Planning Commission Minutes

8/9/23

Members in Attendance: Dawn Bower, Chris Cummings, Bill Dunkel (Ex-Officio), Cathy Fales, John Finley, Tom Johnson, Kate Wright, Michael Simonds (Zoning Administrator).

Meeting began at 6:32PM.

Chris moved to adopt the minutes of the July 13, 2023 meeting, including one typographical correction noted by Cathy. Motion seconded by Dawn; unanimously adopted (Bill, as Ex-Officio member, not voting).

Bill noted that he had spoken to a lawyer with the VLCT recently who confirmed that recent legislation signed by Gov. Scott (The HOME Act, aka S.100) has eliminated single family only zoning districts. This means that we will have to amend our zoning regulations to make duplexes (two family dwellings) a permitted use in all applicable zoning districts. Single family dwellings are still allowed, of course, but a conditional use permit no longer can be required for duplex homes. Multifamily dwellings (3 or more family units) may still require a conditional use permit.

There was some discussion about the implications of this change in zoning regulations. Cathy said she felt it most likely would be used to allow people with large homes to subdivide them into two living units so they could live in one unit and rent the other one. Tom wondered whether a duplex would be considered an “accessory dwelling unit” according to the definition on p. 61 of our current zoning regulations. Bill noted that the current definition of an accessory dwelling unit limits its size significantly, which led Tom to question whether we need to alter that definition. Bill also wondered whether the new legislation would alter the density standards in Rural Residential zoning districts, which currently limits development to one dwelling per lot.

Chris moved that the PC recommend to the Selectboard that our zoning regulations be revised to make a duplex (two family dwelling) a permitted use in recreational/commercial, hamlet, rural residential, and historic zoning districts. Cathy seconded the motion, which was unanimously approved. We also agreed that the town attorney should be consulted about density standards, and the definitions of an accessory dwelling unit, duplex and multifamily dwelling.

Next we discussed the need to amend our zoning regulations to clarify the status and use of recreational vehicles. It is a violation of our current regulations to park an unoccupied RV on one's property for longer than 90 days. We all agreed that our regulations should be revised to permit this. We also agreed that our current bylaws regulating how long RVs may be parked and occupied on a piece of property need to be clarified. Bill suggested that we add a new section under Article V of our zoning regulations which would address these issues. He presented a draft of a proposed Section 500 (Recreational Vehicles) which would be divided into three parts, based upon Wardsboro’s RV regulations, which we had discussed at several previous meetings.

After a lengthy discussion, which included a number of changes to Bill’s original draft, Chris moved that the PC recommend to the Selectboard that the our zoning regulations be revised to include the following language. Tom seconded the motion, which was unanimously approved.

*Sec. 500 Recreational Vehicles*

*The following provisions apply to recreational vehicles, travel trailers, and other mobile camping vehicles* *and are not subject to requirements for campgrounds. They must, however, meet the special requirements outlined below.*

*a.* *The owner of a recreational vehicle, travel trailer, or other mobile camping vehicle may park it on his or her own property indefinitely, as long as it is unoccupied and not connected to any utilities.*  *A recreational vehicle, travel trailer, or other camping vehicle so parked shall not be used as permanent, seasonal or temporary living quarters, or for commercial purposes.* *It may be parked in the driveway, or in another location on the property which conforms to setback requirements for side and rear property lines.* *No Zoning Permit is required for this accessory use.*

*b.* *A property owner may have a recreational vehicle, travel trailer, or other mobile camping vehicle parked on his or her land and used for temporary camping purposes only by non-paying occupants or guests, for up to 90 days within any consecutive twelve (12) month period. Any recreational vehicle, travel trailer, or other mobile camping vehicle so parked shall meet all district setback requirements, and adequately and safely control all wastes. A zoning Permit is required for this accessory use.*

*c.* *Occupied**recreational vehicles, travel trailers, and other mobile camping vehicles parked on a property for more than ninety (90) days within any consecutive twelve (12) month period shall be deemed a "dwelling unit" (as defined in Appendix A of WIndham’s Zoning Regulations) and must be connected to a potable water supply and a wastewater system. Such use shall require a Zoning Permit and shall comply with all applicable zoning requirements and state regulations.*

Next we briefly discussed composting toilets, which are legal according to state officials that both Bill and Cathy have spoken to. Apparently this means that single family dwellings, and perhaps duplexes and multifamily dwellings, may have a composting toilet instead of a standard flush toilet. However, it also seems that any dwelling constructed after 1/1/2007 must be connected to a potable water supply and a wastewater system to handle wastewater from showers, sinks, dishwashers, washing machines, etc. We agreed that we should seek advice from Bob Fisher, town attorney, about whether we need to revise our zoning regulations and/or our zoning permit application form to acknowledge this.

Next, we discussed the Logging Permit Application form the town currently uses, or is thinking of using. Bill suggested some slight alterations, especially in the sequence of the items in Section 2, to a draft of the application form that Joyce Cumming originally wrote. This revised application form aligns with the requirements that landowners and loggers must abide by according to Sec. 503 (Timber Harvesting) in our current zoning regulations. After a brief discussion, Chris moved that the PC recommend to the Selectboard that the following Logging Application Permit Form should be used by the town. Dawn seconded the motion, which was unanimously adopted.

State Of Vermont

Town Of Windham

**APPLICATION FOR LOGGING PERMIT**

**SECTION 1 – To be completed by Logging Contractor**

Logging Contractor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact Name, Phone and Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Property Address of Logging: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Tax Map #:\_\_\_\_\_\_\_\_

Name of Property Owner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Hauling Contractor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Excess Weight Permit Approved by Town of Windham: Yes or No Insurance Cert. on File Yes or No

Time Frame for Logging Operations: Beginning (approx.) \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_ Thru \_\_\_\_/\_\_\_\_/\_\_\_\_\_

Pre-existing access point location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Or Access Permit Required: Y or N

**Logging Permit**

This permit is issued in accordance with V.S.A. Title 19, Section 1111 relative to all highways within the control and jurisdiction of the Town of Windham. A site visit by the Town Road Foreman is required before any logging operations commence. Upon completion, the applicant agrees to return the access point location to its original condition as noted during the initial site visit. A bond of $500.00 must be submitted to the Town of Windham along with this application. Upon completion of logging operations, the Road Foreman will inspect the site to ensure that access has been restored to its original condition before the bond can be returned.

**SECTION 2 – To be completed by the Town of Windham**

Excess Weight Permit Secured \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:

Initial Site Visit Conducted: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_ Access Permit approved : \_\_\_\_\_\_\_\_\_\_\_\_\_  
 Richard Pare, Road Foreman

Bond amount of $500.00 received on \_\_\_\_/\_\_\_/\_\_\_\_\_ by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Check # \_\_\_\_\_\_\_\_  
 Ellen McDuffie, Town Clerk

Logging Application Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_

Kord Scott, Selectboard Chair

Post-logging Visit Conducted on \_\_\_/\_\_\_/\_\_\_\_ Access Condition: \_\_\_\_\_\_\_\_\_ OK to return bond: Y or N  
 Road Foreman Approval: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_  
  
 Bond amount of $500.00 returned on \_\_\_/\_\_\_/\_\_\_\_\_\_ by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Check #\_\_\_\_\_\_\_\_  
 Kathy Scott, Treasurer

Next, the PC discussed possible changes that should be made to the town’s Zoning Permit Application form. We especially focused on question #7 which lists the items and information that the applicant must provide. Bill presented a revised draft of the application which included new language for #7 crafted by Tom. Several members, including John and Tom, noted that the sketches of proposed construction that are included with some applications are basically useless. We spent considerable time trying to develop clearer instructions which will lead to better drawings, without making the application process too burdensome. We also agreed with John’s suggestion that the form should require information about any swimming pools, streams, ponds, lakes or wetlands on the property. Due to the late hour, we did not formally move to adopt a new Zoning Permit Application form. Instead, we agreed that Bill will circulate a revised draft of the form and that we will discuss this again, and hopefully act upon it, at our next meeting. We also agreed that we should develop a checklist that the Town Clerk can use to make sure that applications for a zoning permit are complete.

Dawn moved to adjourn the meeting; seconded by Tom. Everyone agreed. The meeting was adjourned at 8:10PM.

Respectfully submitted,

Bill Dunkel

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