

**Zoning Board of Adjustment
NOTICE OF DECISION**

*Conditional Use
October 11, 2018*

Application Number: 18.09.20.A

Applicant: Theresa and Dennis White

Landowners: Same

Project Location: 1375 Thrasher Rd.

Parcel Involved: 05 01 49.2

Introduction and Procedural History

1. This proceeding involves review of a conditional use application for a single family dwelling and garage within 300 feet of a deer wintering habitat.

2. A copy of the application is available at the Weathersfield Town Office

3. Notice of a public hearing was published in the Valley News.

4. Notice of a public hearing was posted at the following locations:

- a. The municipal clerk's office
- b. Town of Weathersfield Vt web site
- c. Proctor Library web site and bulletin board
- d. Ascutney and Downers Post Offices
- e. Ascutney Market

5. A copy of the notice of public hearing was mailed to abutting property owners.

6. The application was considered by the Zoning Board of Adjustment at a public hearing on October 11th, 2018. The Zoning Board of Adjustment reviewed the application under The Town of Weathersfield Zoning Bylaws, as amended Oct 21st, 2013.

7. The following members of the Zoning Board of Adjustment were present at the

public hearing:

- Todd Hindiger
- James Cahill
- Willis Wood

8. At the outset of the hearing, the Zoning Board of Adjustment afforded an opportunity for persons wishing to achieve party status as an interested person under 24 VS.A. # 4465(b) to demonstrate that the criteria set forth in that subsection are met. The Zoning Board of Adjustment granted interested person status to the following persons:

- deForest Bearse
- David Bearse
- Alan Grigsby
- Tina Wood
- Jeff Pelton
- Dennis White
- Theresa White

All interested parties were sworn in by the Zoning Board vice-chair at the beginning of the public hearing.

9. During the course of the hearing the following exhibits were submitted to the Zoning Board of Adjustment:

- Exhibit #1: Zoning Permit Application # 18.09.20A
- Exhibit #2: The site plan sketch
- Exhibit #3: E-mails from State biologists Tim Appleton and Forrest Hammond
- Exhibit #4: Infrared map of the deer yard.
- Exhibit #5: Natural Resources Atlas map.

These exhibits are available for review at the Weathersfield Town Office

10. A site visit was conducted by the Zoning Board on October 11th at 6:00 PM with the following people present:

- Dennis White
- Theresa White

to be downward light casting.

- Nearby resident Alan Grigsby had no objection to the planned construction.

Conclusions

- Section 6.10.6 states that “*development within 300 feet of a State designated deer wintering area shall be permitted as a conditional use subject to the following limitations:*”
 - a) ... have the least amount of negative impact on the deer wintering area
 - b) An adequate amount of softwood cover shall be left undisturbed...whenever possible”
- The Findings support the conclusion that the proposed house and garage would have minimal impact on the Deer Wintering Area.

Decision and Conditions

On October 16th, 2018 at a deliberative session, and based on the foregoing Findings of Fact and Conclusions of Law, The Zoning Board of Adjustment by unanimous vote of the deliberating members voted to approve application 18.09.20.A with the following condition:

- The Whites will refrain from cutting the softwood cover on the northern section of their property without prior consultation with the State wildlife biologists or the Weathersfield Conservation Commission so as to preserve deer wintering area.

Dated at the Town of Weathersfield, Vermont, this 25th day of October , 2018



Willis Wood, vice-Chair

Zoning Board members participating in this decision:

- Willis Wood
- James Cahill
- Todd Hindiger

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the Zoning Board of Adjustment.