

Planning Commission Minutes  
2/9/22

Meeting opened at 6:47 PM

Members Present: Vance Bell, Chris Cummings, Bill Dunkel, Tom Johnson

Tom moved to adopt the minutes of the January 12, 2022 meeting; seconded by Chris; unanimously approved.

Bill updated everyone on phone calls he had earlier in the day with Sam Schneski, Windham County Forester, and with Kord Scott and Imme Maurath. Key points from his conversation with Kord and Imme:

- Imme said that no one has put money into the Commercial Loggers Account, or withdrawn funds from it, since 2013.
- Kord said that Richard Pare knows most of the local loggers, has good relations with them and that they check with him about access to town roads when they begin a logging job. Richard has, occasionally, stopped a logging job and asked loggers to take corrective action when he felt the roads were being, or might be damaged by the way loggers were accessing them. Loggers seem to cooperate and respect his opinion.
- Richard and the road crew are aware of all logging operations in Windham.
- Loggers are supposed to get an overweight permit from the Town Clerk; a \$10 filing fee is charged. The permit requires proof of insurance and the permission of the road foreman, who is supposed to get a copy of the form.
- Kord said that local loggers and truckers generally know about, and file for overweight permits. However, some loggers subcontract the trucking of logs to truckers from other parts of VT, or other states. It is not certain that these truckers file for overweight permits.
- Imme volunteered to check with the Town Clerk to see how many overweight permits have been filed this year.
- Kord noted that the number of axles on a truck may adequately spread the weight so that even very heavy loads (80,000 pounds or more) may not damage culverts or roads. Ruts in the road and/or damage to the road

surface (which could require extra road grading) are bigger problems than crushed culverts. Some people have expressed concern that very heavy loads cause cracks in paved roads, but it is impossible to prove this or attribute it specifically to log trucks.

- The DMV can enforce violations of overweight permits, but they do not have enough officers to police roads in small towns like ours.
- Some towns, like Chester, have permission from the state which allows them to ban exceptionally heavy vehicles, like drilling cranes, from their town roads, thus diverting them to roads in Windham on occasion.
- Bill volunteered to check with the County Forester to see if loggers have to get a state permit before they begin logging operations.

Key points from the conversation with Sam Schneski:

- Loggers do not have to get permission from his office or anyone at the state level before beginning to log, unless the job is greater than 40 acres or is on land above 2500 feet, in which case a permit is necessary from the Heavy Cut Forester or via Act 250.
- Acceptable Management Practices for loggers are legally binding on landowners who are in the Current Use program. The landowner is responsible for making sure that these practices are being followed.
- No one is going out to inspect logging jobs after they are completed unless a complaint is filed.
- He or the Watershed Forester will inspect a logging site if a complaint is filed. He obviously does not have the time or resources to inspect every logging operation in southern VT.
- He is not sure if Acceptable Management Practices are binding on loggers who are logging land not in the Current Use program. He suggested that I ask Dave Wilcox, State Watershed Forester, about that. [david.wilcox@vermont.gov](mailto:david.wilcox@vermont.gov) (802-793-0265). I will contact him.
- He is not sure that a town can require an overweight permit just for log trucks; he suggested we check with an attorney; the town can regulate weight limits on its roads, but may have to require overweight permits for all heavy vehicles, not just loggers.
- He suggested we check out a state law passed in 2018 about the Right to Conduct Forestry Operations in VT.

- He suggested that we remove the first two points in Sec. 503 of our zoning regs; they are not necessary and amount to a town effort to regulate silvicultural practices, which we are not supposed to do.

In the discussion which followed Tom asked if there is a record of liability insurance loggers have shown that they possess. Tom noted that it is their insurance that is the town's only protection against road damage that overweight trucks might cause. Bill will try to gather more information and we will continue this discussion at our next meeting.

Bill updated the committee on the status of the residency issue we discussed at our previous meeting and brought to the attention of the Select Board. Because a lawsuit related to residency and voter registration in the last referendum on closing the school is still pending, the S.B. decided to table this issue until after the upcoming Town Meeting elections are held.

We briefly discussed the video Michael Pelton has posted on YouTube about his ideas for the future of Windham. We felt it was important for the Planning Commission to be aware of this because it is related to our work as a committee. While several members expressed appreciation for the careful thought and effort Michael put into procuring his video, this is not an official endorsement by the PC of his candidacy for a position on the Select Board.

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

Vance moved to adjourn, seconded by Chris. The meeting was adjourned at 7:23PM.