Windham Planning Commission Minutes

4/10/19

Present: Bill Dunkel, Jeff Wheeler, Tom Johnson, Chris Cummings, Vance Bell, Dawn Bower, Kate Wright (meeting minutes)

Meeting called to order at 6:30.

Motion to adopt minutes from public hearings on the enhanced energy plan and zoning regulations held on Feb 26.  Motion by Jeff, seconded by Chris, all approved.

Move to accept March 12 Planning Commission meeting minutes by Vance, seconded by Jeff, all approved.

Bill reported that he and Vance met recently with John Bennett and Jeff Nugent at the WRC to talk about zoning and energy plan issues.  They discussed eliminating references to “ridgelines” in these documents (and the Town Plan) and perhaps creating a “High Elevation Protection Overlay District,” similar to what the town of Westminster has done.  We could designate all land above 2000 feet elevation in Forest Districts to be “High Elevation Resource Lands” which must be left in a natural condition free of all development.

We discussed the Pros and Cons of this idea.  Bill presented a map created by Jeff Nugent showing the proposed High Elevation Protection Overlay District.  Land in Rural Residential districts above 2000 would not be bound by these regulations. We discussed whether an exception should be made to allow a possible net metered solar array on the former Timber Ridge ski trails, which are in the Forest District and are a preferred site for renewable energy in our zoning regulations.  Chris wondered whether the owner of Timber Ridge even wants to put up a large solar array. Kate raised the question of whether we should allow an exception for solar panels in case a future owner of the property might want to install them. Bill noted that John Bennett had expressed concern about making a zoning regulation for just one landowner.

However, Bill also noted that Nick Low, one of our town attorneys, has suggested that such an exception could be made.  Chris suggested that the owners of the Timber Ridge trails could apply for a variance if they want to develop a solar array on trials above 2000 feet in the Forest District.

Vance suggested a different approach which would redraw the zoning district map to include the former ski trials in the Recreational/Commercial District, rather than having them in the Forest District.  That would solve the problem because solar arrays in the Recreational/Commercial District are permitted as a conditional use. We also felt that it was logical to include these trails in this district because they have been, and still are, used for recreational purposes.  In addition, the map that Jeff Nugent created already outlines the approximate edge of the ski trails. Accordingly, a motion was made by Chris and seconded by Vance to include Timber Ridge ski trails in the Recreational/Commercial zoning district. It was approved unanimously.

It also was pointed out by Chris and Jeff that our current zoning district map misidentifies the location of the Tater Hill Golf course.  The golf course presently is included in the Rural Residential district and the land north of Horsenail Hill Road is erroneously included in the Recreational Commercial district.  Therefore, Chris made a motion, seconded by Tom, to correct this error by including the actual location of the golf course along Popple Dungeon Road in the Recreational/Commercial zoning district and by designating the area north of Horsenail Hill Road as part of the Rural Residential district.  This motion was unanimously approved.

We discussed at length whether declaring all land above 2000 feet in Forest Districts to be “High Elevation Resource Lands” free from all development would be unduly restrictive.  Should we create exceptions above 2000 feet for the permitted and conditional uses listed in Sec. 201.3 of the zoning regulations? Or, should those permitted and conditional uses be confined to land in Forest Districts below 2000 feet?  Chris questioned whether existing hunting camps along Toad Road are above or below 2000 feet and whether there are parcels along that road above 2000 feet where owners might want to erect camps in the future. He and Bill plan to explore this area on foot before the next meeting.   Similarly, the PC needs to determine whether owners of other land parcels in Forest Areas would be unduly restricted, or whether the future value of their property would be unduly compromised if land above 2000 feet must remain in its natural condition. Bill will see if Jeff Nugent can create a map which shows the elevation of land parcels in the Forest Districts to help expedite our analysis.

Our next meeting is scheduled for May 8, 2019, at 6:30 PM.

Motion to adjourn by Jeff, seconded by Dawn, all agreed.

Meeting adjourned at 8:15.