General Report on Proposed Changes to Windham Zoning Regulations

3/10/25

The Windham Planning Commission has been laboring for well over a year to update our zoning regulations in order to bring them into compliance with recent state legislation, eliminate confusing language, provide clearer definitions of some key terms and address what we believe are deficiencies in the way we regulate in-ground swimming pools and sports courts in our historic districts, and recreational vehicles in all of our zoning districts.

Some of the changes to our regulations are mandated by the HOME Act which was enacted in June of 2023. For example, that law says that duplexes must be permitted in any zoning district which allows single family homes. New state legislation also slightly alters the composition and dimensions of Accessory Dwelling units. Such changes are relatively minor.

Many of the changes we are suggesting are designed to make the zoning regulations easier to understand. For example, the current language about density is inconsistent and confusing, so we are trying to clarify that without significantly altering the density standards. Also, Appendix A contains three overlapping definitions of a structure, so we have proposed scrapping them and adding new definitions of a principal structure and an accessory structure.

There are two proposed changes, however, which are somewhat more substantive. Currently, in-ground swimming pools and tennis courts are permitted in our two historic districts, which are designed to preserve the character and vision of these antebellum villages. Oddly, though the regulations specifically mention swimming pools and tennis courts, they do not say that barns are permitted, even though most 19th century farms had barns, and not many farmers relaxed after a hard day in the fields by jumping into their swimming pool or playing a couple sets of tennis. The Planning Commission thinks it would make more sense to make in-ground pools and sports courts a conditional use. They still might be allowed, but could be sited and screened in a way that preserves the look and feel of the historic districts.

Our zoning also says that any recreational vehicle that is parked for more than 90 days a year is considered a dwelling unit. Technically this means that a camper that sits in the yard all winter and is used for a family vacation during warmer months should be connected to a septic system. Obviously, that makes no sense. Therefore we are proposing to regulate RVs in the following manner:

* Only RVs that are occupied more than three consecutive weeks, or 60 days a year will be considered dwellings which must have state approved wastewater and potable water permits, and conform to zoning regulations, including setback requirements.
* A recreational vehicle that is able to be driven or towed and is unoccupied, or occupied fewer than three consecutive weeks or 60 days a year, shall not be considered a dwelling unit and therefore is unregulated.
* An RV that cannot be driven or towed and is unoccupied, or occupied fewer than three consecutive weeks or 60 days a year will be considered an accessory structure (like a storage shed or wood bin) and therefore it must conform to setback requirements.
* The owner of a RV who needs to live in it for more than 3 straight weeks or 60 days without it being considered a dwelling may apply for a conditional use permit under certain circumstances.

If you have any questions about these proposed changes or need more information about the public hearing, which will occur on March 10, 2025 at 6:30PM at the Windham Meeting House, you may contact me or other members of the Planning Commission. A detailed copy of the proposed zoning changes is available at the Town Office and on the town webpage (www.townofwindhamvt.com).

Respectfully,

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