Windham Planning Commission Minutes

12/13/23

The meeting began at 6:31PM.

Members of PC present: Vance Bell, Dawn Bower, Bill Dunkel, Cathy Fales, John Finley, Tom Johnson, Kate Wright

Members of the public present: Brett Roland

Cathy moved that the minutes of the Nov. 8, 2023 PC meeting be adopted; seconded by Dawn; unanimously approved.

We continued our discussion from our previous meeting about revising the town’s Zoning Permit Application Form. First we discussed Tom’s suggestion that the following language be added at the very beginning of the application:

The Permit review process is as follows:

1. The Town Clerk receives the application and reviews it for completeness. If any required information is missing, the application is returned to the applicant(s).

2. The Zoning Administrator reviews the application for compliance with the Zoning Regulations. Any non-complying applications are returned to the applicants. Complying applications are approved and the approved application provided to the applicant(s).

3. Should the Zoning Administrator determine that Planning Commission (or ZBA?) review is required, the application is forwarded to the Commission. After review the Commission will approve or disapprove the application. The applicant(s) will be advised of the determination.

4. Approved applications are provided to the Listers of Windham for their review. This allows for listed values to be consistent with the States directives and laws concerning appraisals for the purpose of fair and equitable property taxes. This review is not part of the approval process.

Everyone agreed that it is a good idea to have this explanation of the review process at the beginning of the application form. Cathy suggested that the fourth sentence be changed to say that the applications are provided to the Listers for their “information”, not for their review. Her concern was that the word “review” might be misinterpreted to mean the Listers have the authority to accept or deny a zoning permit. There were mixed opinions about this. Some members agreed that “information” should be substituted for “review”; others felt there is no need to make this change because the final sentence makes it clear that any review by the Listers has nothing to do with approving or denying a permit. In the absence of consensus, Bill suggested that the language remain as it is and that if members have ideas about how to better clarify this part of the process that they send him their suggestions before the next meeting.

Next we considered the following revisions to Question #7 on the application form, which were also suggested by Tom:

Attach a **drawing** on a separate sheet. The drawing shall include the following:

1. Dimensions of the property.

2. Location of existing structures if applicable

3. Location of the proposed project in relation to existing structures.

 4. Show setbacks (distance of project from property lines and road center-line).

 Setback requirements are described in Sections 201.1 – 201.4 of the Zoning

 Regulations.

5. Location of driveways, parking, and fences, whether existing or proposed.

6. Location of swimming pools, streams, ponds, lakes, and wetlands. A map of

 Resources Protection Area 1, which shows the location of wetlands, is on p.

 12 of the Zoning Regulations.

7. Location of well and septic system if applicable. If State permits for a new well

 or septic have been obtained, provide copies.

8. Verify that the project site does not exceed 20% slope. (Slope requirement

 not applicable for fences.)

Note that applications not including all required information will be returned for correction. Note also that projects requiring formal site plan approval by the Planning Commission have specific requirements in addition to the above. See Section 202 of the Zoning Regulations to determine if these are applicable to your project.

Everyone agreed that listing the required information in numerical order, instead of incorporating it into a paragraph, is a big improvement to the application form. We also agreed to add Sec. 201.6 under #4 above because Historic Districts also have particular setback requirements. We agreed that it would be redundant to ask for the location of leach fields and that it is not necessary on routine applications to include the names of abutting property owners.

We spent a considerable amount of time discussing item #8 which requires the applicant to verify that the site does not have a slope of 20% or more. Bill reminded everyone that Sec. 207 of our zoning regulations prohibits development on slopes of 20% or greater. The presumed rationale for this is to prevent erosion and protect neighboring properties, streams, wetlands and other bodies of water from sedimentation and pollution, including the headwaters of Class A streams that originate in the mountains surrounding Windham. He noted that our regulations do not specify where slope should be measured. He suggested that measuring the slope of any land area that is disturbed, or altered, by development makes more sense than just measuring the slope of the footprint of a proposed building, or measuring the slope of the overall parcel. Everyone expressed agreement with this approach to measuring slope.

Michael questioned whether it is necessary to prohibit development on steep slopes. He noted that many houses on Old Cheney Road are on parcels with steep slopes. He questioned whether any damage had occurred due to such development. Cathy felt that the PC has a responsibility to protect future damage from occurring, whether or not previous damage had occurred. Bill expressed concern about eliminating restrictions on development on steep slopes given the precedent that was created when the ZBA required the DiStefanos to have a stormwater control plan because their building site is on a steep slope.

Tom suggested that there might be other ways to prevent erosion, sedimentation and pollution besides an outright ban on development on steep slopes. For example, we could require that an applicant adhere to state drainage regulations if a proposed project exceeds a particular amount of disturbed land. We also could require a stormwater management plan by a certified environmental engineer for development on slopes of a certain steepness. Cathy suggested that we look at how other towns deal with development on steep slopes. She will send everyone a copy of Stowe’s zoning regulations for our consideration. We agreed that we will continue the discussion about whether to prohibit development on steep slopes at our next meeting. If anyone has proposed alternative language for item #8 on the zoning permit application, or for Sec. 207 of the zoning regulations, please forward it to Bill before the next meeting.

Bill moved that the PC go into executive session to discuss hiring a clerk for the Planning Commission. Vance seconded the motion and everyone agreed.

We entered into executive session at 7:42PM.

The regular PC meeting resumed at 7:58 PM. No decision was made about hiring a clerk. This will be discussed again at our meeting, which is scheduled for Wednesday, January 10, 2024.

Michael moved to adjourn the meeting; seconded by Kate; all agreed.

Meeting adjourned at 8:00PM.

Respectfully Submitted,

Bill Dunkel