

Planning Commission Minutes  
1/12/22

Members Present: Vance Bell, Dawn Bower, Bill Dunkel, Tom Johnson, Kate Wright

Meeting opened at 6:35 PM

I. The minutes of our previous meeting on 7/15/22 were unanimously approved.

II. Residency Issues

We discussed several issues which were raised by Russ Cumming, a town Lister, in an email he wrote on January 6, 2022 regarding a variety of temporary housing units on parcels of land in Windham, including a school bus, parked motor homes, and small buildings not designed for permanent habitation. Russ indicated some people living in these vehicles/structures did not have access to potable water, sanitary facilities or their own source of electricity.

The questions raised by this email include the following:

- How long does one have to live in Windham to be considered a resident?
- How long can an RV or motorhome remain on a lot?
- Must all domiciles have indoor plumbing, a septic system and potable water, or is a composting toilet, outhouse and an external water source acceptable?
- Are our Zoning Regulations sufficient or should they be changed to make them more accurate and bring them in line with state standards?

Sec. 201.4 of our Zoning Regulations says that Single Family Dwellings and Accessory Dwelling Units are permitted in Rural Residential zoning districts. Furthermore, it says that a mobile home or recreational vehicle that remains on a parcel for more than 90 days within any consecutive 12 month period is considered a dwelling unit. Both dwelling units and accessory dwelling units (such as an efficiency or one bedroom apartments) must have facilities for cooking, sanitation and sleeping.

Furthermore, the Department of Environmental Conservation regulations say that “buildings and structures” (which includes single family homes, accessory dwelling units, RVs that are modified to be permanent residences, yurts, and cabins) must have a

potable water supply and wastewater system (which presumably would mean, in Windham, a septic tank and leach field).

The DEC also says that recreational vehicles, tiny houses and small houses on wheels are not considered “structures”. They must have self-contained water and waste disposal systems (such as a holding tank) that can be emptied at facilities designed to do this. These vehicles must have wheels, be mobile, be registered and have a license plate.

We discussed at length the implications of these definitions and regulations. We concluded that it is not permissible to live in a parked school bus because a school bus is not designed to have separate facilities for cooking, sleeping and sanitation. We concluded that an RV can remain on a parcel for up to 90 days, after which it becomes, in effect, a dwelling or accessory dwelling unit which requires it to have a potable water supply and connection to a septic system. We surmised that tiny houses on wheels have facilities similar to a camper or RV (that is, a composting toilet, holding tank and no indoor potable water system) which would subject them to the DEC rules and Windham’s 90 day limit. Kate volunteered to check with her daughter and find out more about how tiny portable houses are designed.

After extensive discussion we felt that our Zoning Regulations do not have to be revised right now. We did feel, however, that this issue merits further discussion with the Select Board and Listers and probably greater effort to explain all of this to residents of Windham. We also agreed that the definition of what constitutes a “resident” for the purposes of registering to vote should be left to the Board of Civil Authority or the VT Secretary of State’s office to determine.

### III. Logging Issue

Current logging operations in town have raised some questions related to our Zoning Regulations. Section 503 (p.31) prohibits the felling of trees in streams and ponds, regulates logging slash and says “Commercial Loggers must secure a permit prior to beginning logging operation.”

We reviewed a Logger’s Checklist which had been used by the town several years ago to regulate logging. It was not clear whether any of the conditions on that list are still in effect. It was obvious that some of the conditions, such as getting permission from the

Planning Commission and posting a \$500 bond, are not currently required. Based upon our discussion we posed several questions which we feel must be answered.

- Does Sec. 503 violate the state's prohibition against town's regulating silvicultural practices?
- Do loggers currently need to get a permit? If so, who issues it?
- Is it necessary to have someone check logging operations?
- Do we need to revise Sec. 503?

We agreed that the subject of logging regulations should be placed on a future Select Board agenda and that the Planning Commission needs further guidance from the Board and perhaps state officials, such as the County Forester, in order to properly answer these questions.

#### IV. Next Meeting

The next meeting of the Planning Commission is scheduled for Wed., Feb. 9, at 6:30PM.

The meeting was adjourned at 7:45PM