Windham Planning Commission Minutes

5/14/19

Present: Tom Johnson, Bill Dunkel, Vance Bell, Jeff Wheeler, Chris Cummings, Kate Wright

Meeting called to order at 6:39PM at the Meeting House

5/8/19 minutes reviewed. We noted that we still need a definition of “private camp” in the Zoning glossary. Motion to approve minutes by Jeff, Chris seconded; all approved.

After prolonged discussion, a motion was made by Chris and seconded by Jeff to accept all of the proposed revisions in the Zoning Regulations noted below. These changes were unanimously adopted and are noted in red print:

I. In Sec. 201.3, change Conditional Use #3 on land below 2000 feet elevation in Forest Districts to say: Extraction of Earth Resources (must comply with Sec. 504.)

Note: At our May 8 meeting we agreed to allow extraction of earth resources only for private, non-commercial use on lands below 2000 feet in Forest Districts, and to allow no earth resource extraction in Forest Lands above 2000 feet. That clearly conflicts with Sec. 504, which allows commercial extraction under carefully prescribed conditions. We decided to reverse course and allow the change noted above in Sec. 201.3 for two reasons:

1) The Planning Commission spent much time creating Sec. 504, so they must have intended to allow some commercial resource extraction under strict conditions.

2) There may still be valuable marble in the abandoned quarry at the end of Abbott Road.

**There still is a problem, however, because the Town Plan on p.82 seems to prohibit mineral extraction. Bill will check with Bob Bingham to see if he can shed light on this matter.**

II. Revise Sec.201.3 Conditional Use #4 on land below 2000 feet to say “Solar arrays and individual wind energy systems.”

III. Revise the language in the General Description of Sec. 201.5 to eliminate the word “ridgelines” and instead say “land above 2000 feet in Forest Districts.”

We also agreed that the rest of Sec.201.5 needs to be reviewed and perhaps rewritten because its purpose is unclear. Bill will check with Bob Bingham and Bob Kehoe as well as Windham Regional Commission about the purpose and phrasing of this section.

IV. We agreed to create a new zoning district, as follows:

**Sec. 201.7 High Elevation Resource Protection Overlay**

Do we need an authority statement, as in the Westminster zoning regs?  For now we will remove it and Bill will check with John Bennett at Windham Regional.

*General Description:* Lands above 2000 feet in Forest Districts

*Purpose:* The purpose of the High Elevation Resource Lands Protection Overlay District is to protect fragile, ecologically important land, to preserve forest blocks and to preserve Windham’s rural character and scenic landscape. High-elevation sites above 2000 feet in Forest Districts are especially fragile and important for a variety of reasons, particularly because they are the source of the headwaters for numerous streams and rivers, and they include forest blocks and high elevation habitat that may be needed as more and more species adapt to climate change. These areas are appropriate for no development, except for the conditional uses listed below.

*Boundaries*: All land at, or above 2000 feet in elevation in all Forest Districts. District boundaries are identified on the attached High Elevation Protection Overlay Map. The provisions of this Article shall only apply to that portion of a parcel located within the Overlay District.

*Permitted Uses:*

1. Commercial Forestry (including maple sugaring) in compliance with all state regulations, including “Acceptable Management Practices for maintaining Water Quality on Logging Jobs in Vermont” (published by Vermont Department of Forests, Parks and Recreation).

*Conditional Uses*:

1. Pasturing livestock on existing open land

2. Forestry for research, demonstration, education and related uses

3. Private camp

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, including but not limited to the following:

1) Structures shall be situated so that the height of any structure shall not visually exceed the height of the tree canopy adjacent to or serving as the visual backdrop for the structure.

2) Structures shall be situated so that they shall not result in an adverse visual impact, stand in contrast to the surrounding landscape patterns and features, or serve as a visual focal point. In determining whether a structure would result in an adverse visual impact, the ZBA shall consider the following:

a) The degree to which the view of the structure is screened by existing vegetation and topography at all times of day or night.

b) The visibility of structures at all times of day or night from off-site vantage points, especially the scenic landscapes and viewsheds articulated in Chapter VI, Section C of the Windham Town Plan and on the accompanying map. (This includes exterior lighting which shall be prohibited or must be shielded or directed in such a manner that it is not visible from off-site vantage points.)

3) Forest cover shall be maintained adjacent to proposed structures to interrupt the visibility of structures, provide a forested backdrop , and/or soften the visual impact of the structure.

4) A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival or, if necessary, replacement of designated trees during or after site disturbance. Such a plan may include additional landscaping & screening to minimize the visibility of a structure as viewed from off-site and to visually integrate the structure into the surrounding landscape.

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. Add a second sentence to the first paragraph of Sec. 505 to say “Wind installations are subject to restrictions set out in Sections 207 and 209 of these regulations.” (This is what we say about solar energy systems in Sec. 506, so we added this sentence to be consistent in our treatment of wind systems.)

Next meeting scheduled for June 12, 2019 at 6:30.

Motion to adjourn at 8:29 by Vance, seconded by Jeff. All agreed.

Meeting adjourned at 8:30.