditions of subdivision approval. The Zoning Administrator shall not issue a zoning permit for any development that is not in compliance with such approval, or for any lot that is in violation of a condition of approval.

2.8 Revisions to an Approved Plat

Except for boundary line adjustments that are approved by the Zoning Administrator in accordance with Section 2.1(B), no changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are resubmitted to the Development Review Board first, and the Board approves such revisions after public hearing. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

Article 3. Planning and Design Standards

3.1 General Standards

(A) **Conformance with the Town Plan & Other Regulations.** Subdivisions shall conform to the Thetford Town Plan, Thetford Zoning Bylaw, and all other bylaws, ordinances and regulations of the Town of Thetford currently in effect. In particular, the General Standards in the Development Review article of the Zoning Bylaw; the Wetland Buffer Requirements in the Zoning Bylaw; and the Flood Hazard Bylaw apply to all subdivisions.

The intended use of one or more of the parcels to be created by a subdivision may, additionally, require Site Plan Approval, Conditional Use Approval, or Planned Unit Development Approval, in accordance with the Thetford Zoning Bylaw, or review under the Thetford Flood Hazard Area Zoning Bylaw. The Development Review Board shall determine which of these additional standards may be applied to the subdivision review.

(B) **Suitability for Subdivision.** Prior to the approval of a subdivision, the applicant shall satisfy the Board that the land to be subdivided is of such a character that it can be used for the intended purpose(s) and density of use, as stated in the application, without undue adverse impact on public health and safety, the environment, and neighboring properties. Land unsuitable for subdivision due to rock formations; flood conditions; undue adverse impact on surface waters or neighboring properties; undue adverse impact on natural or cultural resources; or other prohibitive circumstances including but not limited to inadequate access for emergency vehicles; or any other conditions constituting a danger to health, life, property, or the natural environment shall not be approved for subdivision unless the applicant presents evidence satisfactory to the Development Review Board establishing that the methods proposed are adequate to address such conditions.

(C) **Disclosure of Subsequent Development Plans.** Whenever an applicant submits a proposal for development on a minor portion of a parcel the Board may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing.

3.2 Lot and Site Layout

(A) **Purpose.** The lot and site layout standards are intended to further the objectives of the Town Plan, the *Thetford Zoning Bylaw* and all other applicable State and local by-laws, ordinances, and regulations, including but not limited to consideration of: house siting that preserves the character and working landscape of Thetford; low and medium cost housing options; business growth within the village centers; ridesharing, public transit, bicycling, and walking; to prevent undue expenditure of public funds for municipal services; and to ensure adequate fire protection.

(B) **Standards.** The layout of lots shall conform to the Zoning Bylaw. The following standards shall apply to all subdivisions:

- (1) The lot size, width, depth, shape, orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (2) All lots shown on the final plat must conform to the minimum area and dimension requirements of the Zoning Bylaw. However, a subdivision plat may be designed for cluster or planned unit development, provided all requirements of Thetford's zoning regulations are met.
- (3) All lots or sites shall abut a street or road built to Town specifications or have access to said street or road via a deeded right-of-way at least thirty (30) feet wide. The width of the right-of-way may be waived if the Development Review Board finds that a reduction in right-of-way width results in neither unsafe nor inadequate access for future uses of the lot or site.
- (4) Corner lots shall have extra width sufficient to permit a setback on each street.
- (5) Where the Development Review Board raises a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations; flood conditions; undue adverse impact on surface waters, neighboring properties, or natural and cultural resources; or other circumstances including but not limited to inadequate access for emergency vehicles, the applicant shall present evidence satisfactory to the Development Review Board establishing that the methods proposed are adequate to address such conditions. In the absence of satisfactory evidence, the Development Review Board may, after adequate investigation, require modification of such lots.
- (6) The width of a lot measured along its road frontage shall not be less than twenty-five percent (25%) of the lot length measured perpendicularly to the straight line best approximating the road frontage.
- (7) In zoning districts where the minimum lot size is 20,000 square feet, wetlands must be delineated and the area of wetlands may not be included in the calculation of lot size when determining that a lot meets the minimum size requirement, with this exception: If a lot size would equal or exceed 80,000 square feet, the standard for zoning districts where the minimum lot size is 80,000 square feet shall apply. In zoning districts where the minimum lot size is 80,000 square feet, the size of wetlands may be estimated rather than delineated, and the area of wetlands shall be considered when calculating lot size: (a) If the wetland area is less than or equal to one-quarter of the lot size, it may be included in the calculation of the minimum lot size, so long as there is sufficient buildable land remaining outside the wetland area to follow setback, buffer, and all other standards for subdivision and zoning. (b) If the wetland area is more than one-quarter of the lot size, it may not be included in the calculation of lot size when determining that a lot meets the minimum size requirement.
- (8) In the case of Planned Unit Developments, wetlands must be delineated and the area of wetlands may not be included in the calculation of allowable density.
- (9) No new slopes may be created with a grade (slope ratio) greater than 3:1. In determining the location or size of lots, or when calculating allowable density for a Planned Unit Development, disturbance of very steep slopes (4:1 slope ratio/25% or greater) shall be minimized. Subdivisions

where the area of disturbance includes slopes greater than 25% shall require a licensed engineer to certify that such disturbances do not pose a landslide or erosion risk. Subdivisions shall be designed in reasonable conformity with existing topography to minimize grading, to reduce cuts and fills, and to retain, insofar as reasonable, natural contours, land cover, and soil. The Development Review Board may require a program of landscaping, soil stabilization and the establishment of appropriate, permanent vegetative cover following excavation or grading.

(C) **Establishment of Development Envelopes.** All lots shall have one or more designated development envelopes, unless waived by the Board in the case of small lots. Development envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The maximum size and shape of the development envelope shall be determined by zoning district setback requirements unless otherwise specified in these regulations. The Board may require the identification of specific building footprints if, in its judgment, such information is required to meet the standards set forth in these regulations. Where the Board deems it appropriate to do so for the purposes of these regulations, the Board may consider features of immediately adjacent properties that are relevant to the Board's evaluation of the proposed development envelope.

(D) **Siting for energy efficiency.** Because all new building construction must at a minimum comply with Vermont residential (RBES) and commercial (CBES) building energy standards, the Board will encourage developers to:

- (1) exceed minimum energy standards by adopting advanced building and construction techniques that result in higher energy savings and more sustainable building environments;
- (2) site and orient new structures for optimum solar gain and to protect solar access for existing buildings from shadows cast by new structures; and/or
- (3) minimize energy usage by concentrating development envelopes close to existing roads and sites with solar access. (Refer to Section 6 in the Zoning Bylaw for information about density bonuses applicable to energy standards and designated open space.)

3.3 Protection of Natural & Cultural Resources

(A) **Purpose.** The standards in this section are intended to further the following objectives:

- to direct development away from the most sensitive and/or rare natural areas and integrate it with less fragile or unique natural areas;
- to protect important agricultural lands from development that would destroy their future use for crops;
- to insulate rare plants and animals from disruptive land use;
- to prevent the decimation of wildlife and vegetation habitat through the cumulative effects of incremental development;

- to restrict development that would have undue adverse impacts on the waters of Lake Fairlee and other bodies;
- to ensure that building construction shall not occur in flood prone areas; and
- to protect cultural, historic and archeological resources.

(B) **Protection of Wetlands.** The intent of these requirements is to minimize adverse impacts caused by human activity on mapped and unmapped wetlands in the town of Thetford and to ensure the continuing well-being and functionality of these sensitive ecological areas by establishing vegetated buffer zones. Any subdivision of land that contains a mapped or unmapped wetland, as the terms are used in the Zoning Bylaw, shall meet the Wetland Buffer Requirements in the Zoning Bylaw. Where appropriate, the Development Review Board shall designate or approve development envelopes to ensure that these requirements are met.

(C) **Protection of Floodplains.** Any subdivision that affects any land within an area of special flood hazard, identified in the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, shall meet the requirements of the Flood Hazard Area Zoning Bylaw. Except for uses permitted by statute, no use that poses a potential for water contamination in flood hazard areas will be permitted. Where appropriate, the Development Review Board shall designate or approve development envelopes to ensure that these requirements are met.

(D) **Protection of Surface Waters.** These requirements are intended to (a) reduce the likelihood of fluvial erosion damage to structures and other investments by allowing streams the room to naturally change course; (b) encourage the establishment of heavy growth native vegetation and trees along Thetford's lakes and streams to filter excess nutrients and sediment in runoff, prevent soil erosion, shade the stream, improve wildlife habitat and fisheries, and maintain water quality; (c) slow down the siltation of Lake Fairlee and other lakes, which is a major threat to lakes, and reduce the amount of pollutants such as pet waste, pesticides, fertilizers and car oil that enter the lakes. For any subdivision of land that is adjacent to a lake or a stream, the Development Review Board shall designate development envelopes to ensure that the Riparian and Shoreline setbacks in the Zoning Bylaw are met.

(E) **Protection of Significant Wildlife Habitat and Forest Resources.** Where there is evidence that a subdivision will affect significant wildlife habitat or forest resources, as the terms are used in the Zoning Bylaw, the Development Review Board shall designate development envelopes to ensure that the relevant standards in the Zoning Bylaw are met.

(F) **Protection of Farm Land.** Any subdivision of land that contains agricultural land, as the term is defined in the Zoning Bylaw, or that contains farmland soil map units with a rating of prime, statewide, or local importance as defined by the Natural Resources Conservation Service (N.R.C.S.) of the United States Department of Agriculture (U.S.D.A.) shall meet the standards for Protection of Agricultural land in the Zoning Bylaw. Where appropriate, the Development Review Board shall designate development envelopes to ensure that these requirements are met.

(G) **Protection of Historic & Cultural Resources.** Development envelopes shall be located and configured to mitigate adverse impacts to historic and archaeological sites and resources identified in Thetford

historical and archeological resource inventories, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include, but may not be limited to, the following:

- (1) To the extent practical, historic features, including stone walls and cellar holes, should be preserved and integrated into the subdivision design (e.g., driveways may follow stone walls).
- (2) Prior to development on sites that have been identified as being archaeologically sensitive in town or state inventories, or through site investigation, the Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.
- (3) The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

3.4 Stormwater Management & Erosion Control

The standards in this section are intended to further the following objectives:

- to ensure that site development, including excavation, road and driveway construction and site clearing and grading, will not unduly impact neighboring properties or surface waters;
- to discourage development in those areas where the slope makes Town services expensive and seepage and erosion damage severe.
- To be consistent with the Stormwater Management & Erosion Control standards as set forth in the Thetford Zoning regulations.

(A) Guidance for compliance with the standards in this section can be found in the document “2017 Vermont Stormwater Management Manual Rule and Design Guidance,” to be found at the following webpage address:

https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/Permitinformation/2017%20VSMM_Rule_and_Design_Guidance_04172017.pdf. Compliance with the Vermont Stormwater Regulations, as evidenced by an approved state stormwater permit, will indicate compliance with this section.

(B) Temporary and permanent stormwater management and erosion control measures shall be incorporated into subdivision design and layout to control surface runoff, sedimentation and water pollution on-site and downstream from the proposed subdivision. Factors to be considered in determining the types of controls necessary shall include size and terrain of watershed draining onto the development envelope, pre-development site and runoff conditions, vegetation and ground cover, slope and drainage patterns, soil types (e.g. hydric soils), the percentage of land covered in impermeable surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties.

(C) The Board may require the preparation and implementation of stormwater management and/or sedimentation and erosion control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, will not unduly

impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer, be based upon Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources and the U.S. Department of Agriculture Natural Resource Conservation Service (see document referenced above in 3.4(A)), and include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities.

(D) Control of stormwater runoff to protect downstream channels shall be accomplished by providing 12 to 24 hours of extended detention storage for the one-year storm event.

(E) If a subdivision will result in changes in stage frequency, discharge frequency or flooding in areas not owned or controlled by the applicant, the applicant must secure appropriately sized easements for all areas of flow or flooding on affected properties. Suitable land use restrictions must be included in easements to prevent any activity that may affect drainage across the area.

(F) Areas exposed during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation or other appropriate standards approved by the Board. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the Board. The Board also may require the phasing of construction to reduce the amount of land disturbed at any one time, and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

3.5 Community Services & Facilities

(A) The standards in this section are intended to further the following objectives:

- to support the continued vitality of the community by maintaining and growing shared utilities and facilities without unnecessarily burdening the taxpayers and fiscal resources of the Town;
- to ensure adequate water supply for fire service;

(B) **Municipal Facilities & Services.** The proposed subdivision shall not create an undue burden on municipal facilities or create an unreasonable demand for public services. The Development Review Board may require the phasing of development to coordinate the anticipated demand for municipal facilities and services. In determining whether a subdivision will place an undue burden on facilities or services, the Board may consult with the appropriate municipal body (e.g., Public Works Department, School Board).

(C) **Emergency Service Facilities.** Adequate water storage or distribution facilities for fire protection within the subdivision may be required to the satisfaction of the Development Review Board. Where required by the Board, fire hydrants, dry hydrants, or ponds shall be installed by the subdivider. The Board may require documentation from the Thetford Fire Department and/or other emergency service providers as to the adequacy of emergency access and fire protection facilities.

3.6 Roads, Driveways & Pedestrian Access

(A) **Applicability of Road Standards.** The following standards shall apply to all proposed public roads, to private roads serving three or more lots, and to driveways. (When two lots use the same driveway, it is considered a shared driveway rather than a private road.)

(B) **Driveways.** A driveway serves one or two lots and shall comply with driveway standards pursuant to Zoning Bylaw 3.13 or any subsequently adopted driveway ordinance. In addition, driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows, and fence lines, to avoid the fragmentation of fragile features and natural and cultural resources described above in Section 3.3.

(C) **Design and Acceptance of Private Roads.**

- (1) All private development roads serving three or more lots should be designed in accordance with Town Road and Bridge Standards as most recently certified by the Selectboard.
- (2) Assumption of private roads as public roads by the Town is subject to the approval of the Thetford Selectboard pursuant to state law for laying out public rights-of-way. Construction of roads to the adopted standards does not ensure such acceptance.

(D) **Intersections.** A new or relocated road, and any driveway, shall be located so that a safe sight stopping distance is provided, as determined by probable traffic speed, terrain, alignments and inclement weather. The current road standards referenced in (C)(1) should be considered in review of any new intersection.

(E) **Drainage & Stormwater.** A stormwater drainage system shall be provided that is designed to control and accommodate stormwater collected on all proposed roads and/or parking areas in accordance with Section 3.4 of these regulations. Generally, traveled lanes, shoulders, ditches, and culverts shall be designed and maintained in conformance with the *Vermont Better Roads Manual*, as most recently amended, and as described in Thetford's currently adopted road standards.

(F) **Coordination with Adjoining Properties.** The arrangement of roads within the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impractical, the above conditions may be modified.

(G) **Access Management.** To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply to all subdivisions:

- (1) All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Thetford Selectboard in the case of town roads. Access to all lots

created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway.

- (2) As much as is possible, subdivisions shall make use of shared driveways and/or internal development roads providing access to multiple lots. Such driveways and roads shall comply with the currently adopted standards.
- (3) If a subdivision has frontage on primary and secondary roads, access shall be from the secondary road, unless the Board determines that topographic or traffic safety conditions make such an access impractical.
- (4) Where extensions of new roads could provide future access to adjoining parcels, rights-of-way shall be provided.
- (5) The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

(i) **Traffic & Road Capacity.** Traffic generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision.

- (1) The Development Review Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of conditions less safe than existing conditions for pedestrians, bicyclists, or motorists, unless such conditions can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies or improvements in public transportation.
- (2) The Board may require a traffic impact study, the cost of which will be borne by the applicant, which will evaluate existing and projected traffic conditions and determine the level of service both for existing conditions and for conditions as they are projected after the development.
- (3) The Board may require traffic mitigation measures, including required road improvements necessitated by the subdivision, which shall be the responsibility of the applicant as follows:
 - (a) Where an existing access road is inadequate or unsafe, the Development Review Board may require the applicant to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. Such mitigation shall be done without widening or re-grading the road and without cutting significant trees within the right of way, except as provided below and in paragraph (K).
 - (b) In situations where a development may require the realignment, widening, or an increase in the capacity of an existing road, or where the town plan or capital program indicates that such improvements may be required in the future, the applicant may be required to reserve land for such improvements.
 - (c) Where a subdivision requires expenditures by the town to improve existing roads to conform to these standards, the Development Review Board may disapprove such

subdivision until the Selectboard certifies that funds for the improvements have been ensured. The applicant may be required to contribute part or all of the expenses involved with road improvements necessitated by the project.

- (d) Any improvements to highways or intersections shall use context-sensitive road design.
- (e) In the case where the land use requires Conditional Use Review, the Development Review Board and applicant will follow the additional process and standards for Conditional Use Review as defined in the Thetford Zoning Bylaw then applicable, which may require consideration and approval by the Selectboard.

(J) Road Names & Signs. Roads shall be named in accordance with Thetford road naming ordinance, as approved by the Selectboard. Names shall be identified on signs designed and located in accordance with the town policy, and shall be clearly depicted on the final plat. The Town, at its sole discretion, may assume responsibility for providing and installing road name signs.

(K) Modification of Road Standards. In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, the Board may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road:

- (1) is accessible by emergency response vehicles;
- (2) does not pose any threat to the safety of motorists, bicyclists or pedestrians;
- (3) will not result in unreasonable maintenance requirements for landowners; and
- (4) is designed in a manner that is consistent with other applicable standards of these regulations.

(L) Parking & Transit Stops. For subdivisions located on existing or proposed public transit routes, sheltered transit stops, which may include centrally located park and ride areas and bike racks to serve the development, will be incorporated in subdivision design. Large residential subdivisions shall also incorporate one or more sheltered school bus stops as appropriate.

(M) Pedestrian Access. The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities. The Board may require, in order to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements indicated on the plat.

(N) Legal Requirements.

- (1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of way is intended to be accepted by the town. In the event that the right-of-way is not intended for acceptance by the

town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.

- (2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the applicant, a homeowners' association, or other legal mechanisms. Such documentation shall be in a form approved by the Board and filed in the Thetford Land Records.

3.7 Water and Wastewater Disposal Permits

(A) **Water Supply.** Water supply systems shall be designed and built to meet all applicable state requirements. Applicants must obtain a state permit. The Development Review Board may require evidence that adequate water supply is available through an existing or proposed system prior to granting final approval. The Board may require as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide any results of water samples tested by the Vermont Health Department in conjunction with the application.

(B) **Individual Wastewater Disposal System.** On-site sewage disposal systems shall be designed and installed in accordance with all applicable state regulations and standards. Applicants must obtain a state permit. If an off-site disposal system is proposed, such system shall be secured through an easement or other form of legal conveyance.

(C) **Connection to Existing Water or Wastewater Systems.** Where connection to an existing water or wastewater system is proposed, the subdivider shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The subdivider will be required to provide such pumping and other facilities as may be necessary to serve the proposed development. The Board also may require that the subdivider provide, or have installed, at his expense, larger lines, pumping, storage and other facilities outside of the subdivision, if required specifically to meet the requirements of the proposed development. Any such systems must be designed and installed in accordance with all applicable state regulations and standards.

(D) **Community Systems.** Proposed development may be serviced by private, community water and/or wastewater systems, which shall be designed and installed in accordance with all applicable state regulations and standards.

(E) **Waivers.** In the event that the subdivider is proposing the creation of a lot(s) not requiring water or wastewater systems, the Board may waive the provisions of these regulations pertaining to water and wastewater disposal, providing that the plat recorded with the Town Clerk clearly indicates that the intended use of the lot(s) will not require water or wastewater disposal systems, and the subdivider submits an affidavit to the Board stating his/her intent, which will be incorporated as a condition of subdivision approval.

3.8 Utilities

(A) **Location:** All utilities, existing and proposed as part of the subdivision, shall be shown on the final plat, and be located as follows, unless waived by the Development Review Board:

- (1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, should be located underground throughout the subdivision, unless deemed by the Development Review Board to be unreasonable and prohibitively expensive.
- (2) The applicant shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for the proposed subdivision and anticipated development on lands adjacent to the subdivision.
- (3) Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farmland, and any adverse impacts to natural, cultural or scenic resources and public health.

3.9 Open Space and Common Land

(A) **Open Space Shown on the Town Plan.** Where a proposed park, playground, or other open space shown on the Town Plan's Land Use map is located in whole or in part in a proposed subdivision, the Board shall require substantial compliance with such Town Plan. As a condition of approval of the final plat, the Board may require that the area shown thereon as open space be offered for dedication to the Town. The Board shall not require such dedication in excess of 15 percent of the total area of the subdivision without reasonable compensation. If the Town does not take steps within a period of one year from the date of approval of the subdivision plat to acquire the portion of the open space in excess of said 15 percent, the subdivider may submit to the Board a plan for subdivision of such portion, provided such additional subdivision does not exceed the total number of family dwelling units permitted by the zoning regulations for the applicable district, and meets all requirements of these subdivision regulations.

(B) **Other Open Space.** If no such open space, park, or playground is shown on the Town Plan's Land Use map within the boundaries of a proposed subdivision, the Board may, where it deems essential, require that the plat show one or more sites of character, size, shape, and location suitable to be used as community open space or park, in area not to exceed 15 percent of the total area of the subdivision. The subdivider may of his own volition exceed the above area requirements. In the case of cluster subdivision or planned unit development, open space shall be not less in area than as provided in the zoning regulations; such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the Town land records to assure permanence of use as open space. (Refer to Section 6 in the Zoning Bylaw for information about density bonuses applicable to designated open space.) Open space land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.

In the event that the Development Review Board determines that suitable park, playground, or other open space cannot be properly located in a proposed subdivision, it may require as a condition of final plat approval that a payment be made by the subdivider to the Town and placed in a fund for acquisition and/or improvement of park and recreation land. Such payment shall be determined by the Board of Selectmen in accordance with an equitable and standard fee schedule related to either the gross area of the subdivision or number of dwelling units proposed.

Where a development composed of one or more plats will accommodate a total of more than ten (10) dwellings, the Development Review Board may also require the designation of necessary public school sites or a payment towards expanding existing public school capacity consistent with 24 V.S.A. § 5203.

(C) Development of Open Space. On land to be used as active recreation open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be left natural; active recreation open spaces shall be graded properly to dispose of surface water, and shall be seeded with lawn grass. There shall be no depositing, dumping, or storage of waste, or other natural or manmade material, supplies, or equipment, on any subdivision land designated as open space. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until the subdivider's plans for recreational development of said open space have been reviewed and approved by the Development Review Board as part of the final plat submission.

Article 4. Administration & Enforcement

4.1 Administration

These regulations shall be administered by the Thetford Development Review Board, as authorized by the Act [§ 4460].

4.2 Fees

(A) Application fees shall be established by the Selectboard in accordance with the Act [§4440]. Such fee(s) shall include the costs for publishing hearing notices, and conducting public hearings, administrative review and for periodic inspections by town retained consultants during the installation of public improvements, if deemed necessary.

(B) The Selectboard shall also establish procedures and standards for requiring an applicant to pay for reasonable costs of an independent technical review of an application. Should the Development Review Board deem it necessary to employ an engineer, attorney, design professional, or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, and/or to conduct inspections to ensure compliance with approved plans, all reasonable costs of such review shall be paid by the subdivider/applicant.

4.3 Hearing Requirements

(A) **Public Notice.** All public hearings required under these regulations shall be warned in accordance with the Act [§4464(a) (1), 4463]. Public notice for a warned public hearing shall be given not less than 15 days prior to the hearing date, in accordance with the following:

- (1) the publication of the date, place and purpose of the hearing in the Newspaper of Record designated by the Selectboard;
- (2) the posting of the date, place and purpose of the hearing in three or more public places within the town, including posting within view from the public right-of-way nearest to the property for which the application is being made; and
- (3) written notification to the applicant and to owners of all properties adjoining the property subject to subdivision, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a pre-requisite to the right to take any subsequent appeal.
- (4) For a plat located within 500 feet of a municipal boundary, a copy of the notice also shall be sent to the municipal clerk of the adjoining municipality.
- (5) The Zoning Office will notify adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

- (6) In the event that the hearing is cancelled due to inclement weather or some other unanticipated cause, a notice of cancellation shall be posted on the door of the municipal building (or other meeting location, as appropriate). No other notice is required for cancellation. The notice of cancellation may include the date, time and location that the postponed hearing will be convened.
- (7) No defect in the form or substance of any requirements in Subsections (A)(1)–(A)(3) shall invalidate the action of the Development Review Board where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective notice or posting or notice was materially misleading in content.

(B) Hearings. In accordance with the Act [§§4461, 4463, 4464], all meetings and hearings of the Development Review Board, except for deliberative and executive sessions, shall be open to the public. In addition:

- (1) For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of the members of the Board, and any action shall be taken by a concurrence of the majority of the Board.
- (2) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, which shall be filed in the Town Office as public records and posted in accordance with Vermont's Open Meeting Law.
- (3) In any regulatory hearing of the Development Review Board there shall be an opportunity for each person wishing to achieve status as an interested person, for purposes of participation or appeal under Section 4.5, to demonstrate that the criteria for achieving such status are met. The Board shall keep a written record of the name, address, and participation of each of these persons.
- (4) The officers of the Board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review.
- (5) The Board may recess a public hearing on any application pending submission of additional information, but should close evidence promptly after all parties have submitted requested information.

(C) Decisions. In accordance with the Act [§4464(b)], the Board will close evidence promptly after all parties have submitted requested information, and shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day, as certified by the Town Clerk. The certificate of the Town Clerk shall be attached to, filed, and recorded with the subdivision plat.

- (1) All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of record. Conclusions of law shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under Section 4.5(C).

- (2) In rendering a decision in favor of the applicant, the Board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the *Thetford Town Plan* currently in effect.
- (3) All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or to the appellant on matters of appeal. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and Town Clerk as part of the public record of the municipality.
- (4) In accordance with the Act [§4464(c)], any decision issued by the Development Review Board may authorize that subsequent changes or amendments to an approved subdivision may be allowed subject to administrative review by the Zoning Administrator, rather than Board review, in accordance with the following, which shall be specified in the Board's decision:
 - (a) The decision shall clearly specify the thresholds and conditions under which administrative review and approval shall be allowed.
 - (b) The thresholds and conditions shall be structured such that no new subdivision or development shall be approved that results in substantial impact under the requirements of these regulations, or any of the thresholds or conditions set forth in the decision.
 - (c) No amendment issued as an administrative review shall have the effect of substantially altering the findings of fact of any Board approval in effect.
 - (d) Any decision of the Zoning Administrator authorized in this manner may be appealed to the Board in accordance with Section 6.5(A).

4.4 Enforcement & Penalties

(A) The enforcement of these regulations shall be the responsibility of the Zoning Administrator, in accordance with the Act [§4451,4452]. Pursuant to the Act [§4451], no action may be brought under this section unless the alleged offender has had at least seven (7) days' notice by certified mail that a violation exists. The notice of alleged violation (NOAV) shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. The issuance of a notice of violation may be appealed in accordance with Section 4.3(A). Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the original seven-day notice period, and within the next succeeding twelve (12) months.

(B) Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [§ 4451] for each offense, and each day that a violation continues shall constitute a separate offense.

(C) Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act [§4451]; and each lot, parcel, or unit so sold or transferred shall be deemed a separate violation.

(D) Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§4452] as presently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof, except as provided below.

(E) The Town shall observe the 15-year limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [§ 4454].

4.5 Appeals

(A) **Decisions of the Zoning Administrator.** In accordance with the Act [§§4465, 4466], any **interested person** may appeal a decision or act of the Zoning Administrator under these regulations by filing a notice of appeal with the Secretary of the Development Review Board, or the Town Clerk if no Secretary has been elected, within fifteen (15) days of the date of such decision or act. A copy of the notice of appeal shall also be filed with the Zoning Administrator.

- (1) The notice of appeal shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to the appeal, the relief requested by the appellant, and the alleged grounds why the relief is believed proper under the circumstances.
- (2) Pursuant to the Act [§4468], the Development Review Board shall hold a public hearing on a notice of appeal within sixty (60) days of its filing. The Board shall give public notice of the

hearing under Section 6.4(A) and mail a copy of the hearing notice to the appellant at least fifteen (15) days prior to the hearing date.

- (3) Any interested person empowered to take an appeal with respect to the property at issue may appear and be heard in person or represented by an agent or attorney at the hearing.
- (4) The rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. 810.
- (5) In accordance with the Act [§4470], the Development Review Board may reject an appeal without hearing, and render a decision within ten (10) days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on substantially or materially the same facts, by or on behalf of the appellant.

(B) Decisions of the Board. Any interested person who has participated in a hearing of the Development Review Board may appeal a decision rendered in that proceeding within 30 days of such decision to the Vermont Environmental Court, in accordance with the Act [§§4471, 4472].

- (1) "Participation" shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.
- (2) A notice of appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the Town Clerk or the Zoning Administrator, if so designated, who shall supply a list of interested persons to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person listed.

Interested Person. In accordance with the Act [§4465], the definition of an interested person includes the following:

- (1) A person owning title to a property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by this bylaw, who alleges that this bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- (2) The Town of Thetford or an adjoining municipality.
- (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of a decision or act taken under this bylaw, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of the Town.
- (4) Any ten persons who may be any combination of voters or real property owners within the Town or an adjoining municipality who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of the Town. The petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
- (5) Any department or administrative subdivision of the State owning property or any interest therein within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

4.6 Town Recording Requirements

Pursuant to the Act [§4449(c)], within 30 days after a municipal land use permit including any final approval for land subdivision, has been issued, or within thirty (30) days of the issuance of a notice of violation, the Zoning Administrator or other appropriate municipal official shall deliver the original or a legible copy of the municipal land use permit or notice of violation, or a notice-of the municipal land use permit generally in the form set forth in 24 V.S.A. subsection 1154(c), to the Town Clerk for recording as provided in 24 V.S.A. subsections 1154(a). The applicant may be charged recording fees.

4.7 Availability of Documents

In accordance with the Act [§4445], copies of these regulations, other related municipal regulations and ordinances, and the Town Plan shall be made available to the public during normal business hours in the Town Clerk's Office.

Article 5. Definitions

5.1 Interpretation

(A) Unless otherwise defined herein, the definitions contained in the Act and the *Thetford Zoning Bylaw* shall apply to these regulations.

(B) Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

(C) Any interpretation or clarification of words, phrases or terms contained herein by the Thetford Development Review Board or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

5.2 Definitions

For the purposes of these regulations, the following words shall be defined as follows:

Act: The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Abutter: The owner of record of a parcel of land which is contiguous at any point to the parcel being subdivided by having a common border, or being separated from such a common border by a right-of-way, alley, or easement.

Approval: A decision by the Development Review Board, certified by written endorsement on the Plat, that the final plan meets the requirements of these regulations. Such approval may include conditions to be met by the applicant, which shall run with the land and be applicable to future owners, and which shall be forwarded to the applicant in writing.

Authorized Agent: A person or group of persons who have been duly authorized, in writing filed with the Board, by the owner of record to act on his or her behalf.

Board: The Development Review Board of the Town of Thetford.

Boundary Line Adjustment: Adjustments of boundary lines in which there is a sale, conveyance or exchange of land from adjacent lots that does not increase the number of parcels of land.

Buffer: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

Common Land: Land within a development or subdivision that is not individually owned or dedicated for public use, but which is intended to be held in common, for use, enjoyment, management and maintenance by the residents of the development or subdivision. Such land may include but not be limited to open space areas, parking lots, pedestrian walkways, utility and road rights-of way.

Conformance with the Town Plan: A proposal that (1) makes progress toward attaining, or at least does not interfere with the goals and policies contained in the Thetford Town Plan, (2) provides for future proposed land uses, densities and intensities of development contained in the town plan; and (3) carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the town plan.

Development Envelope: A specific area of land delineated on a lot within which all or specified structures and other designated site improvements (e.g., parking area) are to be located, and outside of which no structures, or only specified structures, are to be located. As a condition(s) of plat approval, other site development activities, such as the installation of septic systems, grading or clearing, may also be restricted outside of a development envelope.

Driveway: An area located on a lot, tract, or parcel of land, and built for access to a dwelling or garage or off-street parking space, serving not more than two (2) lots, sites or dwelling units.

Erosion Control: Measures to prevent the detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice and gravity.

Final Plat: The final drawing or drawings on which the subdivision is presented to the Development Review Board for approval and which, if approved, shall be filed for record with the Town Clerk.

Flood Hazard Bylaw: The Flood Hazard Area Zoning Bylaw for the Town of Thetford.

Lot: Any parcel of land whose boundaries are separately described in a recorded deed or filed plat. A town or state highway right-of-way constitutes a lot boundary.

Municipal Land Use Permit: As defined in the Act [§4303] for purposes of recording and enforcement, a municipal land use permit includes the following as may be issued by the Town: (1) a zoning, subdivision, site plan or building permit or approval, any of which relate to subdivision and land development which has received final approval from the Zoning Administrator, Development Review Board, or other applicable town official; (2) a wastewater system permit issued under a municipal wastewater ordinance; (3) final official minutes of a meeting which relate to the above listed permits or approvals and serve as the sole evidence of such permits or approvals; (4) a certificates of occupancy, compliance or similar certificate as required by the Town; and (5) any amendments to the previously listed, permits, approvals and/or certificates.

One-Year Storm: (Also "One-year Storm Event) A storm event that has a one-year recurrence interval or statistically has a 100% chance on average of occurring in a given year. (A one-year, 24-hour storm event refers to rainfall or drainage flow over any 24-hour period during a one-year storm event.)

Open Space: Open space: an area of land or water that either remains in its natural state or is used for agriculture, or recreation, free from development for residential, commercial, industrial or institutional use. It includes agricultural and forest land, undeveloped scenic lands, public parks and preserves and water bodies such as lakes and bays. Open space can be publicly or privately owned. Open space includes any land provided or preserved for any of the following reasons:

- Preservation of areas of particular scenic beauty, cultural value and historic significance
- Room for production of food and forest products

- Room for outdoor recreation
- Green infrastructure to shape urban growth and provide a more livable and efficient urban environment
- Protection or restoration of ecological functions
- Protection of wildlife diversity and habitat for endangered plant and animal species
- Protection of fisheries, viewsheds, public access and ecotourism potential
- Mitigation of natural hazards, such as flooding, and protection of water supplies

Phasing: Development undertaken in a logical time and geographical sequence, typically to ensure that development is coordinated with the provision of services and facilities and will not result in adverse environmental impacts (e.g., erosion).

Preliminary Plan: The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the Development Review Board or Zoning Administrator for consideration.

Primary Agricultural Soils: Soil types designated as prime or statewide by the United States Natural Resource Conservation Service.

Planned Unit Development (PUD): One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

Sketch Plan: An informal sketch of the proposed subdivision. The purpose of the sketch plan is to enable the applicant to reach general agreement with the Development Review Board at the Discussion Phase with regard to the form of the subdivision and objective and requirements of these regulations.

Slope: Steepness of terrain, calculated as rise over run. For example, a stretch of land 100 feet long that rises three feet in elevation has a slope of three over 100 (3/100), or three percent. Slope can also be expressed as a ratio, (3:100), in degrees, or in inches per foot. (See the Slope Conversion Tables at the end of this document.) The Town Plan defines three slope percentage categories: 0-15%, 15- 25% (Steep), and greater than 25% (Very Steep).

Stormwater Management: The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating or filtering of surface water and/or runoff, together with applicable non-structural management techniques.

Street: Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving four or more lots.

Subdivider: The owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the authorized agent of any such owner.

Subdivision: (1) The division of a lot, tract, or parcel of land into two or more lots, tracts, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development; or (2) a change of recorded subdivision plat if such change affects any street layout on such plat, or area reserved thereon for public use, or any change of a boundary (lot) line, or any such change if it affects any map or plan legally recorded. When appropriate to the context, the term means the process of subdividing or the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. The placement of a second dwelling unit on a lot may require a subdivision permit, unless approved pursuant to the exceptions noted in the Zoning Bylaws.

Town Plan: The *Thetford Town Plan* as most recently adopted.

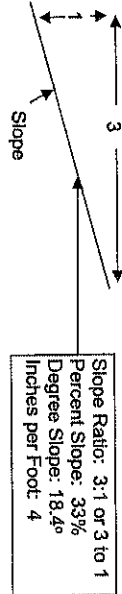
Waivers: The modification of one or more requirement of these regulations by the Development Review Board in accordance with the authority granted under Article 2. Such waiver authority shall be exercised solely at the discretion of the Development Review Board upon positive findings that, because of the special circumstances of a particular subdivision application, the waived or modified requirement(s) are not requisite in the interest of public health, safety and general welfare, or are inappropriate due to the inadequacy of connecting facilities adjacent or in proximity to the subdivision.

Wetlands: All wetlands identified on Vermont Wetlands Inventory maps as provided by the Vermont Agency of Natural Resources and/ or wetland areas identified through site analysis to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction pursuant to the Vermont Wetland Rules.

Zoning Administrator: The Zoning Administrative Officer for the Town of Thetford.

Zoning Bylaw: The Zoning Bylaw of the Town of Thetford.

Slope Conversion Tables



		Horizontal to Vertical Slope Ratio (to 1)																															
		1/4	1/2	3/4	1	1-1/4	1-1/2	1-3/4	2	2-1/2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Percent Slope	400	200	133	100	80	67	57	50	44	33	25	20	16.7	14.3	12.5	11.1	10.0	9.1	8.3	7.7	7.1	6.7	6.3	5.9	5.6	5.3	5.0	4.8	4.5	4.3	4.2	4.0	
	76.0	63.4	53.1	45.0	38.7	33.7	29.7	26.6	24.0	18.4	14.0	11.3	9.5	8.1	7.1	6.3	5.7	5.2	4.8	4.4	4.1	3.8	3.6	3.4	3.2								
	Inches per Foot	48	24	16	12	9.6	8	6.9	6	5.3	4	3	2.4	2.0	1.7	1.5	1.3	1.2	1.1	1.0	0.92	0.86	0.80	0.75	0.71	0.67							

		Percent Slope																								
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Horizontal/Vertical	100	50	33.3	25	20	16.7	14.3	12.5	11.1	10	9.1	8.3	7.7	7.1	6.7	6.3	5.9	5.6	5.3	5.0	4.8	4.5	4.3	4.2	4.0	
	Degrees Slope	0.6	1.1	1.7	2.3	2.9	3.4	4.0	4.6	5.1	5.7	6.3	6.8	7.4	8.0	8.5	9.1	9.6	10.2	10.8	11.3	11.9	12.4	13.0	13.5	14.0
	Inches per Foot	0.1	0.2	0.4	0.5	0.6	0.6	0.7	0.8	1.0	1.1	1.2	1.3	1.4	1.6	1.7	1.8	1.9	2.0	2.2	2.3	2.4	2.5	2.6	2.8	2.9

		Degrees Slope																								
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Percent Slope	1.7	3.5	5.2	7.0	8.7	10.5	12.3	14.1	15.8	17.6	19.4	21	23	25	27	29	31	32	34	36	38	40	42	45	47	
	Horizontal/Vertical	57	29	19	14	11	9.5	8.1	7.1	6.3	5.7	5.1	4.7	4.3	4.0	3.7	3.5	3.3	3.1	2.9	2.7	2.6	2.5	2.4	2.1	
	Inches per Foot	0.2	0.4	0.6	0.8	1.0	1.3	1.5	1.7	1.9	2.1	2.3	2.6	2.8	3.0	3.2	3.4	3.7	3.9	4.1	4.4	4.6	4.8	5.1	5.3	5.6

		Inches per Foot																								
		1/8	1/4	3/8	1/2	5/8	3/4	7/8	1	1-1/8	1-1/4	1-3/8	1-1/2	1-5/8	1-3/4	1-7/8	2	2-1/8	2-1/4	2-3/8	2-1/2	2-5/8	2-3/4	2-7/8	3	3-1/8
Percent Slope	1.0	2.1	3.1	4.2	5.2	6.3	7.3	8.3	9.4	10.4	11.5	12.5	13.5	14.6	15.6	16.7	17.7	18.8	19.8	20.8	21.9	22.9	24	25	26	
	Degrees Slope	0.6	1.2	1.8	2.4	3.0	3.6	4.2	4.8	5.4	5.9	6.5	7.1	7.7	8.3	8.9	9.5	10.0	10.6	11.2	11.8	12.3	12.9	13.5	14.0	14.6
	Horizontal/Vertical	96	48	32	24	19	16	14	12	10.7	9.6	8.7	8.0	7.4	6.9	6.4	6.0	5.6	5.3	5.1	4.8	4.6	4.4	4.2	4.0	3.8

Slope conversion tables by Lasco Laser & Instrument Company, Grand Rapids, MI.
Used by permission.

https://www.lascolaser.com/magento/pdfs/Slope_Conversion_Tables.pdf

Local Emergency Management Plan Municipal Adoption Form

**Town/City of Thetford
3910 Route 113
Thetford Center, VT 05075**

The Local Emergency Management Plan (LEMP) must be (re)adopted annually, after town meeting day, and submitted to the appropriate Regional Planning Commission (RPC) by May 1st.

At a warned public meeting (regular selectboard/city council meeting), the municipality adopted the Local Emergency Management Plan (LEMP) on the date shown at right.

At a warned public meeting (regular selectboard/city council meeting), the municipality adopted the National Incident Management System (NIMS) on the date shown at right.

If Vermont Emergency Management needs to contact municipal leaders to determine status and support requirements during an emergency, the Emergency Management Director (EMD) and two other local Points Of Contact (POCs) who should have authoritative local information are listed at right.

Municipality	Thetford
LEMP Adoption Date	04/19/2021
NIMS Adoption Date	05/05/2014
EMD Name	Mariah Whitcomb
Position	EMD
Primary Phone	802-291-1445
Alternate Phone	
Email	emd@thetfordvt.gov
POC 2 Name	Bryan Gazda
Position	Town Manager
Primary Phone	802-785-2922
Alternate Phone	802-47804015
Email	bgazda@thetfordvt.gov
POC 3 Name	Sharon Harkay
Position	Chair-Selectboard
Primary Phone	802-785-2922
Alternate Phone	
Email	sharkay@thetfordvt.gov

Mark this block if a readopted plan has no changes since the previous year.

I hereby certify that the LEMP meets Vermont National Incident Management System (NIMS) requirements and current LEMP Implementation Guidance as on page 2:

Signed* _____

Printed Name; certifying individual must have taken, at a minimum, ICS402 or ICS100/IS-100 training

I hereby attest that the municipality has adopted NIMS and the LEMP as stated above:

Signed* _____

Printed Name, Selectboard / council member

Once completed, send adoption form and copy of Local Emergency Management Plan to Regional Planning Commission.

*A typed name is acceptable as an electronic signature if it represents an act of that person in accordance with 9 V.S.A. § 278.



Required Elements

Municipal Adoption	
<input checked="" type="checkbox"/>	Municipal Adoption Form
<input checked="" type="checkbox"/>	X Municipal adoption of National Incident Management System (NIMS)
<input checked="" type="checkbox"/>	X Contact information for local authorities during an emergency
<input checked="" type="checkbox"/>	X Certification that LEMP meets Vermont NIMS / Implementation Guidance
<input checked="" type="checkbox"/>	X LEMP adoption by local selectboard / city council (annual)
<input checked="" type="checkbox"/>	X Submission of LEMP to Regional Planning Commission (RPC)
LEMP Required Elements	
<input checked="" type="checkbox"/>	X Planners
<input checked="" type="checkbox"/>	X List of people who wrote / maintain the LEMP
<input checked="" type="checkbox"/>	X Municipal Emergency Operations Center (EOC)
<input checked="" type="checkbox"/>	X Activation authority
<input checked="" type="checkbox"/>	X EOC staff positions and duties (minimum 1)
<input checked="" type="checkbox"/>	X List of potential EOC staff members (minimum 1)
<input checked="" type="checkbox"/>	X Facility information for potential EOC locations (minimum 1)
<input checked="" type="checkbox"/>	X Resources
<input checked="" type="checkbox"/>	X Emergency purchasing agent and spending limits (if any)
<input checked="" type="checkbox"/>	X List of standing municipal contracts that can be used during an emergency
<input checked="" type="checkbox"/>	X National Incident Management System (NIMS) Typed Resource List
<input checked="" type="checkbox"/>	X List of other local resources that could be used during an emergency
<input checked="" type="checkbox"/>	X Public Information and Warning
<input checked="" type="checkbox"/>	X VT-Alert contact information
<input checked="" type="checkbox"/>	X Local website / social media information (if any)
<input checked="" type="checkbox"/>	X List of local media outlets (if any)
<input checked="" type="checkbox"/>	X Public notice sites for non-phone/Internet information
<input checked="" type="checkbox"/>	X Vermont 2-1-1 contact information
<input checked="" type="checkbox"/>	X Vulnerable Populations
<input checked="" type="checkbox"/>	X List of organizations/facilities that serve local vulnerable populations
<input checked="" type="checkbox"/>	X Identification and monitoring process
<input checked="" type="checkbox"/>	X Shelters
<input checked="" type="checkbox"/>	X Spontaneous and regional shelter information
<input checked="" type="checkbox"/>	X Opening information for local shelters (if any)
<input checked="" type="checkbox"/>	X Service information for local shelters (if any)
<input checked="" type="checkbox"/>	X Contact Information
<input checked="" type="checkbox"/>	X Emergency Management personnel
<input checked="" type="checkbox"/>	X Response organizations
<input checked="" type="checkbox"/>	X Municipal officials / public works
<input checked="" type="checkbox"/>	X State, region, and adjacent municipality contacts

Vermont Emergency Management (VEM) encourages municipalities to create and maintain optional LEMP annexes as required. Examples might include plans for specific incident types, shelters, evacuation, and volunteer management - see the VEM website for models, samples, and examples at: <http://vem.vermont.gov>

Municipality: Thetford VTDate Updated: 4/7/2021

Local Emergency Management Plan

1. Emergency Management (EM) planners

<i>These are the people who wrote and/or maintain this plan.</i>	
Mariah Whitcomb	EMD
Chad Whitcomb	Fire Chief
Michael Evans	Police Chief
Bryan Gazda	Town Manager

2. Municipal Emergency Operations Center (EOC)

<i>The EOC is an organization that coordinates information, support, and response across the municipality for Incident Commanders and town officials. Its main functions are to maintain situational awareness for municipal leaders, coordinate resource and information requests, and provide public information.</i>	
Who, by position, can activate the EOC?	Emergency Management Director Fire Chief Selectboard Chair Town Manager
Preferred EOC Positions and Duties	
EOC Director	Supervises and directs all EOC activities coordinating municipal support and response
EOC Director Town Manager Town Clerk EM volunteer	Staffs phones and radio
EOC Director Town Manager	Tracks and answers any Requests For Information (RFI)
EOC Director Town Manager	Tracks and coordinates any Requests For Support (RFS)
EOC Director Town Manager PIO	Produces and posts public information and press releases
Potential EOC Staff Members	
<i>Name</i>	<i>Notes / Contact Information</i>
Mariah Whitcomb	802-291-1445 – EMD – Can serve as EOC Director
Robin Pettingell	802-333-9882 – Deputy EMD – Can serve as EOC Director
Bryan Gazda	802-785-2922 – Town Manager – Can serve as EOC Director
Tracy Borst	802-785-2922 – Town Clerk -Logistics, Finance roles and EOC staffing
Chad Whitcomb	802-356-2100 – Fire Chief – Can serve as EOC Director
Michael Evans	802-785-2200 – Police Chief – Law enforcement, EOC staffing
Cathy Estes	802-333-9843 – Volunteer – EOC staffing
Todd Wagner	802-785-2412 – Volunteer – EOC staffing
Sharon Harkay	802-785-2922 – Selectboard Chair -EOC Staffing, PIO

Li Shen	802-785-2922 – Selectboard Vice Chair – EOC Staffing, PIO
Primary EOC Location	
Facility / Address:	Thetford Fire Station 2829 Route 113, Thetford Center, VT 05075
Phone Numbers:	802-785-2412
Equipment/Notes:	EC Fiber internet, multiple phone lines, easels, maps, white boards, flip charts, space for meeting, cots for EOC staff, full kitchen, automatic generator, bathroom with shower facilities.
Alternate EOC Location	
Facility / Address:	Thetford Town Office 3910 Route 113, Thetford Center, VT 05075
Phone Numbers:	802-785-2922
Equipment/Notes:	Internet access, multiple phone lines, generator, large meeting space

3. Resources

Use municipal resources, mutual aid agreements, and local purchases first to get resources for response as needed and available.

Purchasing agents for emergencies:	Emergency Management Director Town Manager Selectboard Chair Town Clerk DPW Foreman
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Emergency spending limits:	\$1000.00 unless needed for life safety
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Businesses with Standing Municipal Contracts

<i>Type of Contract</i>	<i>Name</i>	<i>Contact Info</i>
	Northwoods Excavating	Tim Ulman 802-785-3162
	Thetford Fire Department	Chad Whitcomb 802-356-2100
	Huggett's Minimart	Bonnie Avery 802-785-2116
	Wings Market	Mary Davenport 802-785-2163
	Fogg's Hardware – Farilee	
	Lyme Hardware	603-795-2220
	Britton Lumber	Bob Moses
	Cadwell Logging	Louis Cadwell, IV
	Isabel's Café	Bev and Don Hodgdon
	K&R portable toilets	Kevin Ricker
	Oakes Brothers Hardware	Neil Oakes 802-222-5280
	Godfrey Excavation	Larry Godfrey
	Village Store, Baker's Store	Mary Dan Pomeroy 802-785-4655
	Thetford Food Shelf	Mary Allen
	Connecticut Valley Trucking	Ron Taylor
	KW Smith Trucking	Ken Smith
	M&L Trucking	Murdo Limlaw
	Tilden Electric	Jeff Hodge 802-742-1867

Other Local Resources		
<i>Type of Resources/Skills</i>	<i>Name</i>	<i>Contact Info</i>
<p>State support that is usually at no cost to the municipality:</p> <ul style="list-style-type: none"> • Vermont Hazardous Material (HAZMAT) Response Team (VHMRT) • Vermont Urban Search and Rescue (USAR, VT-TF1) • Vermont State Police and Special Teams • Community Emergency Response Teams (CERTs) • Swiftwater Rescue Teams • Regional Shelter Support • State government agency expertise / services • Federal response agency expertise <p>State support the municipality will normally eventually have to pay for:</p> <ul style="list-style-type: none"> • Supplies and equipment (including sandbags) • VTrans Equipment and Personnel • Vermont National Guard Support <p><i>The State Emergency Operations Center (SEOC, 800-347-0488) will help coordinate any state support teams or other external resources that local responders may need.</i></p>		

National Incident Management System (NIMS) Typed Resources*											
Type	I	II	III	IV	Other	Type	I	II	III	IV	Other
Critical Incident Stress Management Team				N/A		Hydraulic Excavator, Large Mass Excavation				N/A	
Mobile Communications Center						Hydraulic Excavator, Medium Mass Excavation					
Mobile Communications Unit			N/A	N/A		Hydraulic Excavator, Compact					
All-Terrain Vehicles	N/A	N/A	N/A	N/A	2	Road Sweeper				1	
Marine Vessels	N/A	N/A	N/A	N/A		Snow Blower, Loader Mounted					
Snowmobile	N/A	N/A	N/A	N/A		Track Dozer					
Public Safety Dive Team						Track Loader					
SWAT/Tactical Team						Trailer, Equipment Tag-Trailer				N/A	
Firefighting Brush Patrol Engine	N/A	N/A	N/A		1	Trailer, Dump		N/A	N/A	N/A	
Fire Engine (Pumper)	2	1				Trailer, Small Equipment			N/A	N/A	
Firefighting Crew Transport				N/A		Truck, On-Road Dump					
Aerial Fire Truck			N/A	N/A		Truck, Plow	1	3	1		
Foam Tender			N/A	N/A		Truck, Sewer Flusher					
Hand Crew						Truck, Tractor Trailer				N/A	
HAZMAT Entry Team				N/A		Water Pumps, De-Watering					1
Engine Strike Team						Water Pumps, Drinking Water Supply - Auxiliary Pump					
Water Tender (Tanker)				N/A		Water Pumps, Water Distribution					
Fire Boat				N/A		Water Pumps, Wastewater					
Aerial Lift - Articulating Boom						Water Truck		N/A	N/A	N/A	
Aerial Lift - Self Propelled, Scissor, Rough Terrain						Wheel Dozer			N/A	N/A	
Aerial Lift - Telescopic Boom						Wheel Loader Backhoe				1	
Aerial Lift - Truck Mounted						Wheel Loader, Large					
Air Compressor					2	Wheel Loader, Medium					
Concrete Cutter/Multi-Processor for Hydraulic Excavator						Wheel Loader, Small				N/A	1
Electronic Boards, Arrow						Wheel Loader, Skid Steer				N/A	
Electronic Boards, Variable Message Signs						Wheel Loader, Telescopic Handler					
Floodlights				N/A		Wood Chipper	1	N/A	N/A	N/A	
Generator					4	Wood Tub Grinder					
Grader	1			N/A							

*Information about the NIMS Typed resources can be found at: <https://rtlt.preptoolkit.fema.gov>

4. Public Information and Warning

<i>During a significant emergency, the Emergency Operations Center (EOC) and Incident Command Posts (ICPs) will coordinate and manage public information, both by producing accurate, timely reports and by tracking what is publicly reported to minimize confusion and help ensure a positive public response.</i>	
VT-Alert message - State: Other VT-Alert managers:	Vermont Emergency Management: 800-347-0488 Mariah Whitcomb – EMD: 802-291-1445 Robin Pettingell – Thetford Fire Captain Li Shen – SB Vice Chair Chad Whitcomb – Fire Chief Tracy Borst – Town Clerk
Important Local Websites / Social Media channels:	Thetford Fire Department Facebook page Emergency Management Website Thetford Fire Department website Thetford Town website Town listserv
Local Newspaper, Radio, TV:	Valley News Journal Opinion WCAX WPTZ
Public Notice locations:	Bulletin Boards at each Post Office Bulletin Board at Thetford Village Store Bulletin Board at Baker's Store Bulletin Boards at Town Hall Town Shelters if opened
<i>Vermont 2-1-1 is a United Ways of Vermont system that provides 24x7x365 information and referral services in cooperation with a large number of state and local government and community based entities. 2-1-1 collects and maintains a database of local resource information and is available to take calls from the general public to inform and instruct them in relation to emergency events, and to refer them to the appropriate response and recovery resource, if necessary.</i>	
To provide information for 2-1-1 Dial 211 or (802) 652-4636	

5. Vulnerable Populations

<i>If necessary, the EOC may contact organizations and facilities, below, that serve vulnerable populations to identify residents who are at risk based on the emergency. If there are residents at risk or in danger, the EOC should monitor their status and if required coordinate support for them until their situation stabilizes.</i>	
Name / Notes	Contact Info
CARE (Citizen Assistance Registration for Emergencies)	(Supporting PSAP)
Thetford Elementary School	Chance Lindsley 802-785-2426
Open Fields School	Nellie Pennington 802-785-2077
Thetford Academy	Carrie Brennan

	802-785-4805
Caring Communities Daycare	Dawn Stever 802-333-9352
Mapleleaf DayCare	802-785-2074
Tammie's Daycare	Tammie Hazlett 802-785-2732
Little Feet Children's Center	Christine Tullgren 802-785-4600
Visual Eyes Creativity Center	Melanie French 802-785-3027
Country Bear Childcare	Tracy Pellerin 802-785-4715
Camp Farnsworth	
Camp Billings	802-333-4317
Camp Lochearn	802-333-4211
Upper Valley Pediatrics Clinic	Rebecca Yukica 802-785-4722
Thetford Afterschool Program	802-785-3915
First Congregational Church – Thetford Hill	Robin Junker-Boyce 802-785-2915
Thetford Baptist Church	Nathan Peets 802-785-2050
United Church of Thetford	802-333-4429
Post Mills Congregational Church	Ann Downing 802-333-9352

6. Shelters

<i>During some emergencies, the EOC will monitor or coordinate support for residents who are displaced due to property or infrastructure damage.</i>	
Spontaneous Sheltering	
<ul style="list-style-type: none"> • Determine the approximate number of people who need sheltering • Call the State EOC / Watch Officer at 800-347-0488 and request support • Track the status of residents who need shelter until their situation stabilizes 	
Regional Shelter	
Location / Address:	Hartford High School – 37 Highland Ave, White River Junction, VT 05001
Opening Contact:	State EOC, 800-347-0488; American Red Cross, 802-660-9130
Phone Numbers:	
Primary Local Shelter	
Location / Address:	Thetford Elementary School
Facility Contact(s):	Chance Lindsley/John Brown
Phone Numbers:	802-785-2426
Shelter Manager:	
Staff Requirements:	JIT volunteers are welcomed/ job aids provided
Services:	Warm/Cool Overnight Food Prep Showers Healthcare
Notes:	
	Capacity: 50 Generator? Y Pets Allowed? Y
Alternate Local Shelter	
Location / Address:	North Thetford Church
Facility Contact(s):	
Phone Numbers:	
Shelter Manager:	
Staff Requirements:	JIT volunteers are welcomed/ job aids provided
Services:	Warm/Cool Food Prep
Notes:	
	Capacity: 25 Generator? N Pets Allowed? N

Annexes (Optional, create and letter as needed)

A. Delegation of Authority
B. Debris Plan
C. High Hazard Locations

See the Vermont Emergency Management (VEM) web site at <http://vem.vermont.gov> for samples and examples of annexes, such as: forms; delegations of authority; debris plans; incident-specific plans, checklists, and matrices; animal disaster references; etc.

Contact Information

Position	Name	Phone numbers - indicate Mobile, Home, Work			E-mail
		Primary	Alternate	Alternate	
Local Emergency Management Team					
EMD	Mariah Whitcomb	802-291-1445	802-785-2412		emd@thetfordvt.gov
Deputy EMD	Robin Pettingell	802-333-9882	802-299-7977		Robin.pettingell@gmail.com
Local Response Organization Contacts					
Fire Chief	Chad Whitcomb	802-356-2100	802-785-2412		chad@whitcombwelding.com
Assistant/Deputy Fire Chief	Mariah Whitcomb	802-291-1445	802-785-2412		Mariah73@gmail.com
EMS Chief	Mariah Whitcomb	802-291-1445	802-785-2412		Mariah73@gmail.com
Chief of Police or Constable	Michael Evans	603-359-4021	802-785-2200		Michael.evans@vermont.gov
State Police or County Sheriff	Vermont State Police				
Local Dispatch Center	Hanover Regional Communications Center				
Local Public Works Contacts					
Road Foreman	Dale Lewis	802-785-4679			
Road Commissioner	Bryan Gazda	802-785-2922			
Town Garage		802-785-4679			
Municipal Government Contacts					
Town/City Manager	Bryan Gazda	802-785-2922			bgazda@thetfordvt.gov
Selectboard Chair	Sharon Harkay	802-785-2922			sharkay@thetfordvt.gov
Selectboard Alt	Li Shen	802-785-2922			lshen@thetfordvt.gov
Town Clerk	Tracy Borst	802-785-2922			tborst@thetfordvt.gov
Town Treasurer / Finance	Tracy Borst	802-785-2922			tborst@thetfordvt.gov
Town Health Officer	Mariah Whitcomb	802-291-1445			emd@thetfordvt.gov
Forest Fire Warden	Chad Whitcomb	802-356-2100			chad@whitcombwelding.com
Animal Control Officer	Susan Arnold	802-299-6135			aco@thetfordvt.gov
School Contact #1	Chance Lindsley – TES	802-785-2426			Chance.Lindsley@thetfordschool.org
School Contact #2	Carrie Brennan – TA	802-785-4805			Carrie.brennan@thet.net

List of Delegations of Authority

“Delegations of authority identify who is authorized to act on behalf of senior leadership or other officials for specified purposes and ensures that designated individuals have the legal authorities to carry out their duties. To the extent possible, these authorities should be identified by title or position, and not by the individual office holder’s name. Generally, predetermined delegations of authority will take effect when normal channels of direction are disrupted and will terminate when these channels are reestablished.”¹

Below, please indicate the signed delegations of authority within your jurisdiction. Please attach those delegations to this document for ease of reference. A Delegation of Authority template has been included in the Templates appendix of this plan.

Title	Date Executed	Authority
Emergency Management Director	3/26/16	As noted on delegation of authority

¹ (Federal Emergency Management Agency, 2009, pp. f-1)

Annex B

Debris Management

All municipalities are responsible for clearing debris from public properties and rights-of-way. Communities with a debris management plan are better prepared to restore public services and ensure public health and safety in the aftermath of a disaster.

A federal pilot program established in 2013 offers a one-time benefit of an additional 2% federal share towards eligible debris management costs for communities with Federal Emergency Management Agency-approved Debris Management Plans in place prior to a disaster. By completing this plan and submitting it with your Local Emergency Operations Plan, you are authorizing the Division of Emergency Management and Homeland Security to submit it to the Federal Emergency Management Agency for consideration.

Municipality Name:	Town of Thetford, Vermont
---------------------------	---------------------------

Our municipality may (please select one or both debris management strategies your municipality may use):

- Hire contractor(s) for debris management directly, if necessary; and/or
- Utilize the State's pre-procured Contingency Debris Management Contract through a locally-generated Task Order if necessary for a large-scale event.

Designated Debris Manager	
<i>This individual is responsible for ensuring timely removal and disposition of debris, and ensuring that Debris Monitors are in place to oversee contractors (if applicable).</i>	
Name:	Guy Scaife
Phone:	802-785-2922
Email:	gscaife@thetfordvt.gov

Designated Debris Monitor	
<i>This individual is responsible for monitoring safety, tracking the work of debris contractors, and ensuring compliance with federal funding requirements (if applicable) and documenting work accomplished during debris management operations. This individual cannot also be the Designated Debris Manager.</i>	
<i>Responsibilities include recording quantities of debris accurately on load tickets, completing reports such as daily logs, load tickets, incident reports, periodic reports, photographs, and sketches; and coordinating with contractor(s) on daily operations.</i>	
Name:	Dale Lewis
Phone:	802-785-4679
Email:	publicworks@thetfordvermont.us

Temporary Debris Storage and Reduction Site (TDSRS) serving this town	
<i>A list of certified waste management facilities can be obtained here: http://dec.vermont.gov/waste-management/solid/solid-waste-facilities. Check with your local facilities for special restrictions.</i>	
Facility Name:	Town Debris Dump for disposal of trees, stumps, yard waste, and wood chips which are the primary debris types expected (other items would go to closest certified landfill or disposal site)
Facility Location:	940 Five Corners Road
Business Hours:	Unrestricted (property is owned by the Town of Thetford)

Contact Information:

Dale Lewis, 802-785-4679

Major High Hazard and/or Vulnerable Sites List (locations to check for damage)				
Complete this information before an incident		Complete this information during an incident		
Site Type: (ex: dam, culvert, bridges, railway crossing, low-lying area, tier II site)	Site Location (physical location)	Checked by	Status	Time
Interstate	I 91			
Railroad	Railroad			
Dam	Union Village Dam			
Bridge	Sayre Covered Bridge (Thetford Center)			
Bridge	Union Village Covered Bridge			
Flood Plain	Flood Plain – Ely			
Flood Plain	Flood Plain - North Thetford (Near boat launch)			
Dam	Forsythe Pond Dam (Route 113 across from Sawnee Bean rd, Thetford, Center)			
Dam	Lake Fairlee Dam – Robinson Hill Rd, Post Mills			
Large Propane Tanks	Longwind Farms (Route 113)			
Electrical Substation	Route 113 (East Thetford)			
Salt Shed	Route 5 (North Thetford/Ely)			
Solar Farm	Route 113 (Thetford Hill)			
Hazardous Materials (Varied)	Pompanoosuc Mills Furniture (Route 5, East Thetford)			
Copper Mine	Mine Road, Thetford Center, VT			

Town of Thetford Delegation of Authority

I, the chief executive officer or chief elected official of Town of Thetford, hereby appoint Mariah Whitcomb (Emergency Management Director) as Incident Commander for Town-wide emergencies when the Emergency Operations Center is opened and have delegated to this individual the authority to perform the following functions:

- Ensure incident safety
- Provide overall leadership and accountability at the incident scene
- Set the incident objectives, strategies, and priorities
- Evacuation of homes/properties due to safety concerns
- Delegate authority to others

Additionally, the following authorities have also been delegated:

- Spending for emergency individual purchases up to \$1000 (unless needed immediately for life safety)
- Public information management
- Development of MOUs shall be delegated to the EMD. MOUs must be signed by the Town Manager.

The following restrictions have been set on this authority:

- Spending for individual purchases greater than \$1000.00 must be reviewed by the Town Manager prior to purchase unless related to immediate life safety.
- The Town Manager shall be notified if the EOC is opened. If unable to reach the Town Manager, the EMD shall attempt to contact the Chair of the Selectboard.
- EMD shall notify the selectboard members and the Town Manager of any issues with political implications.
- Daily reports of incident activities and evaluation will be provided by email to the Town Manager in town-wide emergencies by the EMD until the EOC is closed.
- EMD will transfer management of the ongoing incident to the Town Manager after the mitigation phase of the incident or when the EOC is no longer in use for town-wide incidents.

Signed this day of 2/13/2021



(Signature of Town Manager - Thetford)

Bryan R. Gazda

(Please print name of Town Manager - Thetford)

2021 Revised Priorities for Further Consideration from Retreat

Economic Development

- Follow through with the Village Designation program

Facilities, Services, and Utilities

Town Facilities

- Look for land for the relocation and expansion of the DPW and Transfer Station and Recycling Center
- Revisit Timothy Frost Building studies, audits, and survey and consider how it could be used for a variety of public meetings and gatherings some of which could generate income to help offset costs of renovating the building and/or the utilities.

Emergencies

- Develop/Update the Emergency Alert System to include mixed communication methods such as robo calls, text messages, neighborhood captains, etc.
- Set up VT Emergency Alert Training for SB, Town Manager, and staff.

Animal Control

- Develop a clear plan for who handles what (volunteer ACO vs. police officers).
- Publish the explanation on the website with contact information.

Treasure Island

- Do site clean up and run Treasure Island for the season.
- Try to find funds to offset costs for development of a master plan.

Dangerous Buildings

- Use the new ordinance to follow through with at least one of the identified dangerous buildings.

Safe Water

- Stay on top of the monitoring for PFAS and the BRELLA process for the Post Mills landfill water.

Transportation

- Review the 5-year plan for maintenance, repair, repaving, and rebuilding of roads and culverts. Suggest any changes.
- Put top coat on portion of Latham Road that was rebuilt.
- Oversee the reconstruction of Rt. 132 from the Norwich town line to completed portion.
- Address concerns with speeding and speed limits.
- Revisit the sharrow grant.
- Purchase new hybrid cruiser for the police department.
- Purchase new front end loader for DPW.

Historic Resources

- Consider designing a historic marker for the Peabody Library in Post Mills.
- Plan a ceremony for the mounting of the new Sayre Bridge signs.

Personnel Issues

- Develop an organizational structure and make the chart available to the public.
- Update the wage matrix, making sure it is a gender-fair salary schedule.
- Conduct and analyze a compensation and benefits study.
- Follow through with training on bias, diversity, and sensitivity.
- Expand the personnel policy to include behavior on personal social media.
- Set up a performance evaluation system.
- Complete negotiations with the DPW and with the police union.
- Fix relations with the police department personnel.
- Develop a policy on keeping confidential information safe during and after working at home.

Communication

- Decide on one, possible two, user-friendly electronic communication vehicles for all Town postings.
- Decide what information needs to be on the town website that isn't currently there.
- Develop a way for those without internet access to stay abreast of Town postings.
- Have an ongoing way for residents to post their suggestions and concerns and decide who will monitor these ideas and how often.

Budget and Revenue

- Develop the criteria and process for the new Tax Stabilization Policy for agriculture and forestry operations.
- Stay on top of potential federal funds that Thetford could procure for new projects including the possibility of developing water systems in villages.
- Review, and if need be, update the Purchasing/Procurement Policy.
- Build the 2022 budget.

Regulations and Bylaw Reviews and Updates

- Review and adopt zoning bylaws.
- Review and adopt planning commission bylaws including the Flood Hazard and River Corridor Bylaw.
- Review and adopt subdivision regulations.

Marion Betts

From: Sharon Harkay <sharkay@thetfordvt.gov> on behalf of Sharon Harkay
Sent: Tuesday, April 06, 2021 7:15 PM
To: Marion Betts
Subject: Re: Alleged OML Violation ~~#7~~ 8

Sorry. This is alleged violation #8, not #7.

On Tue, Apr 6, 2021 at 7:13 PM Sharon Harkay <sharkay@thetfordvt.gov> wrote:
A March 4th email Sharon wrote to Mary:

I'm moving fast on pitching Li because we'll be discussing this in an open (public) session in just a few days. It would be a lot less awkward if we had it "settled" before then. Any chance you would contact her, too? I know Steve is going to.

██████████ at first only to Sharon, but then to Mary and Steve with the same content she had sent Sharon. Sharon made sure Steve saw it in an email to Steve: "I hope Li doesn't mind that I'm copying her email here." Li's email has been cited separately as "OML violation #7". Li informed three other board members that, "... for personal and other reasons, I am unwilling to take the position."

On March 5th, Steve wrote Sharon with a subject line "Li won't agree to be Chair" with deliberative thoughts on other options.

Minutes before the annual re-organization was scheduled to begin, Steve texted me, saying, "I'd cut your losses, save face and withdraw from the Chair to spend more time on your business."

Mary in an email to Li, also just before the meeting was scheduled to begin:

Steve shared with me his idea for N, to say he is stepping aside so he can focus on work. I would be more than happy to support that story/information going out to the public should people ask and be curious.

Sharon emailed Li just before the meeting as well: "I'm writing so there are no surprises at tonight's meeting when it comes to electing a chair."

Marion Betts

From: Sharon Harkay <sharkay@thetfordvt.gov> on behalf of Sharon Harkay
Sent: Tuesday, April 06, 2021 7:16 PM
To: Marion Betts
Subject: Alleged OML Violation #9

On Mar 24, 2021, at 7:40 AM, Sharon Harkay <sharkay@thetfordvt.gov> wrote:

For the record, I do take the open meeting law seriously. I will be talking with our town attorney again to discuss how to move forward. But, I do feel the need to provide just one bit of context. The first few months that I was on the SB, Nick would drive around to our various houses to talk with us about town issues, to explain them, to give his take on them, and to get a sense of where we might stand. To use a cliché, the pot is calling the kettle black. I truly hope we can move forward with town business soon.



Town of Thetford Vermont

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Selectboard Regular Meeting *Draft* Minutes

– Online Only –

Monday, April 5, 2021 7:00pm

Please note Section 6 of H.681, signed into law on March 30th, 2020, for the temporary suspension of designated physical meeting location requirements.

Selectboard Members present: Sharon Harkay (Chair), Mary Bryant, Li Shen, Steve Tofel
Others present: Bryan Gazda (Town Manager), Tracy Borst (Town Clerk/Treasurer), Amy Fahey (Recreation Coordinator), Susanne Simon (Recycling Coordinator)

Total Zoom Attendees: 49

Sharon Harkay called the meeting to order at 7:02 pm.

1. Agenda Review

Sharon Harkay said she would like to add in a renewal request for the liquor license for Wings Market under Other Business. There were no objections.

2. Public Comment

Tom Ward commented on the grant for the sharrows on Tucker Hill Road and Academy Road. As a resident of Tucker Hill Road and a member of the Energy Committee, although he's speaking for himself, he's all in favor of alternative transportation, but does not think the sharrows are a good use of the funds. Tom said Tucker Hill Road is in pretty poor repair and he doesn't think that sharrows will last very long. Tom said he is not sure what the goal is, but if it is safety it would be more important to repair the roads. If someone is on a bicycle on Tucker Hill Road, there are many spots where you have to move to the center of the road, so you don't crash. There is a lot of uneven pavement. Tom said he is not sure what problems the sharrows would solve, and they are not in keeping with the rural character of the road.

Katherine Babbitt added that if we want the roads to be safer, we need to make them safer, and the way to do that is to repair the roads so the bikers can stay safely within 10" to 12" of the edge of the road. When road damage goes into the lane 36" or sometimes more, cars really have to swing wide to go around. Katherine said she is not in favor of sharrows.

Joann Berns said she is concerned about what she has been seeing on the listserv about the Open Meeting Law and the kinds of communications that have been going around.

Robin Brown congratulated Sharon Harkay on her role as Selectboard Chair, saying she is really excited for her and her leadership. Robin said she wanted to express how warm and excited she felt to see a different kind of post from the whole board, asking about what our priorities are for the future, what they are working with and working on. Not that what I want, or what other people want will necessarily be what the collective board chooses to focus on, but that the question was even asked was so wonderful. Robin said she feels strong and confident in Sharon's leadership.



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1

2 3. Town Manager Report – Bryan Gazda

3 Bryan introduced the new Recreation Coordinator Amy Fahey. Bryan worked with the
4 Recreation Advisory Committee (RAC) and interviewed several applicants. The choice for Amy
5 was unanimous. Amy is a resident, and her children are involved in the recreation programs. Her
6 experience lies with the formation of the Rivendell Recreation Association, and for 6 years she
7 served as the board president. Bryan said during the past few weeks Amy has begun working on
8 baseball. Bryan thanked Sara Eckert (RAC chair) for stepping up and starting the process with
9 the baseball program this year. The concentration has been on the softball and baseball programs,
10 but Amy will be starting to work on Treasure Island soon.

11 Amy Fahey said they were focusing on baseball right now and have about 60 participants of all
12 levels from T-Ball up through sixth grade, with a few in 7th grade who are age-eligible. Amy said
13 she is looking at some possible programs for the summer and getting going on Treasure Island.
14 Sharon Harkay said she wanted to officially welcome Amy and they are glad to have her on
15 board.

16 Bryan said they will be updating the Rec website in the next day or two.

17 Bryan said Susanne Simon, the Transfer Station coordinator has been working on several
18 projects and was at the meeting to talk about them.

19 Susanne Simon said the event on Saturday is in collaboration with COVER (COVER Home
20 Repair, Inc. – Repairing Homes & Building Community), and is called Stuff-a-Truck. Donations
21 should be power tools, yard tools and hand tools. Susanne said the other event is Green Up Day
22 on May 1st. Susanne has been working with the Conservation Committee, posters have gone up
23 and advertising has started. Susanne said in terms of having clothing bins at the recycling center,
24 she had started looking for companies to recycle clothing since Planet Aid left the area several
25 years ago. Susanne said she will be working with a company called HELPSY
26 (<https://www.helpsy.co>) which is located out of New York, but they have bins in Vermont and
27 New Hampshire. They are willing to come up and put in bins for us. Mary Davenport has
28 indicated that she would be interested in putting bins at her stores in Fairlee and East Thetford.
29 This will allow people to give away items no longer needed. They can be torn, worn, stained, etc.
30 as long as they are clean, dry and odorless. Donations can also include footwear, sheets, towels
31 and curtains.

32 Sharon asked if Susanne knew what COVER would be doing with the tools. Would they be
33 using them on projects or selling them in their store?

34 Susanne said they will be for the store and the sales will be used for projects in the Upper Valley.
35 Route 132: Bryan said he had a meeting with design engineers last week and the designs have
36 been completed. The project will now be going out to bid with a 30-day window which means
37 they will be due on May 6th. This will be posted locally as well as regionally in hopes of getting a
38 big response to the project. Bryan said he would like to hold an informational meeting for the
39 residents and it's good to have a contractor in place and at that meeting.

40 Road Update: With the recent rains some of the roads were in rough condition. The Department
41 of Public Works crews worked over the weekend straight through Monday. There were 70 plus
42 loads of dense fill, approximately 1400 tons of material to fix the roads. There are certain areas
43 that are still bad. We will be looking for ways to repair these areas over the summer.



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1 American Rescue Act (H.R.1319): Bryan said he will be attending a webinar on Thursday where
2 he hopes Senator Sanders will be giving more information on the details.
3 AT&T Filings: the filings are on the town website as we are trying to make the information
4 accessible. If you are interested in following this more closely, there is a link in the information
5 that will allow you to sign up for notifications.
6 Land sale for 27-acres: Attorneys from both sides are still working on the documents which has
7 caused a little delay in the closing. We have been advised that the closing will happen in the next
8 couple of weeks. An extension has been made until May 1st.
9 VTrans Grant: the town did get funding in the amount of \$5250.00 but it is a 50/50 split, which
10 means the town is responsible for the same amount. If we don't spend that amount of money it
11 will still be a 50/50 split. Bryan still has to do a study for them and then they will send an
12 agreement which is expected in the next 2-3 weeks. This will give us an opportunity to hear from
13 the residents and think about what we really want to do with the grant.
14 Diversity Training: A consultant has been signed to conduct a diversity training for employees
15 sometime early to mid-May. Bryan will be holding a staff meeting with department heads on
16 April 14th to look at dates.
17 Doug Stone said he would like to have public comment available after the Town Manager report
18 instead of before, as there may be a lot more questions after. Doug said he had a question for Li
19 about signs made for the green across the road. Doug had them made and then turned them over
20 to Guy Scaife. This would be a good time of year to put them in.
21 Li Shen said she did remember the discussion about the signs and recalled there being a map for
22 parking. Li said she never saw the signs.
23 Bryan said there were signs in the corner of his office, and he wondered what they were for. He
24 invited Doug to come in and explain what they were made for.
25 Li said if Doug was busy, she would be willing to speak with Bryan.
26 Laura Gagnon asked if any of the Selectboard members that were elected last year had the
27 opportunity to attend the annual Vermont League of Cities and Towns (VLCT) training
28 workshop.
29 Sharon said VLCT was not prepared to offer them with COVID-19 until several months in and
30 then they eventually did do webinars. VLCT is currently offering a series of three webinar
31 trainings which are accessible to view at any time. The materials were sent to people who
32 attended. The series has to do with transparency in town government.

33

34 **4. New Business**

35

35 **a. Curing of Alleged Open Meeting Law Violations**

36 Sharon Harkay gave a summary of each of the alleged Open Meeting Law violations. The emails
37 in question will be in the next Selectboard packet. A special meeting to discuss the Open
38 Meeting Law is also scheduled for Wednesday, April 7th, at 7:00 pm, with the Town Attorney.
39 That meeting is open to anyone who would like to attend.
40 Sharon said she would like to make it clear that the Selectboard members are not intentionally
41 trying to break the law or hide anything, but they have made communication errors.
42 Sharon said she wanted to apologize for any instance in which she may have broken the law, but
43 she is not intentionally or trying to keep the public from anything.



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1 Sharon said that according to Town Attorney, these are alleged because it is not a true violation
2 until the court deems it to be so. Anyone who would like to allege a violation should email the
3 Town Manger (townmanager@thetfordvt.gov) or the Selectboard chair
4 (sharkay@thetfordvt.gov).
5 Robin Brown said her understanding of the Open Meeting Law from her time on the school
6 board allowed emails and individual conversations as long as it didn't involve a quorum.
7 Sharon Harkay confirmed. Robin said it didn't sound like a violation to her, more like one person
8 talking to another. Sharon said she was right, that it was usually just 2 Selectboard members
9 communicating at a time. Once in a while, somebody would accidentally press reply all instead
10 of replying to one person. On Wednesday they will be looking into all of those details, and the
11 information will come from one expert source.
12 Tracy Bach said she is happy the Selectboard is having this session on Wednesday and she will
13 attend. Tracy said that maybe we should really try not to use email, as the chain effect does pull
14 in a quorum issue. She hopes people will attend on Wednesday so they will get a sense of where
15 the transparency bar is set. This will help not only make people good citizens, but also be
16 supportive of the Selectboard.

b. Update of Sayre Bridge Sign on Tucker Hill Road

19 Sharon Harkay explained that Katherine Babbitt is behind this initiative after looking at the
20 covered bridge signs in Union Village. Katherine worked with Sally Dustin and the Historical
21 Society. Katherine was very successful with her appeals and raised \$2490.00 which will cover
22 the cost of the two signs. The design is in the packet and the signs will be made by Wood and
23 Wood out of Waitsfield VT. The contract has been signed, the design delivered and a deposit of
24 \$900 sent. Sharon said they are hoping the signs will be delivered in 4 to 6 weeks, and she would
25 love to have a dedication ceremony, perhaps with a photographer and reporters.
26 Katherine Babbitt appreciated the collaboration between the Selectboard, the Town Manager, the
27 Historical Society, and her husband, Tom Ward. Katherine thanked all the donors and hopes
28 people will enjoy the signs.

c. Update on Treasure Island

i. Fundraising for Treasure Island Coordinator

32 Sharon Harkay said the Treasure Island Exploratory Committee (TIE) took it upon themselves to
33 do some fundraising for a Treasure Island beach coordinator, once they learned there was not
34 money set aside in the town budget. They received a generous offer of a \$9000.00 one-time
35 donation from the Lake Fairlee Association and some private donors to fund a Treasure Island
36 coordinator for the 2021 Season. This will come to Thetford via the Ompompanoosuc
37 Community Trust. The Treasure Island coordinator will work under the guidance of Amy Fahey
38 and Bryan Gazda.

39 **Motion** by Sharon Harkay to accept this one-time donation of \$9000 for a 2021 Treasure Island
40 coordinator. **VOTE unanimous (4-0-0)**

ii. Application for AARP Vermont Grant

42 Sharon said the TIE committee has also put together a grant for the AARP Community
43 Challenge Grant Program for 2 – 100-foot-long beach mats for better access down to the beach
44 from the parking lot or entrance. David Roth, chair of TIE, said the goal is basically to be as



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1 close to the parking lot or point of ingress as possible, to make it more accessible for
2 wheelchairs. The deadline for grant submission is April 14th, and Bryan will be submitting for
3 the grant, so it is coming from the town, even though the committee wrote the grant.
4 **Motion** by Sharon Harkay to approve this submission of the grant application by the Town
5 Manager for the 2021 AARP Community Challenge Grant Program. **VOTE unanimous (4-0-0)**
6 Sharon thanked the Treasure Island Exploratory Committee members.
7

8 5. Other Business

9 a. Donation for Thetford Planning Commission Recording Clerk

10 Sharon explained that in the process of making up the town budget for this year most stipends
11 were cut. Those cuts included the money to pay the recording clerk for the Thetford Planning
12 Commission. The Committee felt the recording clerk works a lot and is instrumental in getting
13 their work done, so they raised funds in the amount of \$1700 for a conditional donation to pay
14 the recording clerk's position for the 2021 calendar year.

15 **Motion** by Sharon Harkay to accept this conditional one-time donation of \$1700 to be used to
16 fund the Thetford Planning Commission's recording clerk position for the 2021 calendar year.
17 **VOTE unanimous (4-0-0)**
18

19 b. Watershed Grant for Taylor Floodplain Preserve

20 Sharon said the Watershed Grant Citizen Review Committee has recommended that the Thetford
21 Conservation Committee's proposal for the Taylor Floodplain Riparian Restoration receive
22 partial funding of \$5000.00. This money will go towards the elimination of invasive plants, the
23 planting of native woody plants to replace the invasives, and the stabilization of the eroding
24 riverbank with the goal of improving the quality of the habitat. This is an important habitat
25 because the threatened wood turtles are living there.

26 **Motion** by Sharon Harkay to give the Town Manager the authority to issue a W-9 form and
27 Certificate of Insurance to allow for the acceptance and processing of the \$5000.00 Watershed
28 Grant received by the Conservation Commission for habitat restoration at the Taylor Floodplain
29 Preserve. **VOTE unanimous (5-0-0)**
30

31 c. Gathering and Categorizing Advance Ideas for Goals and 32 Priorities

33 Sharon said the Selectboard has been asking the public to give ideas for goals and priorities that
34 we should be working on in this coming year in advance of the Selectboard retreat. Sharon said
35 she would like to propose a similar thing but with Selectboard member ideas.

36 Mary Bryant said it sounds like a good idea. She would also encourage people to look at our
37 amazing town plan that volunteers and committees have put together as a reference for ideas.

38 (<https://www.thetfordvt.gov/community/town-documents>)

39 Sharon said Selectboard members can email ideas to her and she will prepare them for their
40 retreat.
41
42
43
44



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1 **d. Purchase and Sale Document for Route 244 Property**
2 Sharon said three changes have been made to the purchase and sale document. Brian Ricker is
3 now the purchaser, the seller is now the Town of Thetford, and the closing date has been moved
4 to May 6th.
5 **Motion** by Sharon Harkay to accept the revised purchase and sale contract as put forth by Brian
6 W. Ricker for the purchase of the parcel on Route 244 in Post Mills, pending approval of town
7 attorney, and to give Li Shen or Sharon Harkay the authority to sign the document. **VOTE**
8 **unanimous (4-0-0)**

9
10 **e. Conservation Commission Appointment**
11 **Motion** by Sharon Harkay to appoint Krista Karlson to the Thetford Conservation Commission.
12 **VOTE unanimous (4-0-0)**

13
14 **Motion** by Sharon Harkay to adjourn the Selectboard meeting at 8:03 pm to convene a meeting
15 of the Board of Liquor Control. **VOTE unanimous (4-0-0)**

16 **Motion** by Sharon Harkay to approve the liquor license for Wings Market beginning on May 1st,
17 2021 and ending April 30th, 2022. **VOTE unanimous (4-0-0)**

18 **Motion** by Sharon Harkay to adjourn the meeting of the Board of Liquor Control at 8:05 pm and
19 to reconvene the regular Selectboard meeting. **VOTE unanimous (4-0-0)**

20
21 **6. Warrants and Minutes**

22 **Motion** by Mary Bryant to accept the warrants as presented. **VOTE unanimous (4-0-0)**
23 Motion by Li Shen to accept the regular Selectboard meeting minutes of March 15th, 2021, as
24 edited. **VOTE unanimous (4-0-0)**

25
26 **7. Adjourn**

27 **Motion** by Steve Tofel at 8:12 pm to adjourn the regular Selectboard meeting. **VOTE**
28 **unanimous (4-0-0)**
29



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Selectboard Retreat *Draft* Minutes

– Online Only –

Monday, April 12th, 2021 7:00pm

Please note Section 6 of H.681, signed into law on March 30th, 2020, for the temporary suspension of designated physical meeting location requirements.

Selectboard members present (in Town Hall): Sharon Harkay (Chair), Mary Bryant, Li Shen (Vice-Chair), Steve Tofel

Others present: Bryan Gazda (Town Manager), Tracy Borst (Town Clerk/Treasurer), Martie Betts (Selectboard Assistant)

Total Zoom attendees: 27

Sharon Harkay called the meeting to order at 7:01 pm.

Sharon explained that normally a Selectboard retreat is held in a restaurant or at someone's home, but that couldn't happen with COVID-19 restrictions.

Sharon explained the different lists in the packet; a compilation of community responses, a compilation of Selectboard comments and ideas from Mary Bryant.

1. Public Comment

No public comment.

2. Deciding Priorities and Goals for 2021

Sharon read through ideas that were common between the lists.

Li Shen suggested picking out several things that must be done during this year, as the budget discussions will begin in November and with the current meeting schedule there may be only 13 meetings to get things done.

There was discussion about roads and infrastructure.

There was discussion about how the Selectboard communicates to the town.

There was discussion about creating the 90-day goals for the Town Manager and some of the items that need his attention, such as the wage matrix.

Li mentioned expanding the social media portion of the personnel policy to include private social media accounts. Li suggested a telecommuting policy and said the Selectboard needs to work on the tax stabilization policy that was approved by the residents. There are zoning and subdivision regulation updates and the flood hazard plan which will need to be approved.

There was discussion about the town garage, the transfer station and the Timothy Frost building. Steve Tofel said some of these projects may benefit with money that's coming from the Federal Government, especially since infrastructure has been mentioned as an area that will receive money.

There was discussion about senior and affordable housing.

There was discussion about the availability of water in some parts of town.



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1 Sharon said the Department of Public Works and Police Union needed to have their contracts
2 finalized.
3 Bryan Gazda said things like policies can get done during the year, but some projects, like
4 improving roads, are multi-year projects. Bryan suggested looking at projects that the
5 Selectboard really wants to work on, as well as finishing up projects that are already in progress.
6 Mary Bryant said she felt like they were facing a lot of items on the list and perhaps a shorter list
7 should be created to help bring priorities into focus.
8 Tracy Borst suggested looking at the list to determine what is really a responsibility of a Town
9 Manager and then they could spend their retreat time looking at the big picture items. She urged
10 the Selectboard to take the time to fully transition to a town manager form of government. There
11 is a detailed job description for the Town Manager that they could review.
12 Sharon said she has asked Bryan to create a chart of responsibilities for the Selectboard and
13 Town Manager.
14 Li Shen thought there should be an historic marker for the Peabody Library in Post Mills. The
15 Library Federation could be contacted about the application process.
16 There was discussion about Route 132 and town-wide internet.
17 Sharon will compile a shorter list based on the conversation during the meeting and have it ready
18 for the next Selectboard meeting. She will send it out to the Selectboard for their review in
19 advance of that meeting.

20

21 **3. Adjourn**

22 Motion by Steve Tofel to adjourn the meeting at 8:36 pm. All

23