

Windham Planning Commission Minutes  
1/16/24

Members in Attendance: Vance Bell, Chris Cummings, Bill Dunkel, Cathy Fales, John Finley, Tom Johnson, Kate Wright

Also attending: Michael Simonds (Zoning Administrator)

The meeting began at 6:33 PM

Chris moved to adopt the minutes from our December 13th meeting; seconded by Cathy; unanimously approved.

The committee discussed three possible ways we might regulate development on steep slopes.

I. Keep the present prohibition in Sec. 207 of our zoning regulations on all development on slopes of 20% or more. Clarify that the slope of the land that will be disturbed by the proposed development is what will be measured. If the ZA inspects a proposed site and cannot determine whether the slope is 20% or more, the applicant may be required to have a licensed surveyor calculate the slope of the land that will be disturbed by the project.

II. Get rid of the prohibition in Sec. 207 on development on steep slopes. Add a new section to the zoning regulations that allows development on slopes of 20% or more in specified zoning districts as a conditional use, provided that certain specific steps are taken to prevent erosion, flooding, water quality degradation, etc. These specific steps could include:

A.) An existing condition site assessment providing baseline information on features including slope profiles showing existing gradients and other information about vegetation and drainage.

B) An erosion and sediment control plan designed by a licensed environmental engineer. (See Moretown regulations for details)

III. Get rid of all prohibitions on development on slopes but add a new section which requires that any development that disturbs an area greater than  $X$  number of square feet on slopes in excess of  $Y\%$  must have an erosion control plan designed by an licensed environmental engineer. (See Winhall regulations for details.)

Cathy mentioned that there are color coded maps from the ANR which indicate the slope of specific parcels of land. After some discussion we agreed that the ANR maps are a useful initial tool that an applicant, or the Zoning Administrator, might use to gauge slope, but they are not detailed enough to determine the exact slope of a specific proposed development.

Michael questioned whether there should be any restrictions on development on steep slopes. He noted that homes have been built on steep slopes in Windham in the past without any serious damage occurring. Whatever we do, he urged us to make regulations simple, not overly complex. Chris added that it is important to think realistically about how steep slope regulations can be enforced. Bill reminded everyone that any development which disturbs more than an acre of land is subject to state guidelines that supersede town regulations.

Tom expressed support for option #3 above provided that the number of square feet of disturbance is large enough that small projects, like a storage shed or chicken coop, do not require a conditional use permit. He also questioned whether a slope of 20% slope, or more, is the best standard for requiring a conditional use hearing.

John urged us not to get too complicated and not to rely too much on the zoning regulations of other towns. He said we should focus on what we really want to accomplish by regulating development on steep slopes. If we are clear about our objectives then in any given case a civil or environmental engineer can tell us what steps must be taken to achieve them. It would be up to the landowner, at his/her expense, to do those things in order to get a conditional use permit.

Kate said that she feels the main objective we want to achieve is environmental protection, especially keeping streams and other bodies of water from becoming polluted or clogged with sedimentation. Bill added that we also want to protect downslope abutting properties from flooding, erosion and sedimentation. He

reminded us that our zoning regulations already prohibit development on land above 2000 feet in Forest Districts, which is where the headwaters of many streams and rivers originate. Steep slopes in residential districts is what we are talking about regulating.

We agreed to continue this discussion at our next meeting. Bill and Cathy will meet with Mike McConnell, from the Windham Regional Commission, and see if he has any advice for us. If anyone has any ideas about how to phrase a steep slope ordinance, please send your draft to Bill ahead of the February meeting.

Next we discussed the latest draft of our proposed revisions to the town's Zoning Permit Application. Bill suggested making three minor changes:

- 1.) Add "ZBA" to step #3 on page 1 of the application.
- 2.) Add a paragraph at the bottom of page 3 reminding applicants that projects which will disturb more than an acre of land require a state permit.
- 3.) Add Sec. 201.6 to the list of zoning districts which an applicant should check for setback requirements.

Tom noted that the current application requires an applicant to verify that the slope of a proposed development does not exceed 20% (See item #8 on the list of things that must be included in a drawing.) This could change depending upon how the PC ultimately decides to regulate steep slopes. The committee agreed that we should pass these proposed changes on to the Selectboard now. Item #8 can easily be changed at a later date if we alter our steep slope regulation. Chris moved to adopt the proposed changes in the zoning permit application; seconded by Vance. Approval was unanimous.

Cathy reported that based upon her research Windham's zoning fees are much cheaper than fees charged by neighboring towns. We agreed to pass this information along to the Selectboard, which has the authority to set fees.

Bill noted that at our next meeting we will turn our attention to how to bring our regulations into compliance with the HOME Act, which the legislature passed and Gov. Scott signed last spring. Among other things, we must amend our regulations to make duplexes a permitted use, rather than a conditional use, and we must

change the definition of an accessory dwelling unit. We also need to determine if we should change our definition of a dwelling unit and add a definition of a multi-family dwelling.

Next, Chris moved that we go into executive session to discuss hiring a Planning Commission clerk; seconded by Kate; unanimously agreed. We entered into executive session at approximately 7:43PM.

Chris moved to end the executive session and reopen the meeting; seconded by Cathy. Unanimously approved.

Bill reported that during the executive session the Planning Commission had agreed to offer the position of clerk to Antje Ruppert.

Chris moved to adjourn; Vance seconded; unanimously approved.  
Meeting adjourned at approximately 7:51 PM.

Respectfully Submitted,

Bill Dunkel

