Planning Commission - New Zoning Regulations Hearing

2/28/18

Planning Commission members present: Jeff Wheeler, Dawn Bower, Tom Johnson, Chris Cummings, Vance Bell, Bill Dunkel, Kate Wright

Select board members present: Maureen Bell, Frank Seawright, Kord Scott

Bob Fisher: town attorney

Several members of the public (see sign in sheet).

Meeting called to order by Bill Dunkel. Welcomed everyone.

Introductions made. J

Bill explained the purpose of meeting: for townspeople to make observations/comments on new zoning regulations. Planning commission has been working to bring Zoning Regulations in line with the most recent Town Plan.

Bob Fisher reiterated purpose of this meeting. Suggests that if people propose changes they should be submitted in writing. PC will then review proposals. Attendees should ask any questions they may have during tonight’s meeting.

Bob Kehoe asked what the enforcement of the zoning regulations entails. Bob Fisher stated if there is a complaint it first goes to the Zoning Administrator. If it is not resolved the case can go to environmental court to appeal.

Bob Fisher stated that Town Plan intersects with the Zoning Regulations. Zoning Regulations/Town Plan should be specific enough to be to be enforceable. Bob Fisher stated that the Zoning Regulations are more weighty in terms of legal challenges.

Bill Dunkel asks if anyone has any specific comments or questions.

Maureen Bell: Section 502 - home industries. Allowed if the industry does not take up “a substantial” portion of the house.

Chris Cummings/Bill Dunkel - referred to “minor portion” of home.

Maureen - Section 506C Ground or roof mounted solar panels are not allowed in Hamlet except as a conditional use. In Forest, Rural Residential and Recreation/Commercial it only says ground mounted units are permitted. This should be changed to also permit rooftop solar in these districts.

Bob Fisher - suggests language be tightened up.

Maureen - section 209.9 - Set back for industrial turbines - should it be ten times the height of the turbine, as is the case in some towns?

Heath Boyer - there is an ideal setback, a defendable, and a reasonable (?). 2500 feet setback reduces significantly the number of sites that could be used for turbines. 2500foot setback “gets the job done”.

Bob Bingham - Section 503 re timber harvesting. What if logger refuses to post bond, or if they do not follow regulations, who enforces the payment? Shouldn’t all loggers be responsible for posting bond?

Bob Fisher - The Zoning Administrator is responsible for the enforcement. County Forester can enforce also. The Zoning Regulations do not state what happens in the event of a violation by a logger of the Zoning Regulations. Suggests laying out how the Zoning Regulation will be enforced. Is there a state statute that covers this already?

Bob Fisher will look into whether there are state statutes currently in place. County Forester will have a book of acceptable practices

Bob Kehoe - clarify whether it is the Tree Warden or Fire Warden ? who oversees ?? Suggested that the state statutes dictate this.

Bob Fisher - In the case of land use a forester will be overseeing the loggers’ work.

Kord - are overweight limits for trucks a zoning regulations issue?

Bob Fisher - that is for select board.

Kord - Paying bonds has not been enforced for years, nor have there been withdrawals on the account.

Should Section 503, 3 be removed from zoning regs?

Discussion regarding flood plain regulations. John … County Floodplain Administrator reviewed key differences of the Zoning Regulations. He notes key differences in regulations that limit development in FEMA (?) and fluvial / river corridors. For new structures in floodplain areas (section 708A2) there should be distance of flooding noted rather than depth of flooding.

Frank - when were the flood maps last updated?

John - mid eighties, or even seventies. The river corridor most accurately determines the flood potential.

Bob Fisher - what is an example of an area where there would need to be flood overflow built in?

Alyssa Sabetto is best resource for this.

John - section 708A3 - Substantial improvements are FEMA defined - more than 50% of the fair market value added to your structure. The lowest floor is required to be two feet above base flood elevation (1% annual flood level).

Bill - PC decided on 2 feet above level for safety and insurance benefits to homeowners.

At this point there are 12 structures in special flood hazard area and one has flood insurance.

John described difference between flood zones.

Bob Kehoe - what effect do national floodplain maps have on regional floodplain maps?

John - they are not directly related. Suggests if homeowners are concerned they should

consult state wetlands experts.

Bob Fisher - how do substantially improved areas relate to various zones?

John - must just then rebuild structure with new base flood elevation in regulations. Homeowner must pay for that determination, regardless of why old structure was destroyed (flood, fire, destruction). Windham zoning regulations are in line with state regulations.

Regarding number 14 - streets finished elevation shall be no more than 1 foot below base flood elevation. There is a small chance that this would lead to building levees. John advises removing this item, as it would not likely be enforced.

Bob Fisher - roads are generally under the select board’s jurisdiction.

The town follows the state standards for town roads.

John - currently no new structures in flood hazard or river corridor - state has two allowances for new development in river corridors. Questions whether the town may want to consider these allowances.

* Could put new structure within 300 feet
* Build in shadow of new structure (downstream of existing building)

Bob Fisher - what if access to a homeowner’s property needs to cross a flood hazard area?

John - would need to contact state (PC?) for conditional use. Cannot prohibit people from accessing their land, even if they need to cross flood hazard area, but they need to be above flood level.

Question of whether there is a map of floodplains? There is a FEMA map, or ANR Atlas website. Both river corridors and floodplains are mapped. Consider putting a footnote in Zoning Regulations to refer people to these sites. It is referred to but adding URL may be desirable to section 704A (?)

Move to close hearing by Chris Cummings, seconded by townsperson. Meeting adjourned at 7:23.