Planning Commission Minutes

3/29/23

PC Members in attendance: Dawn Bower, Chris Cummings, Bill Dunkel, Cathy Edgerly, Tom Johnsom, John Finley.

Members of the public attending: David Cherry

The meeting was opened at 6:38PM

Chris moved to adopt the minutes from the March 8, 2023 meeting; seconded by Tom; unanimously adopted.

Bill reminded everyone that Bob Fisher, town attorney, had written a letter to Miles Clark about the property and derelict house he bought from the town on Woodburn Rd. Mr. Fisher noted in his letter that a recreational vehicle may only remain on a parcel of land for 90 days out of 365 days before it must be moved or connected to a septic system. Mr. Clark responded and pointed out that other property owners in Windham had RVs parked on their land for more than 90 days in a year. So, he wants to know why he can’t do the same.

Chris pointed out that there is a distinction between having an RV parked on one’s property without anyone living in it, and having an RV that is occupied on one’s land. He said that he feels someone should be able to park an RV on their property as long as they wish, but if they are living in it then the 90 day rule comes into effect.

Bill noted that he, Kord and Alison Cummings (Chris’s spouse and the town Zoning Administrator) had a conference call with Bob Fisher last week and specifically discussed the definition of a dwelling unit that is on p. 61 of our Zoning Regulations. The definition clearly states that an RV that remains on a parcel for more than 90 days will be considered a dwelling unit. Dwelling units, per state law, must be connected to a septic system. The definition does not make any distinction between occupying an RV and merely parking an RV on a parcel. Furthermore, Alison confirmed that there have been Windham residents who have parked RVs on their land over the winter for more than 90 days, including a family that used to live on Chase Road. Dawn also said there is a family in South Windham that does the same thing.

Cathy suggested we might investigate how other towns with zoning handle recreational vehicles.

Bill noted that Bob Fisher suggested that Windham may want to revise its zoning regulations to draw a distinction between parking an RV on a parcel and living in one. He suggested that if parked RVs pose an aesthetic problem, we could pass a bylaw saying they cannot be parked in front yards.

Tom suggested that we may need to separate these two issues and write one regulation dealing with occupied RVs and another rule for parking them on a piece of property. We agreed that we need to revisit this issue at a future meeting and try to find out how other towns deal with this. Cathy suggested that Chris Campany at the WRC, with whom she has been in touch recently, may be able to give us some guidance.

Next we discussed Naomi Bugbee’s plan to create a cluster of tiny homes on her property on Windham Hill Road. Bill reported on another Zoom call last Friday with Bob Fisher, Naomi, Kord Scott and Alison Cummings. Ms. Bugbee prefers to not subdivide her property, though Attorney Fisher affirmed that she has the right to do this and has enough land that she would still meet the density standards in our zoning regulations if she chooses to do so. Bill reported that with the help of Allison Cummings, Naomi has written a letter to her neighbors in which she explains that she wants to maintain the integrity of the land, respect the privacy of her neighbors and help provide more affordable housing for a few people. Bill suggested to Alison that it might be helpful if Naomi could have some face to face conversations with her neighbors, either in person or via social media. They are going to try to do that.

Bill reported that Naomi sent him an email a day or two ago asking, in effect, what happens next. Bill told her that she has to decide whether she wants to ask the Zoning Board of Adjustment for a conditional use permit to create a Plan Unit Development of tiny houses. Or, would she rather subdivide the property and avoid a public hearing? Bill said that he thought if there is a public hearing, there probably will be people who will contest this and will argue that it violates the zoning regulations and/or the Town Plan. He also reported that during the recent Zoom call Bob Fisher agreed that there are sections of the Town Plan that might be cited in support of, or in opposition to, a conditional use permit for a PUD.

John remarked that he does not think Ms. Bugbee’s plan really provides affordable housing if people are expected to provide a tiny house to park on her property. If she is just providing a place to park a tiny home and electrical, septic and water hookups this isn’t very different from what a trailer park offers. John felt this was not fully addressing the problem of lack of affordable housing.

Dawn asked whether Ms. Bugbee’s plan was to have one aseptic system for several tiny houses. Bill affirmed that that is her intention and Chris noted that there currently are places in Windham where there are shared septic systems. This is legitimate as long as the state grants a septic permit.

Bill noted that until a request is made to the ZBA for a conditional use permit, we should all remain open minded and familiarize ourselves with the relevant sections of the Zoning Regulations and Town Plan in case there is an eventual hearing. He suggested that members of the PC read Chapter VIII of the Town Plan on Housing and Article VI of the Zoning Regulations on Planned Unit Development.

Next, Cathy talked about what would be involved in seeking village center designation and what advantages that might provide for Windham. She said that having this designation would give us a favored status in applying for grants and there might be tax advantages, too. We would need to identify the village centers we want to create and map them, which the WRC could do for us. There would have to be public hearings, too, which might be able to be scheduled in tandem with public hearings that may occur in conjunction with changing the speed limits in town. Bill asked Cathy if she could gather more specific information about the grants we could apply for if we have a village center designation, as well as the tax advantages that would be available. She noted that Peru and Tunbridge have gotten village center designations. It might make sense to contact them and see how they have benefitted. We will discuss this further at a future meeting.

Cathy also reported on the CAP (Community Assessment Plan) which is a free service offered to towns through the Brattleboro Development Credit Corporation. Meg Staloff, with whom Cathy has been in touch, could help Windham develop a long term plan for the Meeting House by facilitating a series of meetings with people in town. She did this for Wardsboro and the final product was a detailed and prioritized written plan to help them achieve their long term vision for their town. Our CAP would be more narrowly focused on the future of the Meeting House. Having a clearly articulated vision for that building will be helpful in applying for not only Municipal Energy Resiliency Program (MERP) grants, but for other grants, as well. The process might also provide an opportunity to bring people in town together because the Meeting House is so central to community life in Windham. This idea has been discussed by the Selectboard and they seem to be supportive. They will need to write a letter to Meg Staloff requesting help from the BDCC. After further discussion, Cathy moved that the Planning Commission should officially endorse the town’s participation in a Facility Assessment Priority Program, with the assistance of the BDCC. Tom seconded the motion and it passed unanimously. Cathy said that she would convey our support to the Select Board and to Meg Staloff.

Bill and Cathy reminded everyone that the ARPA committee is having its next meeting Saturday morning at 10:00 AM at the Meeting House. Members of the Friends of the MH, the MH committee and several other community groups have been invited, as have Mike McConnell from the WRC, and Meg Staloff. The meeting will feature a guided tour of the building with the intention of developing a comprehensive list of improvements and upgrades that we hope to accomplish if funding can be secured. All members of the PC are invited to attend.

Bill welcomed David Cherry to the meeting. David said that he missed the discussion of Naomi Bugbee’s plan for her property and that he would contact Bill offline rather than ask for a summary of what was said earlier in the meeting.

Bill mentioned that he and Alison Cummings have been discussing what might be done to improve the process for getting a zoning permit. Due to the length of the meeting, Bill did not go into great detail, but he asked the PC to ponder whether it would make sense to have a small group of people, including some members of the PC, review zoning permit applications so that this responsibility is not placed solely on the Zoning Administrator. We will come back to this issue at a later meeting.

Next we briefly reviewed the status of the town’s application for a MERP community capacity mini-grant. Cathy reported that an application already has been filed for the $4000 grant. She has been designated as the project director and Kord is the main town administrator who approved the application. Mike McConnell from the WRC has been helpful in this process and has indicated that we will get the funds, perhaps as early as June.

Lastly, Bill confirmed that he has been appointed by the Selectboard as an Ex-Officio member of the Planning Commission, which means that he can continue to chair the group and also remain town energy coordinator without violating Vermont law. He may not vote at PC meetings, but he may vote as a member of the ZBA. He did not vote on any resolutions at this evening’s meeting.

We will not have a meeting until sometime after April 21st because Bill will have family visiting from England. He will get in touch with everyone about scheduling a meeting later in April, or in May.

Chris moved to adjourn the meeting; seconded by John; everyone agreed. The meeting was adjourned at 8:12PM.

Respectfully submitted,

Bill Dunkel