

The Vermont Statutes Online

Title 24 : Municipal And County Government

Chapter 117 : Municipal And Regional Planning And Development

Subchapter 003 : Regional Planning Commissions

(Cite as: 24 V.S.A. § 4350)

§ 4350. Review and consultation regarding municipal planning effort

(a) A regional planning commission shall consult with its municipalities with respect to the municipalities' planning efforts, ascertaining the municipalities' needs as individual municipalities and as neighbors in a region, and identifying the assistance that ought to be provided by the regional planning commission. As a part of this consultation, the regional planning commission, after public notice, shall review the planning process of its member municipalities at least twice during an eight-year period, or more frequently on request of the municipality, and shall so confirm when a municipality:

(1) is engaged in a continuing planning process that, within a reasonable time, will result in a plan that is consistent with the goals contained in section 4302 of this title;

(2) is engaged in a process to implement its municipal plan, consistent with the program for implementation required under section 4382 of this title; and

(3) is maintaining its efforts to provide local funds for municipal and regional planning purposes.

(b)(1) As part of the consultation process, the commission shall consider whether a municipality has adopted a plan. In order to obtain or retain confirmation of the planning process, a municipality must have an approved plan. A regional planning commission shall review and approve plans of its member municipalities, when approval is requested and warranted. Each review shall include a public hearing which is noticed at least 15 days in advance by posting in the office of the municipal clerk and at least one public place within the municipality and by publication in a newspaper or newspapers of general publication in the region affected. The commission shall approve a plan if it finds that the plan:

(A) is consistent with the goals established in section 4302 of this title;

(B) is compatible with its regional plan;

(C) is compatible with approved plans of other municipalities in the region; and

(D) contains all the elements included in subdivisions 4382(a)(1)-(12) of this title.

(2) A commission shall give approval or disapproval to a municipal plan or amendment within two months of its receipt following a final hearing held pursuant to section 4385 of this title. The fact that the plan is approved after the deadline shall not invalidate the plan. If

the commission disapproves the plan or amendment, it shall state its reasons in writing and, if appropriate, suggest acceptable modifications. Submissions for approval that follow a disapproval shall receive approval or disapproval within 45 days.

(3) The commission shall file any adopted plan or amendment with the Department of Housing and Community Development within two weeks of receipt from the municipality. Failure on the part of the commission to file the plan shall not invalidate the plan.

(c) In order to retain confirmation of the planning process, a municipality shall document that it has reviewed and is actively engaged in a process to implement its adopted plan.

(1) When assessing whether a municipality has been actively engaged in a process to implement its adopted plan, the regional planning commission shall consider the activities of local boards and commissions with regard to the preparation or adoption of bylaws and amendments; capital budgets and programs; supplemental plans; or other actions, programs, or measures undertaken or scheduled to implement the adopted plan. The regional planning commission shall also consider factors that may have hindered or delayed municipal implementation efforts.

(2) The consultation may include guidance by the regional planning commission with regard to resources and technical support available to the municipality to implement its adopted plan and recommendations by the regional planning commission for plan amendments and for updating the plan prior to readoption under section 4387 of this title.

(d) During the period of time when a municipal planning process is confirmed:

(1) The municipality's plan will not be subject to review by the Commissioner of Housing and Community Development under section 4351 of this title.

(2) State agency plans adopted under 3 V.S.A. chapter 67 shall be compatible with the municipality's approved plan.

(3) The municipality may levy impact fees on new development within its borders, according to the provisions of chapter 131 of this title.

(4) The municipality shall be eligible to receive additional funds from the municipal and regional planning fund.

(e) Confirmation and approval decisions under this section shall be made by majority vote of the commissioners representing municipalities, in accordance with the bylaws of the regional planning commission. (Added 1987, No. 200 (Adj. Sess.), § 15, eff. July 1, 1989; amended 1989, No. 101, § 4; 1989, No. 280 (Adj. Sess.), § 5; 2003, No. 115 (Adj. Sess.), § 87; 2009, No. 146 (Adj. Sess.), § G5, eff. June 1, 2010; 2015, No. 90 (Adj. Sess.), § 1.)

The Vermont Statutes Online

Title 24 : Municipal And County Government

Chapter 117 : Municipal And Regional Planning And Development

Subchapter 005 : Municipal Development Plan

(Cite as: 24 V.S.A. § 4385)

§ 4385. Adoption and amendment of plans; hearing by legislative body

(a) Not less than 30 nor more than 120 days after a proposed plan or amendment is submitted to the legislative body of a municipality under section 4384 of this title, the legislative body of a municipality with a population of 2,500 persons or less shall hold the first of one or more public hearings, after public notice, on the proposed plan or amendment, and shall make copies of the proposal and any written report by the planning commission available to the public on request. A municipality with a population of more than 2,500 persons shall hold two or more such hearings. Failure to hold a hearing within the 120 days shall not invalidate the adoption of the plan or amendment.

(b) The legislative body may change the proposed plan or amendment, but shall not do so less than 15 days prior to the final public hearing. If the legislative body at any time makes substantial changes in the concept, meaning, or extent of the proposed plan or amendment, it shall warn a new public hearing or hearings under subsection (a) of this section.

If any part of the proposal is changed, the legislative body, at least 15 days prior to the hearing shall file a copy of the changed proposal with the clerk of the municipality, with any individual or organization requesting a copy in writing, and with the planning commission. The planning commission shall submit to the legislative body at or prior to the public hearing a report that analyzes the extent to which the changed proposal, when taken together with the rest of the plan, is consistent with the legislative goals established in section 4302 of this title.

(c) A plan of a municipality or an amendment thereof shall be adopted by a majority of the members of its legislative body at a meeting which is held after the final public hearing. If, however, at a regular or special meeting of the voters duly warned and held as provided in 17 V.S.A. chapter 55, a municipality elects to adopt or amend municipal plans by Australian ballot, that procedure shall then apply unless rescinded by the voters at a regular or special meeting similarly warned and held. If the proposed plan or amendment is not adopted so as to take effect within one year after the date of the final hearing of the planning commission, it shall be considered rejected by the municipality. Plans and amendments shall be effective upon adoption. Copies of newly adopted plans and amendments shall be provided to the regional planning commission and to the Commissioner of Housing and Community Development within 30 days after adoption,

which may be done electronically, provided the sender has proof of receipt. If a municipality wishes its plan or plan amendment to be eligible for approval under the provisions of section 4350 of this title, it shall request approval. The request for approval may be before or after adoption of the plan by the municipality, at the option of the municipality.

(d) Plans may be reviewed from time to time and may be amended in the light of new developments and changed conditions affecting the municipality. An amendment to a plan does not affect or extend the plan's expiration date. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1981, No. 132 (Adj. Sess.), § 10; 1987, No. 200 (Adj. Sess.), §§ 12, 13, eff. July 1, 1989; 1989, No. 280 (Adj. Sess.), § 9; 2015, No. 90 (Adj. Sess.), § 2; 2017, No. 197 (Adj. Sess.), § 15.)

Planning Commission Reporting Form for VSA 4384

Anyone who reads the Windham Town Plan will quickly realize how important the town's natural and historic features are to its residents. As noted in chapter two, parts of the village are listed on the National Register of Historic Places. Chapters four and six describe in considerable detail the town's natural, historic, recreational and scenic resources. Those chapters, in particular, articulate policies and specific action steps which are designed to preserve and protect these precious resources. Chapter nine discusses existing and future land use patterns in all of the town's land use districts, including Resource Protection Areas, which have been created to protect the town's most fragile and valuable natural assets, among which are large contiguous forest blocks, wetlands, headwaters and watershed areas.

Care is taken throughout the plan, especially in chapter four (Natural Resources) and chapter ten (Economic Development), to craft policies and action steps which allow the wise use of the town's resources for the purposes of agriculture, forestry, recreation, education, and mineral extraction, with appropriate safeguards for the health and beauty of Windham's natural environment, which is highly valued by all of its citizens.

Windham's Enhanced Energy Element is the heart of a revised fifth chapter on energy which outlines specific policies and actions steps which are designed to conserve energy, reduce carbon emissions and generate renewable energy from appropriately scaled and properly sited wind and solar energy systems. Chapter seven further contains additional strategies for reducing Windham's carbon footprint from transportation, which is especially challenging in a rural town like ours which is located miles from public transportation systems and is too mountainous and isolated to make biking to work or to nearby commercial areas feasible.

Chapters eight (Housing), two (Community Profile) and nine (Land Use) contain policies and action steps designed to encourage settlement in Windham's two hamlets and support multi-unit housing and planned unit developments in all of the town's main residential districts.

Finally, chapter three (Community Utilities/Facilities/Services) addresses the town's efforts to provide child care, high quality education and safe, reliable, resilient public services and facilities for all residents. Policies and actions steps are designed to encourage future development in parts of town which are not prone to flooding and are not beyond the capacity of local emergency services to respond in a crisis. Other policies address the need for better transmission lines and high speed internet, which

can stimulate economic growth and, along with sound emergency preparedness, enhance the resilience of Windham's public services.

From: Windham Regional Commission <wrc@windhamregional.org>
Sent: Monday, December 9, 2019 12:58 PM
Cc: Susan Westa
Subject: Windham Region Broadband Kickoff Meeting Announcement - January 16th 6-8 p.m.
Newbrook Fire Department

Dear Windham Region selectboards, broadband committees, supervisory unions, libraries, hospitals, and other interested people:

We ask selectboards to pay particular note to this announcement as we are requesting official town action.

What? Windham Region Broadband Project Kickoff Meeting
When? January 16th 6-8 p.m. (snow date January 23rd)*
Where? Newbrook Fire Department, Newfane
698 VT Route 30 Newfane, VT 05345 – just north of Newfane Village

*In the event of inclement weather, please visit the WRC homepage (www.windhamregional.org) to see if the meeting has been postponed.

PLEASE RSVP TO SWESTA@WINDHAMREGIONAL.ORG.

The Windham Regional Commission (WRC) is pleased to announce a meeting to kick-off the Region's NEW Broadband Project. As you may know WRC and its partners, ValleyNet and Rural Innovation Strategies, Inc., recently received a Broadband Innovation Grant from the state's Department of Public Service. Please mark your calendars for January 16th, 2020, at 6:00-8:00 p.m. with a snow date of January 23rd. The meeting will be held at the NewBrook Fire Department in Newfane, VT.

What is this meeting about? This meeting will be the first in a series of meetings designed to share information and gain community input. The grant process involves two steps: 1) development of a feasibility study, and 2) development of a business plan. The first meeting will introduce the project in more detail and ask for your community's participation in the development of the feasibility study.

The goal of the feasibility study is to determine the interest and need for broadband development throughout the region and the best way to implement that development. Communications Union Districts (CUDs) have been used as a strategy to implement broadband in other regions. The feasibility plan will identify how many and what CUDs make the most sense to provide region-wide broadband coverage based on geography and existing services. The CUD model is especially useful in rural areas to engage a critical mass to provide this infrastructure in underserved areas.

The next step after the kickoff meeting will be the distribution of a survey to identify the level of interest and willingness to pay for these services throughout your town. WRC needs each town that wants to participate in this process to help administer the survey by developing a strategy that will best get the survey in front of your citizens. *The entire project will be completed within six months, so we need to hit the ground running and we need your help with that!*

What can towns do now?

1. Either before or immediately after the kickoff meeting we need the selectboard of towns that want to participate in this effort to pass a simple resolution stating 1) their intent to participate in the Windham Region Broadband Project, and 2) the identification of the individual who will be the official town lead/point of contact in this

effort. You can communicate this to us by email (swesta@windhamregional.org). Please note that this is not intended to limit the number of people within the town who can participate in this project – the more people engaged in this effort the better! But we need a principal town lead/point of contact.

2. Begin thinking now about the best way to get the aforementioned survey in front of as many people in town as possible using electronic and paper formats. We're planning to host a workshop on or about February 6th to discuss the survey and its administration and other next steps. While it will be critical for each town lead to participate in this meeting, it will be open to anyone who is interested.
3. If your town has already included joining a CUD in its town meeting warning, that's great! If you've not, this process will identify what overall CUD structure makes the most sense. So wherever you are in the CUD deliberation process, that's fine.

What can towns expect from us? The WRC will help convene the towns that want to participate in this process so they can be active participants in the development of the feasibility study and business plan. We will also provide guidance and support to towns to assist them in their roles in this project – the most important being the conduct of the aforementioned survey. Our partners will prepare the actual feasibility study and related business plan and provide technical information and advice. The purpose of the business plan is to identify the business structure(s) and function(s) most likely to succeed in providing broadband to unserved and underserved areas based upon the information gathered through the feasibility study.

What we need from participating towns. The principal need is for towns to survey their citizens about their broadband needs and ability and willingness to pay for service. This may be supplemented by the engagement of schools, libraries and other institutions. This information is essential to the development of the feasibility study and an actionable business plan. We will also seek town engagement in the review of the draft feasibility study and business plan.

Please let us know if you're able to attend the January meeting and if you have any questions. **The primary project contact at WRC is Sue Westa, swesta@windhamregional.org.**

Thank you!

Chris Campany
Executive Director
Windham Regional Commission
139 Main Street, Suite 505
Brattleboro, VT 05301
www.windhamregional.org
office (802) 257-4547 x106
cell (802) 380-3511

**The Town of Windham
2018**

Long Term Paving Plan

12/16/2019 Draft (Subject to change pending VTrans & Engineering review)

Road	Length (miles)	Width (ft)	Depth (inch)	Total Tonnage	Est'd Tonnage	Town Road Name(s)
TH-1	5.18	26	1.5	6581	6600	Windham Hill
TH-2	1.61	26	1.5	2046	2100	Rt 121
TH-6,3,9	2.17	24	1.5	2543	2600	Horsenail Hill/Hitchcock/White (partial)

Note Price/ton is based on ~ 7% increase every 5 years

Calendar Year	Contributions					Expenses	Activity	Balance	\$/Ton
	Town Article	Town Other	State Aid For Transportation	Government Grants					
2013								40,000	
2014	85,000							125,000	
2015	50,000	80,000						255,000	
						Pave TH-6,3,9,1&2 partial			
2016	80,000			160,468		469,185		26,283	\$67
2017	98,000				29,007			95,276	
2018	60,000	30,000	72,386					257,662	
2019	90,000	3,840	73,034					424,536	
2020	90,000		72,386	175,000				761,922	\$95
2021	90,000							851,922	
2022	100,000							951,922	
2023	100,000							1,051,922	
2024	100,000							1,151,922	
2025	100,000				265,200	Pave TH-6,3,9		986,722	\$102
2026	100,000			171,000	214,200	Pave TH-2		1,043,522	\$102
2027	110,000							1,153,522	
2028	110,000							1,263,522	
2029	110,000							1,373,522	
2030	110,000			175,000	719,400	Pave 5.18 miles of TH-1		939,122	\$109
2031	110,000							1,049,122	
2032	110,000							1,159,122	
2033	120,000							1,279,122	
2034	120,000				304,200	Pave TH-6,3,9		1,094,922	\$117
2035	120,000			175,000	245,700	Pave TH-2		1,144,222	\$117

**The Town of Windham
2018**

Long Term Paving Plan

12/16/2019 Draft (Subject to change pending VTrans & Engineering review)

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Note Price/ton is based on ~ 7% increase every 5 years

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			State Aid For Transportation	Government Grants				
2013							40,000	
2014	85,000						125,000	
2015	50,000	80,000					255,000	
						Pave TH-6,3,9,1&2 partial		
2016	80,000			160,468	469,185		26,283	\$67
2017	98,000				29,007		95,276	
2018	60,000	30,000	72,386				257,662	
						Pave 4+ miles TH-1		
2019	90,000	3,840	73,034		419,348		5,188	
2020	90,000		73,034	175,000			343,222	\$95
2021	90,000						433,222	
2022	100,000						533,222	
2023	100,000						633,222	
2024	100,000						733,222	
2025	100,000				265,200	Pave TH-6,3,9	568,022	\$102
2026	100,000			171,000	214,200	Pave TH-2	624,822	\$102
2027	110,000						734,822	
2028	110,000						844,822	
2029	110,000						954,822	
						Pave 5.18 miles of TH-1		
2030	110,000			175,000	719,400		520,422	\$109
2031	110,000						630,422	
2032	110,000						740,422	
2033	120,000						860,422	
2034	120,000				304,200	Pave TH-6,3,9	676,222	\$117
2035	120,000			175,000	245,700	Pave TH-2	725,522	\$117

Retirement FY To Date		(Includes Designated Funds)												
		Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Total
Income	Town Meeting Vote			90,000.00									90,000.00	
	Other Income	18,096.87	0		18,096.87			18,120.48			18719.8		73,034.02	
	Designated Fund	257,661.84											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	18,120.48						424,535.86
Expenses	Engineering							2,943.86		3,619.30			6,563.16	
	Sunapee							46,295.00	348,029.51				394,324.51	
	P & L							6,315.00					6,315.00	
	Road Material							2,435.73					2,435.73	
	Stone								8,573.00				8,573.00	
	Gravel													
	Supplies						769.49	366.67					1,136.16	
														419,347.56
Available Balance													5,188.30	

Bridges & Culverts

	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Total
Income									
Town Meeting Vote			15,000.00						15,000.00
Other Income									
Designated Fund	41,152.76								41,152.76
Grant Funds				<u>3,840.00</u>					<u>3,840.00</u>
Total Funds	41,152.76		15,000.00	3,840.00					59,992.76
Expenses									
P & L							12,683.75		12,683.75
Brown Enterprises							1,300.00		1,300.00
W& W Culverts						12,054.00	436.69		12,490.69
Road Material									
Gravel						1,500.00	312.00		1,812.00
Seed							23.91		23.91
Shur Pack							787.50		<u>787.50</u>
Total Expense									29,097.85
Available Balance									30,894.91

Transfer this from the General fund to the Designated Fund if Harrington is not done by March **30,894.91**



PROPOSAL

Vermont Recreational Surfacing & Fencing, Inc.
P.O. Box 147
Barnet, VT 05821
www.vt-recreational.com

Toll Free: 800.639.8071
Phone: 603.638.2738
Fax: 603.638.4458
Email: vtrecnh@gmail.com

Date: 11/20/19

Submitted to: Richard Perry - Kord Scott

Town of Windham Vt
5976 Windham Hill Road
Windham, Vt 05359

Direct: 802-874-7025
Cell: 609-304-7759
Email: kordscott@vermontel.net

Job: Windham Vt

We hereby propose to furnish the materials and perform the labor necessary for the completion of:

Repair Guardrail

> Replace panels and posts as shown on :

Windam Hill Road
Burpy Road
West Windam Road
Toad Road
Rt 121
Horse Nail Road
Poppal Dragon Road

Price \$ 13,512.00

- * The Town to call in Digsafe
- * The Town responsible for traffic control

All material is guaranteed to be specified, and the above work to be performed in accordance with the drawings and specifications submitted for the above work and completed in a substantial workman-like manner:

Respectfully Submitted: _____

Stephen Shattuck

The above prices, specifications and conditions are hereby accepted.

You are authorized to do the work as specified.

NO RETAINAGE

Acceptance of Proposal

Signature: _____

Date: _____

**Payments must be made within 30 days from invoice date.*

***An annual finance charge of 18% will be charged on all invoices over 30 days.*

****You will also be responsible for any collection fees that may occur should the account become delinquent.*

Lafayette

Highway Specialties

PROPOSAL

52 Kellogg Road
Essex Jct., VT 05452
(802)878-5341 fx(802)878-2041

Page 1 of 2

TO: Town of Windham

DATE: December 9, 2019

PROJECT: **Misc. Guardrail**

Bid: 12-9-19 Comp: 2020

Engineers:

WE PROPOSE TO FURNISH AND INSTALL THE WORK DESCRIBED BELOW:

ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
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Route 121 VT

1	Relace damaged radius		LS	\$490.00
2	Replace radius, single end wing, posts & blocks		LS	680.00
3	Replace single end wing, 25' panel, posts & blocks		LS	660.00
4	Replace 35' radius, 25' panel, remove & reset 50'		LS	1,210.00
5	Replace 12'6 panel, radius, and 3 posts		LS	690.00
6	South of White Rd. - 16' Radius w/anchor & 8' posts		LS	1,260.00
7	N. of Grafton T.L. - 12'6 and 16' Radius w/anchor & 4 6' pc		LS	1,290.00
8	At Brz. N. of #7, 8' posts on left and right		LS	560.00
9	Replace 12-6, radius, 3 posts & anchor		LS	1,270.00

West Windham/Burbee Pond Rd

1)	Replace slight radius, single end wing, post and reattach anchor on 1 side. Replace 6 each 25' panels, 1 post, and reattach wood blocks		LS	2,435.00
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Toad Road

1)	Replace 12-6, radius, and 3 posts		LS	680.00
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Windham Hill Rd/Burbee Pond Rd

1)	Right: Replace 37.5, radius complete		LS	1,620.00
2)	Left: 2 Radius, remove & reset 62.5		LS	1,040.00

Lafayette

Highway Specialties

PROPOSAL

52 Kelloqq Road
Essex Jct., VT 05452
(802)878-5341 fx(802)878-2041

Page 2 of 2

December 9, 2019

TO: Town of Windham

DATE:

PROJECT: **Misc. Guardrail**

Engineers:

Bid: 12-9-19

Comp: 2020

WE PROPOSE TO FURNISH AND INSTALL THE WORK DESCRIBED BELOW:

ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
<u>Windham Hill Rd at Mile Marker .060</u>				
1	Replace 25' panel		LS	\$330.00
<u>Windham Hill Rd. at Abbott Rd.</u>				
1	Radius w/anchor, double nest 12.5', reconnect beam		LS	1,895.00
<u>Windham Hill Rd. Just South of Abbott Rd.</u>				
1	Radius w/anchor, 2 each 12'6", and 4 ea. 8' posts		LS	1,625.00
<u>Windham Hill Rd. at MB 3709</u>				
LT	25' Panel, 3-8' post, 5-6' post, 12'6", radius w/anchor		LS	1,670.00
RT	12'6", Radius w/anchor and 5-8' posts		LS	<u>1,585.00</u>
				\$20,990.00

Dig Safe by Town.

Traffic Control by Town. If unable to provide TC, LHS will contract with ADA for 2 flaggers at \$38.00/HR each plus \$75.00/day for a sign package.

This proposal becomes void if not accepted within 30 days

BY: _____

Lafayette Highway Specialties

TITLE: _____ DATE: _____

BY: _____


Brent Tewksbury, President