

Summary of Changes to Windham's Zoning Regulations

7/3/19

Overview:

The Town Plan mandates the protection of Windham's prominent ridgelines above 2000 feet in elevation, which are to be left in their natural condition. (see p. 72, Windham Town Plan.) This is easier said than done, due to the difficulty of legally defining a ridgeline, let alone a prominent one. In addition, there is the challenge of protecting land above 2000 feet without unduly restricting the rights of the owners of property above 2000 feet throughout Windham.

Proposed Changes:

The Planning Commission proposes the following changes in our zoning regulations:

I. Creation of a new zoning district, Sec. 201.7, High Elevation Resource Protection Overlay. This overlay district includes all land above 2000 feet in elevation in all Forest Districts. The sole permitted use in this district is commercial forestry (including maple sugaring) in compliance with all state regulations, including the most current version of "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont" (published by the Vermont Department of Forests, Parks and Recreation).

The only conditional uses are pasturing livestock on existing open land, forestry for research and educational purposes and private camps. Conditional uses shall comply with the standards outlined in Sections 206 and 209 of the Windham zoning regulations. In addition, the Zoning Board of Adjustment shall consider conditional uses in relation to existing vegetation and topography and may impose additional conditions as outlined the full text of Sec. 201.7.

A map of the High Elevation RPA has been created and is included in the revised regulations. The problematic term "ridgelines" has been eliminated throughout the zoning regulations and "land above 2000 feet in elevation in Forest Districts" has been substituted for it.

II. Rewrite Section 201.3 (Forest District) to delineate activities allowed below 2000 feet and above 2000 feet.

Proposed Permitted Uses Below 2000 feet

1. Agriculture
2. Commercial forestry
3. Forestry for research, demonstration, education and related uses
4. Private hunting or fishing camp
5. Accessory uses

Proposed Conditional Uses on land below 2000 feet elevation:

1. Single family dwelling with state approved septic system.
2. A recreational camp for seasonal or occasional use for non-commercial, limited outdoor recreation
3. Extraction of Earth Resources (must comply with Sec. 504)
4. Solar arrays and individual wind energy systems.

Proposed Permitted Uses on land above 2000 feet elevation:

1. Commercial Forestry (including maple sugaring)

Conditional Uses on land above 2000 feet in elevation

1. Pasturing livestock on previously open land.
2. Forestry for research, demonstration, education and related uses
3. Private camp

**III. Change the boundary of Timber Ridge Recreational/Commercial District
to include the ski trails.**

(N.B. The trails were in the Forest District. Moving them into the Commercial/Recreational district allows possible solar or small wind projects without having to create a special zoning exceptions for homes in the entire Timber Ridge area. It also acknowledges the current recreational use of the trails and allows for their future commercial use subject to Sec. 201.1, if the landowner so desires.

IV. Revise Sec. 201.5 (resource Protection Overlay (RPA))

The purpose and enforcement of this section is vague in the current zoning regulations. Our revision clarifies that the purpose of the RPA overlay is to protect these important resources and provide for a diversity of wildlife habitat. The revision also gives the Zoning Board of Adjustment the responsibility of reviewing site plans and approving or denying development projects in the RPA overlay district. Permitted and conditional uses in the RPA overlay are those which exist in the underlying zoning districts subject to site plan review by the ZBA.

V. Change Sec. 207 Prohibited Use #4 to eliminate “ridgelines” and say “Development on lands above 2000 feet elevation in Forest Districts except for the conditional uses described in Sec. 201.7.”

VI. Eliminate Performance Standard #10 in Sec. 209 because the new High Elevation Resource Protection Overlay District (Sec. 201.7) makes it redundant.

VII. Revise Sec. 505 as follows:

- 1) Add a second sentence to the first paragraph to say “Wind installations are subject to restrictions set out in Sections 207 and 209 of these regulations.”
- 2) Under the heading Abandonment, change bullet point two to say “Physical removal of all above ground structures, equipment and security barriers from the site.”

VIII. Revise Sec. 506 as follows:

“Physical removal of all above ground mounted solar unit installations including the structures, equipment, and security barriers from the site.”

Summary of Changes in the Enhanced Energy Plan
Adopted by Planning Commission on June 12, 2019

Policy 3.1, Action Step # 4. Eliminate reference to ridgelines and instead say:

“Lands 2000 feet in elevation or higher in Forest Districts shall be left in their natural condition, free from all development, including roads, building structures, utilities, wireless broadcast telecommunications facilities, and industrial wind turbines (except camps as provided for in Chapter IX of the Town Plan and subject to the conditions articulated in Sec. 201.7 of Windham’s zoning regulations.)

Policy 4.7, Bullet point #2 Eliminate reference to ridgelines and instead say

“Fragile natural areas including all lands 2000 feet in elevation or higher in Forest Districts”

Policy 4.12 Eliminate references to ridgelines and instead say:

“Lands 2000 feet in elevation or higher in Forest Districts shall be left in their natural condition, free from all development, including roads, building structures, utilities, wireless broadcast telecommunications facilities, and industrial wind turbines (except camps as provided for in Chapter IX of the Town Plan and subject to the conditions articulated in Sec. 201.7 of Windham’s zoning regulations.)

The town prohibits any commercial or industrial operations on land above 2000 feet in Forest Districts other than forestry and will not support any commercial or industrial activity that exceeds the capacity of its public infrastructure, including emergency response assets.”

Finn Hill Construction

P. O. Box 196

Chester, VT 05143



INVOICE

DATE... 8-4-2015

SOLD TO

Town of Winetham

Phone

802-875-4036

FOR SERVICES RENDERED:

Demolition + Removal of Steps 1500.00

Labor + Material To Replace

Sill + Plywood + Remove Door Frame Door

Opening + Replace Rotted Sill + Insulate

Door Opening, Fix up to 12' of Siding

Does Not Include any Repair of

Floor Joist if Rotted, Sheet Rock Old

Door Opening,

Labor + Materials

3200.00

Dump

45.00

Total Estimate

4745.00

Joseph Lamsin
5570 Popple Run Rd
Chester, VT 05143

THANK YOU

PLEASE PAY THIS AMOUNT.....

After 30 days 2% interest per month will be added.

WINDHAM TOWN OFFICE

REPAIR OF SOUTH WALL DOOR AND SIDING

- OPTION 1—REPLACE DOOR AND REPAIR WALL

- ✓ ○ REMOVE CONCRETE STEPS
- REMOVE WATER TABLE TRIM
- REMOVE ROTTEN SIDING AS NEEDED
- 777 ○ REMOVE OLD DOOR AND INTERIOR TRIM
- REMOVE ROTTED SHEATHING
- INVESTIGATE DEPTH OF ROT INTO RIM JOIST AND/OR JOISTS
- REPLACE ROTTEN FRAMING WITH SOUND WOOD
- RE-SHEATHE WITH NEW PLYWOOD
- BUILDING WRAP (30# FELT)
- NEW FIBERGLASS DOOR AND TRIM
- SPRAY FOAM AROUND DOOR OPENING
- NEW INTERIOR TRIM
- NEW PRIMED CLAPBOARDS INSTALLED
- NEW WATER TABLE TRIM INSTALLED
- NEW STEPS WITH GRATE INSTALLED
- BEST PRACTICE: PENT ROOF INSTALLED OVER DOORWAY

- OPTION 2—REMOVE DOOR AND MAKE SOLID WALL—SUBJECT TO APPROVAL BY FIRE MARSHAL
(not clear from VERMONT 2015 FIRE AND BUILDING SAFETY CODE)

- REMOVE CONCRETE STEPS
- REMOVE WATER TABLE TRIM
- REMOVE ROTTEN SIDING AS NEEDED
- REMOVE OLD DOOR AND INTERIOR TRIM
- REMOVE ROTTED SHEATHING
- INVESTIGATE DEPTH OF ROT INTO RIM JOIST AND/OR JOISTS
- REPLACE ROTTEN FRAMING WITH SOUND WOOD
- NEW STUDS IN DOOR OPENING
- INSULATION IN BETWEEN STUDS
- RE-SHEATHE WITH NEW PLYWOOD
- BUILDING WRAP (30# FELT)
- NEW PRIMED CLAPBOARDS INSTALLED
- NEW WATER TABLE TRIM INSTALLED
- NEW DRYWALL INSTALLED, TAPED, MUDDERED, AND PAINTED
- NEW BASEBOARD TRIM INSTALLED

Retreatment FY To Date

(Includes Designated Funds)

Jan-19 Feb-19 Mar-19 Apr-19 May-19 Jun-19 Jul-19 Aug-19 Total

Income

Town Meeting Vote									
Income	18,096.87	0	90,000.00	18,096.87				90,000.00	54,290.61
Designated Fund	257,661.84					18,096.87			257,661.84
Grant Funds				3,840.00					3,840.00
Total Funds	275,758.71	0.00	90,000.00	21,936.87	0.00	0.00	18,096.87	405,792.45	

Expenses

Engineering	2,943.86							2,943.86	
Sunapee	46,295.00						324,113.51	370,408.51	
P & L							6,315.00	6,315.00	
Road Material									
Stone	2,435.73							2,435.73	
Gravel							8,573.00	8,573.00	
Supplies	769.49						366.67	1,136.16	
								391,812.26	

Available Balance

13,980.19

160'

6315 - Crushed Gravel
 8573 -
 366.67
15254.67 391,812.26

Bridges & Culverts

[illegible]



August 14, 2019

Board of Selectmen
Town of Windham
5976 Windham Hill Rd.
Windham, VT 05359

Dear Select Board,

Vermont Telephone Company, Inc. does not presently have a redundant fiber optic path to our remote switch on Horsenail Hill Rd. In the event of damage to our main fiber route on Route 11 from Chester to Windham, customers may not be able to call 911 for the duration of the repair process. An incident in February of this year resulted in an outage lasting nearly 24 hours. We believe this is unacceptable and have established a goal to provide a redundant fiber path to any remote in our Service Territory.

The construction plan that we are presenting to the Selectboard for approval will provide an alternate path from Chester to Windham along Popple Dungeon Rd. There is presently a 1500 ft. gap between our last customer fed from the Windham Remote and our last customer fed from the Chester Central Office. Closing this gap by burying a cable within the Town Rd right-of-way between the two feeds will keep the remote operational in the event the main route incurs damage. A sketch of the proposed construction is attached for your review. Also attached is a Buried Agreement that describes VTel's liability for buried construction.

Please feel free to contact me if you have any questions.

Sincerely,

Judith E. Paton

Engineer

802-885-7757

patonje@vermontel.com

RIGHT-OF-WAY AGREEMENT - BURIED

That we, the Selectmen of the Town of Windham, in the County of Windham, State of Vermont, do hereby agree that the Vermont Telephone Company, Inc. may enter upon and bury a telephone cable along Popple Dungeon Rd. from the Chester/Windham Town Line to Pole 2-7-28 adjacent to the driveway of 5718 Popple Dungeon Rd., a distance of @1500 ft.

In consideration for this agreement, the Vermont Telephone Company, Inc. agrees that it will, without expense to the town, repair said line should it be accidentally damaged in normal course of road repairs, maintenance and improvements. It is further agreed that the Vermont Telephone Company, Inc. will be notified by the town prior to improvements or excavations that are to be undertaken in the immediate area of the telephone line so as to prevent cable damage and telephone service interruption. ("Dig Safe" phone number is 1-888-344-7233; for emergencies call 1-802-885-9001). In the event the line cannot remain in service due to conflicts with future road improvements, the line will be reconstructed and/or relocated at no expense to the town.

It is further agreed that Vermont Telephone Company, Inc. will bear all expense incurred by the Town of Windham, upon said roads to restore them to their original condition within a period of no more than sixty days, weather and situation conditions permitting, and otherwise as soon as conditions permit, after notification of telephone company project completion.

Maurice Bon
Selectman
[Signature]
Selectman
Ed Williams
Selectman

8/19/19
Date

We have signed this agreement with the following stipulations:

Fiber line Include fiberglass roadside underground utility markers
at the road crossings.
Install at 5' in the road bed.
Include a final "as built" submittal drawing. in accordance with
Vermont Telephone Company, Inc. initial sketch

[Signature]
Engineer

802-682-7757
Telephone No.

ROAD CROSSINGS TO BE IN 1.5" INHERDUC
 BURY AROUND END OF ALL CONVEYERS
 3 FT + BELOW DITCH LINE

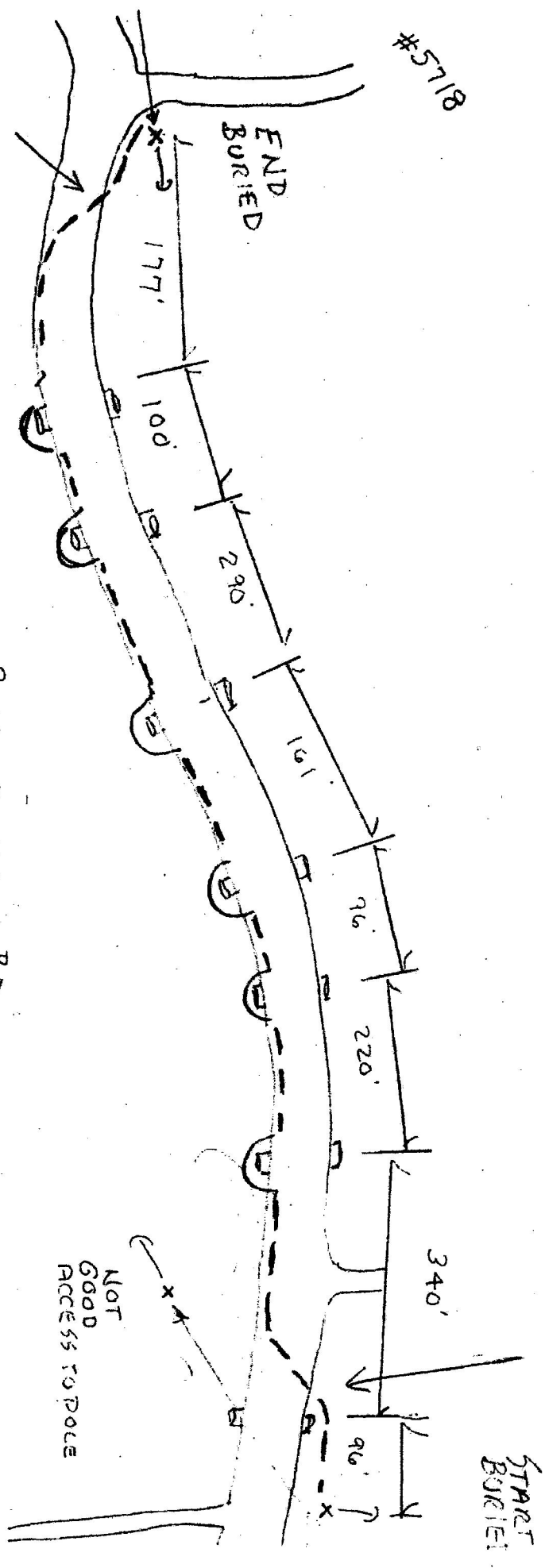
4

#5540
 PLACE
 INHERDUC
 ACROSS

#5718

END
 BURIED

Place
 IN
 INHERDUC
 ACROSS ROAD



From: Town of Windham <windham.town@gmail.com>
Sent: Tuesday, August 6, 2019 9:18 AM
To: Hal & Missy Wilkins; Kord Scott; Maureen Bell
Subject: Fwd: Apalachee Salt, Rock Salt Supplier for 2019-20 season
Attachments: Vermont Rock Salt Welcome Letter July 2019.doc

FYI

----- Forwarded message -----

From: <peter@apalacheesalt.com>
Date: Thu, Aug 1, 2019 at 3:39 PM
Subject: Apalachee Salt, Rock Salt Supplier for 2019-20 season
To: <peter@apalacheesalt.com>

Hello and happy summer,

I first want to say thank you! Thank you for allowing us to supply, service and deliver both rock salt and treated rock salt to the State of Vermont last season for snow and ice control.

Apalachee Salt has the privilege of again being awarded the contract for rock salt this upcoming 2019-2020 winter season. We already have several hundred thousand tons stock piled for you with more on the way and plan to supply, deliver and meet all of your requirements.

The contract will be for the following Cities & Towns and AOT:

Cities & Towns District 1

Cities & Towns District 2

Cities & Towns District 3

Cities & Towns District 4

Cities & Towns District 5

Cities & Towns District 7

Cities & Towns District 8

AOT District 1

AOT District 2

* We do not require you to sign a contract for minimum / maximum amounts.

* Just order what you want, when you want it and where you want it.

I look forward to meeting with you either face-to-face or via phone in the coming weeks to get an idea of your anticipated quantities. Please let me know if you have any questions in the meantime. And thank you for allowing us to service you again this upcoming season.

Regards,

Peter Kowal

Apalachee Salt

peter@apalcheesalt.com

800-724-5037

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Mike McLaine
Windham Town Clerk

Windham Town Office
5976 Windham Hill Road
Windham, Vermont 05359

Tel: (802)-874-4211
Fax: (802)-874-4144
<http://townofwindhamvt.com/>