

Planning Commission Agenda
2/8/23

Members Present: Dawn Bower, Vance Bell, Bill Dunkel, Tom Johnson, John Finley

Guest: Cathy Edgerly

The meeting began at 6:34PM.

Cathy Edgerly, who is interested in joining the PC, introduced herself, and each member introduced himself/herself to Cathy. We appreciate her interest in joining the Planning Commission.

Vance moved to adopt the minutes of our December 14, 2022 meeting; seconded by Dawn; unanimously approved.

Bill reminded everyone that there is a Vermont statute which prohibits anyone from being both a town energy coordinator and the head of the Planning Commission, which he currently is doing. After a brief discussion Bill decided, with full support from all members who were present, to continue serving as town energy coordinator and head of the Planning Commission, but as an ex-officio, non-voting member of the PC. Bob Fisher, Windham's town attorney, assured Bill and Kord Scott, head of the Selectboard, that this arrangement would be legal. Bob also said that Bill could be a voting member of the ZBA, whenever that body assembles to hear appeals related to our zoning ordinances. Bill added that if anyone else wants to take over as head of the PC, he would be inclined to then become a regular, voting member of the group.

We discussed at some length an appeal for a zoning permit that Alison Cummings has received from Naomi Bugbee, who owns a 20 acre parcel of land on Windham Hill Road. Ms. Bugbee would like to install three tiny houses on her property and a trauma relief home for local residents who may lose their homes due to fire, accident, or some other unforeseen circumstance. Although the PC is not being asked to make any decision at this time (the Zoning Administrator decides whether or not to approve a request for a zoning permit), Bill put this on our agenda to

make members aware of the situation in case the ZBA is asked to make a ruling in the future.

According to our current zoning regulations (Sec. 201.4) only a Single Family Dwelling and an Accessory Dwelling Unit are permitted in a Rural Residential district. We discussed whether Ms. Bugbee might qualify for a variance, if she chooses to apply for one. After examining Sec. 305 (p.26-27), we concluded that her property may not meet all of the criteria for a waiver because the lot does not appear to have unique physical features that make development in conformance with our regulations impossible. However, we cannot be completely sure of this without physically inspecting the property.

We then discussed whether several tiny houses might be considered a Planned Unit Development, which is a conditional use in Rural Residential districts. In particular we examined Article VI: Planned Unit Development, Sections 600 and 601 of the Zoning Regulations. John suggested that the final clause of Sec. 601 might disqualify a PUD on a lot that does not have physical, topographical, or geological features that prevent normal development. Cathy said she did not interpret Sec. 601 that way, in part because that would suggest that PUDs can only be built on lots with irregular features. We all agreed that the language is sufficiently confusing that we need to consult the town attorney.

It also was noted that our regulations do not specifically refer to tiny houses, which are a relatively new form of manufactured housing in Vermont. We acknowledged that there is an acute shortage of affordable housing in Vermont, and while Ms. Bugbee's desire to help address this problem is admirable, the PC must abide by the town's bylaws. Bill suggested that if it turns out that Ms. Bugbee's plan does not qualify for a variance or a conditional use permit, she might consider subdividing her property in order to accomplish her desired purpose.

There were no new updates on the status of the DiStefano property on Wheeler Road or the derelict building on Windham Hill Rd near Abbott Rd.

Bill mentioned that at last Monday's Selectboard meeting there was a discussion about whether the town should regulate short-term rental properties, which Chester

and Londonderry are considering doing. Bill noted that Michael Pelton made a motion to require all property owners who are making short-term or long-term rentals to register with the town and pay a small fee to cover administrative expenses. The motion was not approved because Kord Scott and George Dutton felt they needed more time to think about this issue. Bill brought this to the attention of the PC because this issue undoubtedly will come up again at a future SB meeting.

Bill reported that the Planning Commission's proposed budget for 2023 basically is the same as our current budget. He will send a copy of the proposed budget to each member.

Bill will put an article in the next issue of the *News & Notes* summarizing the changes in our timber harvesting regulations. A similar notice will be included when the Town Report is mailed to residents.

Dawn asked when the PC will resume in-person meetings. After a brief discussion we concluded that our next meeting, which is scheduled for Wednesday, March 8, at 6:30PM, will be both in-person and online via Zoom. Assuming that works well, we will adopt this hybrid format for the foreseeable future.

The meeting was adjourned at approximately 7:40 PM.