Windham Planning Commission Minutes

5/13/24

Present: Bill Dunkel, Cathy Fales, John Finley, Tom Johnson, Michael Simonds (Zoning Administrator), Chris Cummings, Matt Bacheler (WRC), Antje Ruppert

Bill Dunkel started the meeting at 6:30 PM

**I. Presentation by Matt Bachler (WRC)**

Bill welcomed Matt Bachler from the Windham Regional Commission (WRC) to the meeting and asked everyone to briefly introduce themselves to him. Matt then introduced himself and explained that his primary role at the WRC is to provide municipal planning assistance, such as town plan and zoning updates and basically took over from John Bennet, his predecessor at Windham Regional. Matt also does municipal project management for transportation projects throughout the region and helps towns with grants received from the transfer of types of road projects.

The reason for Matt’s attendance at the PC meeting this evening was to comply with the state statute that regional planning commissions are required to meet with the planning commissions for each town in the region at least twice during an eight-year period and this year the WRC was scheduled to meet with the town of Windham. The municipal consultation process is a chance for the WRC to check in with the planning commission to see how things are going, challenges towns might be having, and just to see how the WRC can be of assistance, and where the WRC can make some improvements in its support of the Windham Planning Commission. Matt had sent Bill a list of questions which Bill passed on to the PC members:

* How well is the current Town Plan working for the community?
* What are the town’s priorities related to the Town Plan?
* What are some of the challenges you have faced with carrying out the priority projects?
* Have the zoning bylaws been updated since the last Town Plan update?
* Are there topics you would like more information and training on?
* What suggestions do you have for WRC to improve our communication and assistance with towns?

but also offered to answer any specific questions the PC might have.

Chris briefly thanked Matt for attending the meeting and noted how helpful John Bennett had been to the Windham PC in a variety of ways. Bill echoed that comment, in particular with regard to the revision of the zoning regulations.

Matt then focused on the first of the above questions and asked how the current town plan is working for the community and whether or not there have been any challenges implementing the action steps. He also noted that it is set to expire in December 2027 and will need to be updated.

Chris noted that the PC is currently trying to clarify sections of the zoning regulations to try to avoid confusion and create a bit more consistency, which is probably not a unique position to be in. Matt agreed that drafting zoning bylaws is very challenging for any town and that the language needs to be very precise and revised and updated as things change in a community.

Cathy then noted that since she’s lived in Windham, she has never heard anyone refer to the town plan as a source of guidance or as a source of prioritization and that it includes several parts and pieces that are no longer true, but no one has taken the time to go through it and correct those. For instance the library is no longer certified and that should be addressed.

Matt agreed that with the now 8-year cycle vs. the previous 5-year cycle there is a higher chance of things becoming outdated. He suggested that a town could go through a town plan amendment process, which would not be a full update, but can help make minor changes during the 8-year period. Matt, however, cautioned that amendments to a town plan would still require the same public hearing process as a town plan update, which takes time. In that, a town will need to determine how important an amendment would be.

Bill noted that the zoning regulations are designed to implement the town plan and therefore there should be a close relationship between them. It gets difficult, however, when there are contradictions within the town plan, e. g. the wind issue several years ago. The town plan has ambitious renewable energy goals and supported wind turbines. However, another part of the town plan stipulates the preservation of Windham's natural resources and certain views in town, and the turbines would have been right where those views are.

Another conflict, so Bill, is the fact that the town plan foresees 24 new electric vehicles in town. There are currently two. The problem is that the next charging station is a 50 mi roundtrip to Springfield, Brattleboro or Chester.

Matt agreed with Bill that the rollout of EVs in rural Vermont has been uniquely challenging.

He asked if the Windham town plan included an implementation table which would give a clear overview of the action steps. According to Bill such a table is not included in the town plan.

Bill then noted another example of getting a solar array in town, but that has been a very difficult process and included issues outside of the town’s control.

Chris added that high speed Internet is another good example of infrastructure issues and asked Matt if he could comment on how the WRC might help support that. Matt asked if Windham was part of a communications union district (CUD), which Windham is indeed part of. However, the available funding from the federal government went into the implementation of a few of the least served communities and there is not clear timeline when Windham might get connected. Matt suggested Fidium Fiber, a private company that is expanding its broadband network in the region. Matt also suggested that in terms of infrastructure it would not hurt to get in touch regularly with Green Mountain Power to ask about plans to improve their service in the area and to let them know that there is something the town is interested in.

Matt then informed the PC that the WRC offers an annual Basics of Land Use Planning and Training presentation which was held two weeks ago. The session was recorded and is available on the WRC website. The WRS is also reintroducing regular planner roundtables that are open to zoning administrators and planning commission members. The next one was scheduled for May 16, 2024 in Brattleboro. These roundtables are an opportunity for towns to get to know one another and compare notes.

Bill thanked Matt for mentioning the trainings and the roundtable and thought that those would be very helpful, especially the exchange with other towns that are facing similar issues. He then asked if anyone else had any questions for Matt. Antje noted that the PC has been struggling with the definition of buildings, units and dwellings. Perhaps the WRC could help with that. Matt responded that he can definitely point the PC to how other towns solved their definition issues. Cathy asked Matt if Windham might have a chance to receive a modernization grant? Matt responded that the Bylaw Modernization Grant is specifically for zoning changes to increase housing opportunities and that Windham should wait with that. He is assuming that the state will fund it again. For broader updates to Windham’s zoning the Municipal Planning Grant could be applied for.

Bill then explained to Matt that the PC has been struggling with the development on steep slopes (20% or greater) and thought it would be very useful to attend the upcoming roundtable and see how other towns deal with this issue. The same applies to short-term rentals.

Bill and Chris thanked Matt and the WRC in general for their service and assistance, and Cathy specifically mentioned Mike McConnell as being extremely helpful and responsive.

Bill noted that he could use some more training on how to use the ANR maps more efficiently. That concluded the meeting with Matt, but he offered his assistance and willingness to meet again when needed.

**II. Act on Minutes of April Meeting**

Cathy moved to adopt the minutes. Chris seconded. The minutes were adopted by all.

**III. Make Decision about Density Requirement Language**

Bill reminded the PC of the inconsistent and confusing language regarding the density requirements in the Zoning Regulations and whether or not some action should be taken. Tom responded that while the PC is in the middle of making changes anyway, it only made sense to clean up the language as well. John agreed and added that at some point in time the PC will need to take a look at the zones and see if the intent of these zones is still applicable. Cathy agreed as well and pointed out that it reflects badly on the town to let things slide, e. g. the fact that the Timber Ridge Ski Area and the Tater Hill Golf Club are no longer existent. It would be good to get a grant and professional help with such updates.

Antje suggested to ask Matt Bachler for help with the density language in the Zoning Regulations and perhaps to find out how other towns have dealt with this issue. Bill agreed and said that he could send the WRC the two documents, namely the one that outlines the inconsistencies and his proposed changes. Cathy noted that Devon Coleman, a state architect in charge of historic architecture, could also be approached. Bill asked Cathy for his contact information.

Michael then asked if Bill was still considering a visit at his house to see about steep slopes. Bill said that a date for that visit was set for Thursday, June 6 at 9:30 am with Friday, June 7 as a rain date.

Chris then moved to adjourn, Michael seconded. The motion passed and the meeting ended after 76 min.

Respectfully submitted by

Antje Ruppert