Planning Commission Minutes

May 8, 2019

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

Meeting called to order at 6:35PM

Review of April meeting minutes.  Motion to accept by Vance; Seconded by Jeff. All agreed.

We noted that the current Town Plan and Zoning Regulations contain conflicting statements about commercial activity in forest lands. The Town Plan (p.82) says that mineral resource extraction is prohibited, but Sec. 504 of our zoning allows extraction of mineral resources for personal use. Sec. 201.3, Permitted Use #4 also implies that commercial recreational camps are acceptable. We agreed to change the language on p.82 of the current Town Plan to clarify that no commercial activity (other than forestry) is allowed in Forest Districts and that mineral extraction is permitted for personal, private use, but not for commercial or industrial use. The revised paragraph will read as follows (new language is highlighted in red).

“The purpose of the Forest Districts is to provide for forestry uses while protecting large, contiguous areas of timber and wildlife/natural resources. Appropriate uses in the Forest Districts include agriculture, commercial forestry, other forest uses (i.e., education, research, etc.) and seasonal camps. Industrial and commercial uses (other than forestry) are prohibited. Mineral extraction is permitted only for private, non-commercial, on-site use in designated portions of Forest Districts. Uses such as single family dwellings, and non-intensive recreation may be allowed after careful review by the Windham Planning Commission to ensure that the viability of the timber resources or wildlife habitats will not be jeopardized. See Zoning Regulations Section 207 for uses prohibited. The minimum lot size shall be 27 acres.”

We agreed that we should rewrite Section 201.3 in the zoning regulations to clarify and specify the kind of activities that are permissible in Forest Districts above and below 2000 feet. Our purpose in doing this is to better protect high elevation resource lands. After extensive discussion, Kate made a motion to adopt the following revision of Sec. 201.3; motion was seconded by Chris and unanimously approved. (Significant changes are highlighted in red.)

Section 201.3 Forest Districts (F)

*General Description:*

Forest districts are areas of steep slopes and contiguous forest. The land is characterized by the absence of development or improved roads. The following are general descriptions of the Forest Districts:

● the eastern slopes of Glebe Mountain and the Cobb Brook watershed

● the land area including the Stiles, Willie and Howe Brook watersheds that lies between Windham Hill Road and the Town’s eastern boundary;

● the area located in between Popple Dungeon Road and White Road in the northeastern portion of Town; and

● the land around Turkey Mountain.

*Purpose:* Protect large contiguous parcels of forest land and numerous natural and community resource values including town and regional watersheds; protect against soil erosion and related problems with development on steep slopes; minimize impact to municipal services.

*Permitted Uses on land below 2000 feet elevation:*

 1. Agricultural, including: maple sugaring, pasturing livestock, raising crops, and building accessory to and necessary for such uses.

2. Commercial forestry;

3. Forestry for research, demonstration, education and related uses;

4. Private camp, consisting of a building used occasionally or seasonally for temporary shelter in connection with hunting, fishing or a recreational activity, not operated as a business and subject to the following:

 a. Only chemical, incinerator, or privy-type toilet facilities permitted in accordance with design standards of the Vermont Department of Environmental Conservation. The camp may not be served by a sewerage

 disposal system consisting of a tank and/or leaching field.

 b. No privy-type toilet facilities or any discharge of wastewater from sinks, showers, washing machines, or other sources shall be located within 200 feet of any spring, well, stream, brook, river, pond, or Class I, II, or III wetland including any vernal pools on the subject lot or any other lot.

5. Accessory uses customarily incidental to a permitted or conditional use on the same lot. Accessory buildings shall not be used for dwelling purposes.

*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, such as a trap and skeet shooting range and/or archery range, cross-country skiing, hiking, picnicking and similar low-intensity recreational uses, provided that the lot area is not less than twenty-seven acres, that all camp facilities are located not less than 200 feet from the edge of any road right-of-way or other lot line, and

 a. Only chemical, incinerator, or privy-type toilet facilities permitted in accordance with design standards of the Vermont Department of Environmental Conservation. The camp may not be served by a sewage

 disposal system consisting of a tank and/or leaching field.

 b. No privy-type toilet facilities or any discharge of wastewater from sinks, showers, washing machines, or other sources shall be located within 200 feet of any spring, well, stream, brook, river, pond, or Class I, II, or III wetland including any vernal pools on the subject lot or any other lot.

3. Extraction of Earth Resources for private, non-commercial, on-site use (must comply with Section 504).

4. Solar arrays and wind energy systems.

*Density*: 1 dwelling unit per lot

*Dimensional Standards:*

● *Minimum Lot Size: 27 acres*

● *Setbacks*:

 ▪ Front (measured from the center of the road): 83’ minimum from Windham Hill Road, Route 121 or Route 11; 75’ minimum from all other roads,

 ▪ Side and Rear: 50’ side and rear from property lines.

● *Height*:

 ▪ Structures above tree height and/or tall enough to require FAA lighting are prohibited in the forest district areas.

 ▪ Habitable buildings higher than 35 feet above ground level and non- habitable structures exceeding 100 feet above ground level are prohibited

*Permitted Uses on land 2000 feet or more in elevation:*

1. Commercial Forestry (including maple sugaring)

*Conditional Uses on land 2000 feet or more in elevation:*

1. Pasturing livestock on existing open land

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

3. Private camp

We agreed to add a definition of Private Camp in the glossary.

We agreed that we should create a new section in our zoning regulations (probably noted as Sec. 201.7) to create a High Elevation Protection Overlay District modeled after a similar section in the Westminster zoning regulations. Bill will draft proposed language for our next meeting.

Next meeting date set for Tuesday, 5/14 @ 6:30PM.

Motion to adjourn by Tom; Seconded by Jeff;   All agreed.

Meeting adjourned at 8:08PM